



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

Distr.: General
26 December 2008

Original: English

**Committee on the Elimination of Discrimination
against Women**
Forty-second session

Summary record of the 853rd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 21 October 2008, at 3 p.m.

Chairperson: Ms. Simms (Vice-Chairperson)

Contents

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

Combined fifth and sixth periodic report of Belgium (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

08-56923 (E)



In the absence of Ms. Šimonović (Chairperson), Ms. Simms (Vice-Chairperson) took the Chair.

The meeting was called to order at 3.10 p.m.

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

Combined fifth and sixth periodic report of Belgium (continued) (CEDAW/C/BEL/6; CEDAW/C/BEL/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Belgium took places at the Committee table.*

Articles 1 to 6 (continued)

2. **The Chairperson** invited the delegation to respond to questions posed during the previous meeting.

3. **Ms. Fastre** (Belgium), in reply to a query on integration, said that migrant women in Belgium could receive judicial assistance through the Institute for the Equality of Women and Men and the Centre for Equal Opportunity and the Struggle against Racism. Two working groups within the Centre worked on issues relating to anti-Muslim religious symbols and xenophobia, respectively, but their work was not highly visible since disputes were usually settled through mediation rather than legal action.

4. **Mr. Peeters** (Belgium) said that the administration of the Walloon Region attached great importance to the integration of migrant women into the labour market. To that end, it had launched skills-upgrading programmes and had introduced some 150 initiatives to prepare women, at their own pace, for a professional life. Support and funding for a French literacy programme and cultural activities, prior to enrolment in structured training programmes, were also provided.

5. **Ms. Adriaenssens** (Belgium) said that initiatives launched by the French Community with a view to the integration of foreign persons, or persons of foreign origin, centred on professional insertion and non-discrimination. Steps were being taken to improve the conditions in communities that were composed largely of immigrants even though policy instruments designed to tackle exclusion, social cohesion and neighbourhood improvement did not specifically target

persons of foreign origin. Integration policy for the entire French Community had been founded on the principle of equal opportunity and was implemented through measures that provided benefits to schools serving disadvantaged groups, including second and third generation migrants. With an annual budget of 3 million euros, the programmes fostered social promotion by providing school support, special orientation and language classes for new arrivals; granting subsidies to migrant associations; and promoting awareness of the responsibilities of citizenship.

6. The French Community Commission of the Brussels-Capital Region also funded migrant associations and established contracts with vulnerable communities in Brussels. Its work encompassed the areas covered in the broader French Community but also had components on housing, literacy, computer skills and more general social issues, such as ageing and gender equality. The policy governing the French-speaking Brussels-Capital Region was led by a commitment to social cohesion, social, economic and cultural well-being and the professional integration of all migrants within a framework of equal opportunity.

7. **Ms. Franken** (Belgium) said that the Flemish Government had adopted several decrees on migrant policy, focusing on equality. A decree on the participation of migrant people in Flemish society, adopted in February 2003, had forged cooperation between the departments of education, employment and internal affairs of the Flemish administration. It was being implemented in two phases: new citizens of all ages were offered free Dutch language training and, later, support to help them integrate into schools and the labour market. Migrant men and women participated in equal numbers in integration projects, which were coordinated between various departments of the Flemish authorities and the federation of non-governmental organizations (NGOs) representing the various ethnic groups in Flanders.

8. **Ms. Grisard** (Belgium) explained the process by which international treaties had direct effect and said that the Convention had been fully incorporated into the domestic legal order. There was, however, no Belgian case law on application of the Convention with direct effect. Belgian judges were free to decide whether to apply it on a case-by-case basis, taking the specific provisions invoked into account. The concept of direct effect did not apply in the case of the Optional Protocol

because of the requirement that all domestic remedies must be exhausted before a complaint could be submitted to the Committee.

9. The steps taken by the Government to establish a national human rights institution were detailed in the reply to question 7 on the list of issues (CEDAW/C/BEL/Q/6/Add.1), which mentioned the input from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and NGOs. Belgium had already established other human rights institutions, 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.

10. **Mr. Gazan** (Belgium) said that although there were no specific statistics to that effect, it would be reasonable to assume that there had been several cases of trafficking involving Belgians abroad. In Belgium, 22 minors had been identified as victims of trafficking in 2004, 7 in 2005 and 14 in 2006. Of the victims who had been granted protected status in Belgium in 2005, 12 were originally from Romania, 11 from Poland and 10 from Bulgaria.

11. With reference to an earlier comment that under Belgian law, sexual abuse was regarded as a crime against morality rather than a violent crime against the person, a 2005 draft amendment criminalizing sexual abuse had failed because of perceived procedural complications. However, the issue had resurfaced after an evaluation of the laws on morality in 2007 and it was quite likely that the subject would soon be taken up again. In response to the query on the extent to which the Government worked with entities under the Communities and Regions in the sphere of domestic violence, he said that magistrates were required to consult district councils on policies governing the treatment of victims at least once a year.

12. **Ms. Grisard** (Belgium) said that cooperation between Belgium and the trafficking victims' countries of origin was governed by multilateral and bilateral treaties on extradition and mutual cooperation. The United Nations Convention against Transnational Organized Crime and its protocols on the trafficking and smuggling of persons were also pertinent in that context.

Articles 7 to 9

13. **Ms. Belmihoub-Zerdani** said it was highly commendable that despite its complex political structure, Belgium had been one of the few countries to

adopt laws on parity; she was, however, surprised that the Government had been reluctant to implement them. At the normative level, Belgium was equipped with all the necessary elements in its laws and Constitution, which were compatible with the Convention, but it had not managed to achieve full equality at the federal, community or regional levels. She therefore urged the Government to harmonize its practice with the provisions of existing legislation, the Constitution and the international instruments it had ratified.

14. She also encouraged Belgium to accept the amendment to article 20, paragraph 1, of the Convention, which would enable the Committee to conduct its work in a timely fashion.

15. **Ms. Tavares da Silva** asked why the steps taken to increase the proportion of women in the Belgian foreign service had failed. She was interested in knowing the results of research conducted on gender and diplomacy and asked the delegation to clarify the recruitment criteria for diplomats. The fact that the representatives of the Flemish Government abroad were primarily men was inconsistent with Belgium's requirement that its development partners should mainstream gender as a cross-cutting issue.

Articles 10 to 13

16. **Ms. Arrocha Dominguez** said she had not grasped the extent to which Belgium had complied with its obligations under article 11 of the Convention. Although a significant amount of information on funds, programmes and actions had been presented in the report (CEDAW/C/BEL/6), there were a number of gaps in the data and indicators provided. The Committee could not clearly assess the progress achieved since 2002, when Belgium had presented its previous report (CEDAW/C/BEL/3-4).

17. **The Chairperson**, speaking as a member of the Committee, said that it would be useful to receive information and statistical data on the outcome of the education programmes launched at the federal and community levels for the benefit of girls and minorities. Concerning the issue of headscarves and veils, she took it that the principle of neutrality in education implied that all religious symbols had been banned from school attire.

18. **Ms. Fastre** (Belgium) said that an immediate increase in women's participation in political life had been evident after the adoption of the laws on parity in

2002. Even though full parity had not been reached, the percentage of woman candidates in the federal, regional and European elections had risen from 20 to over 35 per cent. She assured the Committee that there were ongoing efforts to encourage qualified women to run for office.

19. It was often the case that fewer women than men applied for positions in the diplomatic service because family commitments made it difficult for them to devote the time necessary to prepare for the Ministry of Foreign Affairs entrance examinations and few men were willing to follow their wives abroad. She hoped that recent changes in the structure of those examinations would put women and men on an equal footing.

20. **Ms. Franken** (Belgium) said that the parity laws had yielded positive results in the 2006 local elections, when the proportion of female mayors had risen from 7 to 9 per cent, and their representation on municipal councils from 27 to 34 per cent.

21. At present, there were no women serving as top diplomats of the Flemish Government, but prospects were promising. The ratio of academically qualified women in high-level posts in the Flemish administration had increased from 25 to 38 per cent by 2005. It was expected that women would increasingly move up the ranks, and that trend would certainly be reflected in the number of women in the diplomatic service.

22. In recognition of the need to encourage women to work towards careers as decision-makers, the Flemish Minister for Mobility, Social Economy and Equal Opportunities planned to establish a priority team to study gender-related career and wage gaps. Various research projects had been launched in an effort to determine why women were not applying for high-level positions and to identify the obstacles they encountered in pursuing careers in government.

23. **Ms. Adriaenssens** (Belgium) said that it was difficult to gather statistics on the ethnic identity of the children of second or third generation immigrants who were Belgian citizens. The foreign nationals resident in Belgium consisted mainly of persons from France, Morocco, Turkey, the Democratic Republic of the Congo and European Union member States.

24. Girls were usually more successful than boys in achieving educational targets and surpassed the

enrolment of boys in higher education by 6 percentage points. Between 2002 and 2003, 47 per cent of girls who had earned the general education certificate had gone on to university education and 10 per cent of that number had pursued post-graduate study.

25. Textbooks in Belgium did not depict women in traditional housekeeping roles; their stereotyping was more subtle and could be best detected through quantitative tools. Although the range of professions in which men and women were shown was more diverse than in the past, textbooks still tended to perpetuate the image of women in traditionally “feminine” roles and to present them as weak and vulnerable. However, virtually all the European Union member States’ textbooks contained such stereotypes. Belgium had taken a special interest in the elimination of sexual stereotypes in textbooks when it had begun to monitor their content according to stricter criteria. That process had revealed that sexist stereotypes had become insidious; a manual had been developed to help inspectors and teachers identify stereotypes.

26. **Ms. Fastre** (Belgium) said that bridging the wage gap between men and women had been a long-standing priority of the Government. A statistical report containing information on wage discrepancies in the public and private sectors, issued annually with the participation of the national statistical institute (Statistics Belgium), the federal labour department and the Institute for Equality between Women and Men, had become a valuable tool for policymakers. There was general recognition that even though some aspects of the wage gap were difficult to grasp, stakeholders must implement a wide range of measures on all fronts.

27. **Mr. Vanthuyne** (Belgium) responding to questions raised under article 11, said that between 2004 and 2007, unemployment had fallen by 0.8 per cent among men and 1.1 per cent among women. The employment rate for that same period had increased by 1.4 per cent for men and 3.5 per cent for women.

28. He acknowledged that the rate of part-time employment was higher for women (43 per cent), than for men (8 per cent). However, those results must be viewed within a broader and more nuanced context. The rate of involuntary part-time employment among women in Belgium for 2003 — 16.5 per cent — was in line with the European average of 16.1 per cent. By 2007, that rate had fallen to 13.6 per cent in Belgium, while the corresponding rate for the rest of Europe had

risen to 20.2 per cent. A comparison of the number of part-time hours worked each week showed that Belgian women had more work — approximately 24 hours — than their counterparts in other European Union member States, who worked 20 hours on average each week.

29. The latest in-depth study, conducted in 2005 using the classic methodology based on gross full-time salary, revealed that the wage gap was 15 per cent. Although that differential was not acceptable, in terms of employment, Belgium ranked among the best performers in the European Union, alongside Sweden and France, and well above the remaining member States.

30. The wage gap depended somewhat on the choice of occupation, number of hours worked, family status and commitments and personal characteristics, such as professional seniority and educational level. Solutions to the problem, such as adaptation of job classifications, horizontal segregation and development of methods for combining professional and family life and breaking through the “glass ceiling”, had been put forward. However, continued research remained crucial to understanding and eliminating disparities.

31. Turning to the integration of migrants into the labour market, he said that it had been a deliberate decision not to develop programmes that targeted migrants directly in order to avoid stigmatizing them, but indirect mechanisms offered incentives to employers who hired the long-term unemployed; the beneficiaries of those schemes were chiefly women and migrants. Another major effort at the federal level involved subsidized services that offered women an opportunity to enter the official labour market as domestic workers at normal salary levels and with social security benefits. Currently, 65,000 workers, of whom 98 per cent were women, were engaged under that scheme.

32. **Ms. Begum** expressed concern at the implementation of article 12 of the Convention. She wondered about the health implications for older women since, according to the report (p. 111), the use of contraceptives by sexually active women decreased with age and few women over 50 took advantage of free breast cancer screening. She asked whether an awareness campaign on osteoporosis had been launched, how many women had received vaccines against cervical cancer and whether migrant women

and asylum-seekers were eligible for free cancer screening or vaccines. She asked the delegation to explain why there was currently no functioning cancer registry in the Brussels-Capital Region.

33. She requested additional information on the current health insurance system and asked whether migrants and asylum-seekers had access to such coverage. She also wondered how prevalent mother-child transmission of HIV/AIDS among the migrant population originating in sub-Saharan Africa was, what strategies had been adopted to prevent pregnancy and reduce the abortion rate among young girls and whether sex education programmes had been set up.

34. **Ms. Coker-Appiah** asked whether women without health insurance had access to medical care or were eligible for some form of Government medical assistance. She also enquired about the findings of the research on gender awareness in the prevention of sexually transmitted diseases, mentioned on page 115 of the report, and any follow-up action taken.

35. The statistics on abortion, presented in Table 3.2 of the report, showed that the rate of abortion among girls between the ages of 10 and 19 was rather high; she therefore wondered whether girls had adequate access to contraceptives. She asked what sector of the population used the “non-hospital” centres that reportedly conducted 81 per cent of abortions in Brussels, whether the centres provided a free service and whether they were regulated by the Government.

36. **Ms. Arrocha Dominguez** asked how the HIV/AIDS situation had evolved since 2004, when women between 25 and 29 years had had the highest incidence of infection. She asked how the Government had concluded that the influx of new migrants from sub-Saharan Africa had contributed to the high incidence of HIV/AIDS infection among recently arrived immigrants; she had doubts about that link since the chart on page 15 of the replies to the list of issues showed that the proportion of new arrivals from that region was not particularly high.

37. Some of the data provided in the report were too outdated to allow the Committee to monitor implementation of the Convention in Belgium; the Government should do its utmost to ensure that the next periodic report contained current statistics. While there were descriptions of a number of Government policies, measures, programmes and activities, in the absence of recent statistics and impact analyses of

those approaches it would not be possible to understand the trends.

38. **Ms. Fastre** (Belgium) said that persons categorized as workers had access to the health insurance system, but persons who received unemployment benefits were also entitled to health coverage. A universal system based on residence status also provided health coverage.

39. The Government had recently embarked on a multidisciplinary series of actions, within the framework of a national plan against cancer, that involved the federal and federated entities. She clarified that the highest rate of abortion was among women 27 years of age and said that massive annual campaigns, including the distribution of free condoms, promoted the use of contraceptives.

40. **Ms. Franken** (Belgium) said that the ratio of women screened for breast cancer in the Flemish Community had risen from 35 per cent in 2001 to the current level of 45 per cent. The open coordination method, to which reference had been made during the morning meeting, had set out to increase the number of women screened. The Government was aware of the need to improve its strategies to include women from the poorest strata of society and had decided to incorporate breast cancer awareness into its strategy on poverty.

41. **Ms. Adriaenssens** (Belgium) said that the French Community also offered free breast cancer screening for women in the target group and that osteoporosis awareness efforts were ongoing.

42. Free cervical cancer vaccines were offered to girls up to 16 years of age but since the vaccination programme was relatively new, statistical data was not yet available. The administration actively promoted the use of contraceptives and provided family planning and reproductive health counselling. In addition to the distribution of condoms, contraceptive pills were available at low cost.

43. "Non-hospital" centres had been established years earlier by feminist groups and were situated throughout Belgium. They operated through family planning networks and provided gynaecological and obstetric services, psychological and legal assistance, health screening, sexually transmissible disease treatment and counselling and free abortions under safe conditions.

44. **Ms. De Ruyck** (Belgium) explained that in addition to the material support for which asylum-seekers were eligible, free medical care, including preventive care, was provided to them. Migrants could request medical assistance through social action centres and were treated in medical centres and other health institutions. All medication was provided free of charge.

Articles 14 to 16

45. **Ms. Tan** asked whether statistical data on domestic violence, disaggregated by sex, age, and ethnic background, had been collected in the French Community, Walloon Region or German-speaking Community. She also asked how many protection orders had been issued in each entity, whether women victims of domestic violence could receive legal aid and were granted access to the courts and to police protection, and whether housing was provided to victims and their children, if needed. It would be useful to know how many shelters had been set up and whether they were operated by the State or by NGOs. With regard to the perpetrators of domestic violence, she asked whether rehabilitation programmes had been expanded to rural areas, how many persons had been treated and whether the programmes had been evaluated.

46. She requested additional information on the draft decree of the Walloon Region regarding the joint entitlement of rights and quotas for assisting partners, mentioned on page 121 of the report. She wondered whether rural areas in the other Regions had had similar problems and, if so, how they had been handled. She was interested in knowing what type of training the rural women's organization (AGRA) offered women in the German-speaking Community, how many women were involved and to what extent their lives had improved as a result of that training.

47. Turning to articles 15 and 16 of the Convention, she asked whether there had been any prosecutions of persons who coerced others to marry under the legislation approved by the Council of Ministers on 10 March 2006. She requested additional information on the new version of the Action Plan against conjugal violence for the period 2004-2007 and asked whether psychological harassment and alternative housing were among the issues covered under the Plan. In the same vein, she enquired about evaluation of the previous

Action Plan and about the proposed website on domestic violence.

48. She wondered whether the Government had data on prosecutions for crimes of honour and female genital mutilation. A series of amendments to the civil code were listed on page 125 of the combined periodic report; she asked the delegation to explain the draft law regarding the attribution of the surname so as to clearly establish filiation with the mother while preserving the historicity of paternal filiation.

49. **Ms. Fastre** (Belgium) explained that the new draft action plan on conjugal violence, which had not yet been adopted, would broaden the scope of the original Plan to include other forms of violence. The inter-ministerial conference scheduled for November 2008 was expected to discuss details of the new plan. With regard to the crime of honour mentioned on page 8 of the replies to the list of issues, in which the Institute for Equality between Women and Men was currently involved, she assured the Committee that the Government had adopted strong legislation that imposed severe sanctions on honour killings and forced marriages.

50. **Ms. Grisard** (Belgium) said that Belgian legislation on forced marriages had been significantly strengthened by the law of 25 April 2007, discussed on page 46 of the replies to the list of issues. A number of statistics had been collected prior to the law's adoption, but it was too early to present data on its implementation.

51. **Mr. Gazan** (Belgium) assured the Committee that psychological threats were taken into account in the existing laws on domestic violence, which also ensured that the victims were financially secure. Under Belgian law, the parents of victims could be prosecuted for female genital mutilation.

52. **Ms. Grisard** (Belgium) said that, at present, it was the father's surname that was passed on to a child. Various proposals to amend that practice were under consideration, but no agreement had been reached.

53. **Ms. Adriaenssens** (Belgium) said that although there were no statistics on the prevalence of forced marriages in Belgium, the results of an exploratory study had shown that 7 per cent of 12- to 18-year-olds had knowledge of forced marriages within their own families and 16 per cent knew of forced marriages among their circle of acquaintances. Efforts to compile data on various aspects of crimes of honour in Belgium

were under way at the federal, community and regional levels.

54. **Ms. Franken** (Belgium) said that there were 7 shelters for women in crisis in Flanders and that, taken together, Flanders and Brussels had 18 similar centres for women; the shelters were all operated by NGOs. Since Flanders was densely populated, there were scarcely any rural areas remaining.

55. **Mr. Peeters** (Belgium), commenting on the situation in the Walloon Region, said that a policy on gender equality and conjugal violence had begun to evolve only the past four years. The Government had introduced a number of measures to protect women from domestic violence and had engaged in intensive coordination with the judiciary. Emergency housing centres and medical and general assistance for persons pursuing legal action had been funded by the Walloon administration.

56. **Ms. Fastre** (Belgium) said that she hoped the discussion had settled the Committee's initial doubts with respect to Belgium's commitment to the Convention. Her Government would continue to do its utmost to apply its provisions in a uniform manner, in spite of the country's complex administrative structure. Each of the federated entities would strive to adopt instruments and measures aimed at combating discrimination against women within its area of competence, guided by a shared respect for the principles laid down in the Convention. She reiterated her delegation's promise to ensure that the observations and recommendations of the Committee were disseminated widely.

57. **Ms. Weerts** (Belgium) added that concerted follow-up would ensure the heightened visibility of the Convention. Her delegation looked forward to the Committee's recommendations and was confident that they would enhance her Government's efforts to promote the protection of rights under the Convention. The recommendations would be discussed with women's and general human rights NGOs and by executive bodies at all levels of Government.

The meeting rose at 5.15 p.m.