



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

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**Committee on the Elimination of Discrimination
against Women**
Fifty-first session
13 February–2 March 2012

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

Belgium

Addendum

**Response by Belgium to the recommendations contained in
the concluding observations of the Committee following the
consideration of its combined fifth and sixth periodic reports
on 21 October 2008***

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Paragraph 27 of the concluding observations (family law) states: “27. 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.”

1. The Belgian Government has no authority to submit a text amending the provisions of the Civil Code governing the conferring of names, while it remains in the situation in which it has been since April 2010.

2. A number of parliamentary initiatives aimed at reforming the law on the naming of a child or an adoptive child have, however, been submitted to the Chamber of Representatives and the Senate during the current parliament.

Paragraph 29 of the concluding observations (Criminal Code) states: “29. 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.”

3. The Committee requests the State party to modify the Criminal Code with a view to qualifying sexual abuse as a violent crime rather than as an offence against public morality and family order.

4. The fact that these two offences appear in Title VII of the Criminal Code has no bearing on the priority given to the prosecution of such offences or the reality of the way in which they are perceived: the title of a chapter has no bearing on indictment or prosecution. A draft law to bring these provisions up to date was introduced in the Senate, but it transpired that relocating the articles would entail the amendment of 10 or so laws, without any guarantee that such amendments would be exhaustive.

5. Moreover, amending legislation is difficult from the drafting point of view. It would require the amendment of a number of laws containing references to these legislative provisions and the renumbering of the provisions themselves.

6. In the long term, if the Criminal Code, or that particular section of the Code, is revised, the relocation of the provisions may be contemplated and carried out. Short of a major revision, however, the amendments requested would be very complicated to make, while having an effect that would be more symbolic than substantive.
