



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

Distr.: General  
6 March 2008

Original: English

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-second session

20 October-7 November 2008

### List of issues and questions with regard to the consideration of periodic reports\*

#### Belgium\*\*

The pre-session working group examined the combined fifth and sixth periodic report of Belgium (CEDAW/C/BEL/6).

#### General

1. In its previous concluding observations,<sup>1</sup> the Committee expressed concern about the insufficient sex-disaggregated statistical data in the report and recommended a comprehensive compilation and analysis of sex-disaggregated statistical data and its inclusion in the next report. While some sex-disaggregated statistical data has been provided under certain articles of the Convention, others remain inadequate. Please provide adequate sex-disaggregated statistical data under each substantive article of the Convention and at the level of all the federated entities.
2. Please provide information on the process of preparing the combined fifth and sixth periodic report, including details on the involvement of the various levels of power within the State party, the contributions of public institutions at both the federal level and that of the federated entities, as well as details of consultations with non-governmental organizations.
3. The report on article 2 of the Convention provides no information about measures adopted by the German-speaking community to implement the Convention and the Committee's recommendations contained in its previous concluding

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\* The page numbering in this list of issues and questions refers to the English version of the report.

\*\* Issued without formal editing.

<sup>1</sup> See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), Part II, paras. 159 and 160.



observations. Please provide information in this regard. With regard to the Flemish community and region, please indicate whether the draft law which aims to reorganize the two quota decrees have been adopted and whether the drafting of the Flemish Parliament Act on Equal Treatment has been completed and when is it likely to be enacted. Has the decree of the French Community of 19 May 2004 been amended to provide better protection against direct and indirect discrimination?

#### **Legislative and institutional framework**

4. Concerning the status of the Convention in the domestic legal order of the State party, please indicate whether it has been incorporated into national law through an approval by the legislative chambers, a ratification by the Crown and its publication in the *Moniteur Belge*, in accordance with article 68 of the Constitution? If not, please indicate whether the Courts have ever ruled on the direct applicability of any of the articles of the Convention. Are there instances of any article of the Convention having been directly invoked before the Courts given that in Belgium, it is generally recognized that an international provision produces direct effects? Please provide examples of any pertinent case law.

5. Please indicate how many complaints of gender discrimination have been filed by women, including by women of foreign descent since the establishment of the Institute for the Equality of Women and Men. What measures are being undertaken by the State party to sensitize the public at large and women in particular, on the existence of such a mechanism? The report at pages 15 to 18 lists a number of projects, research and action plans developed by the Institute for the Equality of Women and Men since its creation. Please indicate whether any evaluation of such projects and research and action plans have been carried out and provide details on the findings as well as on impact and results of these measures.

6. Please provide detailed sex-disaggregated statistical data with regard to the number of civil and criminal suits filed since the enactment of the law of 25 February 2003 and which are relevant to the Convention. Please also indicate the number of successful civil and criminal suits and the sanctions pronounced. How many cases of discrimination against women in employment have been brought by the Social Laws Inspectorate in the absence of a formal complaint and provide details of their outcomes. The percentage of complaints of sex discrimination brought before the anti-discrimination office of the Brussels regional office for employment (p. 15 of the report) is very low (5 per cent). Provide recent data on the number of cases filed every year after the awareness-raising initiatives undertaken since 2002 in the Brussels — Capital Region.

7. Please indicate if Belgium is considering establishing an independent national human right institution in accordance with the Paris principles (General Assembly resolution 48/134).

#### **Stereotypes and education**

8. The report indicates that the State party has undertaken various initiatives, including the adoption in 2006 by the Senate of a resolution regarding the image of women and men in advertising, with a view to eliminating certain sociocultural behaviours, prejudices and traditional stereotypes relating to the roles and responsibilities of men and women in the family and in society at large (pp. 49-55). Please indicate whether an impact assessment has been carried out to identify the

main achievements and difficulties of these programmes, and whether any remedial action has been taken.

9. Please provide information on steps that have been taken to integrate gender equality and other human rights norms in the curricula of primary and secondary schools in the different Regions and Communities of the State party.

10. As requested in the Committee's previous concluding observations,<sup>2</sup> please provide information on the situation of girls and women of foreign origin, ethnic minorities, especially Roma, and women immigrants, including asylum-seekers and refugees. Please provide detailed information with regard to human rights education offered to them, in general, and equality of the sexes, in particular, and on any specific measures adopted for them, following studies on specific difficulties faced by foreign women and girls (p. 5 of the State report).

### **Violence against women**

11. The Committee, in its previous concluding observations as well as the Special Rapporteur on violence against women<sup>3</sup> have expressed concern over the law in the State party which classifies sexual crimes as a crime against family order and public morality. Please explain the rationale behind the maintenance of such a concept and terminology and the resistance of the Parliament to change. Please provide statistical data and information on sexual and domestic violence, including marital rape, and especially the number of complaints, investigations, prosecutions, convictions and penalties imposed on to perpetrators, and any compensation awarded to victims or their families.

12. According to the report (para. 21) a new Action Plan against Conjugal violence for the period 2004-2007 which applied to the Communities and Regions, was established. Please provide detailed information on its implementation, including resources allocated within the government budget for activities related to the elimination of violence against women, including resources for the implementation of the Action Plan at all appropriate levels.

13. How is the State party addressing the vulnerability of women migrants and women with disabilities to violence and other forms of abuse of women migrants and women with disabilities? Are there linguistically and culturally accessible services for migrant women and girls who are victims of gender-based violence? What special measures are in place to protect women with disabilities against all forms of violence?

### **Trafficking in women, exploitation of prostitution of women**

14. The report mentions a wide range of measures to prevent, combat and punish trafficking in women and girls but does not provide any data, except for those from care centres. Please provide data and information on the number of victims as well as on complaints, investigations, prosecutions, convictions and penalties imposed on the perpetrators of such crimes.

15. Please provide information on measures to prevent and combat child pornography on the Internet, especially considering the specific vulnerability of

<sup>2</sup> Ibid., paras. 155 and 156.

<sup>3</sup> See E/CN.4/2003/75/Add.1 (paras. 151 and 152).

girls, as well as on cases of Belgian citizens being prosecuted, in or outside the State party, for sexual crimes committed abroad, especially involving children.<sup>4</sup>

16. Please indicate what rehabilitation and reintegration programmes for women and girl victims of trafficking into prostitution exist, including for those who wish to leave prostitution. Provide details of resources allocated to programmes designed to heal and reintegrate them into society, including through job training, legal assistance and confidential health care. With regard to the suppression of the incrimination of cohabitation with a prostitute (p. 60), please indicate jurisprudential cases where judges have held that there was exploitation of prostitution.

### **Participation in political and public life and decision-making**

17. The report (p. 13) refers to an initiative of the Flemish Minister for Equal Opportunities in 2005 to unite the two existing quota decrees relating to advisory and managing bodies. Please indicate the results of this initiative and provide statistical data on women's participation in advisory bodies and managing bodies of the Flemish Government. Please provide information on quotas or other temporary special measures in other federal entities.

18. The data provided on the representation of women in the Federal foreign service (pp. 70 and 71), as well as on their participation in competition for diplomatic career (pp. 72 and 73), reveal that women's participation continues to be low. Please indicate what measures, if any, have been taken, as recommended by the Committee in its previous concluding observations,<sup>5</sup> to increase the presence of women in the diplomatic service.

19. Please indicate if any other temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 23 and 25 have been adopted in this context, or in any other field regarding women's participation in public life.

### **Employment and poverty**

20. According to the report (p. 41), in Wallonia, the poverty rate for women is 18 per cent as compared to 12 per cent for men. Women's poverty is directly related to the absence of economic opportunities. In this regard, please provide detailed information on the specific measures taken to improve the situation of poor women. What anti-poverty programmes have been developed, including employment schemes, geared towards eradicating poverty and reducing gender-based inequality within the overall framework of achieving people-centred sustainable development?

21. The report indicates (p. 95) that there is a significant difference in gross salaries between men and women, as much as 30 per cent. Please indicate the measures taken to reduce the salary gap between men and women, in both the private and public sectors, and explain why such gap still exists in the civil service.

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<sup>4</sup> Report of the Special Rapporteur on violence against women (E/CN.4/2003/75/Add.1) and report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to Belgium and the Netherlands on the issue of commercial sexual exploitation of children from 30 November to 4 December 1998 (E/CN.4/2000/73/Add.1).

<sup>5</sup> Ibid., para. 149.

22. The report notes that long-term unemployment affects more women than men (p. 94) and that a higher percentage of women than men are in part-time employment. Please indicate measures which have been taken to tackle this persistent phenomenon and to ensure that women have access to full-time and permanent jobs.

23. The report highlights the precarious situation of immigrant women in the Flemish Community with regard to pay gaps (p. 100): “The pay of women is on average 12 per cent lower than that of men. Moreover, immigrant women earn even 10 per cent less than ‘Western’ women”. What efforts are being undertaken to close the gap between women and men’s pay and between that of immigrant women and “Western women”? Is special attention being paid to immigrant women who suffer from compounded discrimination in employment? Please provide details about discrimination in employment against immigrant women living in the French Community and Walloon Region.

24. Please provide detailed information on the implementation of the law of 11 June 2002 regarding protection against violence and psychological or sexual harassment at work. Provide data on the number of complaints filed by women in both the public and private sectors and the outcome of those complaints. Please also provide details on the findings of the evaluation of the law conducted in 2004, and the status of the proposed amendments.

### **Health**

25. The report provides information on the number of abortions by age, which indicates a high rate of abortion per pregnancies for women under 19 years (p. 112). Please provide information on the measures taken to implement the Committee’s previous concluding observations to prevent early pregnancies and on the availability of contraception.<sup>6</sup> Please provide information on sex education and awareness-raising campaigns to prevent undesired pregnancies addressed specifically to girls and young women. Please indicate what attention is being paid to the specific needs of adolescents and what programmes, such as education and information on sexual and reproductive health issues and on sexually transmitted diseases, including HIV/AIDS.

26. The report mentions female genital mutilation of girls (pp. 6, 24, 25, 40 and 83). Please provide statistical data with regard to the occurrence of this phenomenon and indicate what measures have been taken to prevent and combat it in immigrant communities, and the results of such measures.

### **Marriage and family**

27. Please provide updated information (p. 123) on the draft law approved by the Council of Ministers on 10 March 2006 on threats or violence to coerce someone into contracting a marriage. Please also provide statistical data on the phenomenon.

28. In its previous concluding observations,<sup>7</sup> the Committee expressed concern about the discriminatory nature of the legal provisions on transmission of family names. Please indicate what measures have been taken to ensure equality between

<sup>6</sup> Ibid., para. 158.

<sup>7</sup> Ibid., paras. 165 and 166.

parents in the transmission of family names to children. What is the current status of all the draft laws listed at page 125 of the report? Is there a time frame for their enactment?

29. Please provide information on research and findings as to gender differences in the economic consequences of dissolution of relationships. Please provide information on the type of property distributed on dissolution of relationship, and indicate, in particular, whether the law recognizes intangible property (i.e. pension funds; severance payments; insurances) as part of the property to be distributed. Please also indicate whether the law provides for the distribution of future earning capacity and human capital, or takes account of enhanced earning capacity or human capital in the distribution of property (e.g. through a lump-sum award reflecting the other spouse's estimated share in this type of asset, or by allowing for an award of compensatory spousal payment).

**Amendment to article 20, paragraph 1, of the Convention**

30. Please indicate if the State party is considering accepting the amendment to article 20, paragraph 1, of the Convention.

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