



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the seventh periodic report of Belgium*

1. The Committee considered the seventh periodic report of Belgium (CEDAW/C/BEL/7) at its 1257th and 1258th meetings, on 28 October 2014 (see CEDAW/C/SR.1257 and 1258). The Committee's list of issues and questions is contained in CEDAW/C/BEL/Q/7 and the responses of Belgium are contained in CEDAW/C/BEL/Q/7/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its seventh periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-session working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party for its delegation, which was headed by the Ambassador and Permanent Representative of Belgium to the United Nations Office at Geneva, Bertrand de Crombrughe. The delegation also included representatives of the Institute for Equality of Women and Men; the federal public services for justice, for the interior and for employment, work and social dialogue; the federated entities; and the Permanent Mission of Belgium to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2008 of the State party's combined fifth and sixth periodic reports (CEDAW/C/BEL/6) in undertaking legislative reforms, in particular the adoption of the following:

* Adopted by the Committee at its fifty-ninth session, meeting from 20 October to 7 November 2014.



(a) Law of 28 July 2011 on women's participation on the management boards of companies and autonomous public enterprises;

(b) Law of 8 March 2012 aimed at reducing the wage gap between women and men;

(c) Royal order of 2 June 2012 promoting the presence of women in high-level posts in the public service;

(d) Law of 8 May 2014 amending the Civil Code, providing for equality between women and men in transmitting their surnames to their biological or adopted children;

(e) Law of 28 February 2014, law of 28 March 2014 and royal decree of 10 April 2014 on the prevention of psychosocial risks, including that of sexual harassment, at the workplace;

(f) Law of 22 May 2014 against sexism.

5. The Committee also notes with appreciation the adoption of a national action plan to combat intimate partner violence and other forms of domestic violence for 2010-2014.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the following international instruments:

(a) International Convention for the Protection of All Persons from Enforced Disappearance, in 2011;

(b) Convention on the Rights of Persons with Disabilities, in 2009;

(c) Council of Europe Convention on Action against Trafficking in Human Beings, in 2009.

C. Principal areas of concern and recommendations

Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Federal Parliament and the parliaments of the federated entities, in line with their mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Legislative framework

8. The Committee notes the existence of established case law since the judgement of the Court of Cassation of 27 May 1971 affirming the primacy of provisions of international treaties having direct effects in internal law over provisions of national origin. The Committee is concerned, however, that the direct applicability of the provisions of the Convention is determined by national courts, thereby not ensuring that all substantive provisions of the Convention are fully applicable in the national legal order.

9. **The Committee calls upon the State party to ensure that all substantive provisions of the Convention are fully applicable in the national legal order.**

National machinery for the advancement of women

10. The Committee welcomes the work of the Institute for the Equality of Women and Men. It notes with concern, however, that the Institute lacks the power to coordinate the implementation of federal policies on gender mainstreaming provided for by the law of 12 January 2007 on gender mainstreaming. The Committee is also concerned about the absence of an overarching strategy for gender mainstreaming. It is further concerned about the slow and fragmented implementation of the “gender test”, which is intended to assess the impact of draft legislation on the situation of women and men.

11. **The Committee recommends that the State party, in the light of the complexities of its federal structure:**

(a) **Consider adopting a national action plan on gender mainstreaming with clear timelines and measurable benchmarks in order to achieve the full and uniform implementation of the law on gender mainstreaming of 2007;**

(b) **Consider providing the Institute for the Equality of Women and Men with the competence to coordinate the implementation of policies on gender mainstreaming;**

(c) **Ensure the systematic implementation of the “gender test”, which is intended to assess the impact of draft legislation on the situation of women and men.**

National human rights institution

12. The Committee is concerned about the absence of an independent national human rights institution with a broad mandate to work on all aspects of human rights, including women’s rights, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), annexed to General Assembly resolution 48/134.

13. **The Committee recommends that the State party establish, within a clear time frame, an independent national human rights institution in compliance with the Paris Principles with a specific mandate to advance women’s rights and promote equality between women and men.**

Temporary special measures

14. The Committee welcomes the existing temporary special measures to increase the parliamentary participation of women and on the management boards of companies and autonomous public enterprises. The Committee remains concerned, however, about the persistent underrepresentation of women, in particular women belonging to minority communities, at decision-making levels in political and public life and in the private sector. The Committee is also concerned about the absence of temporary special measures aimed at addressing inequalities faced by disadvantaged groups of women, such as rural women, older women, women with disabilities and migrant women.

15. **The Committee recommends that the State party evaluate the application of existing temporary special measures and develop additional temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on the subject as a necessary strategy to accelerate the achievement of substantive equality between women and men, in particular to enhance the rights of minority women, in all areas where women are underrepresented or disadvantaged.**

Stereotypes and harmful practices

16. The Committee is concerned about the lack of effective implementation of the national action plan to combat intimate partner violence and other forms of domestic violence for 2010-2014, in particular with regard to forced marriages, violence committed in the name of so-called honour and female genital mutilation. It is also concerned about the ineffective enforcement of the law banning female genital mutilation, which is further aggravated by the lack of awareness of that law among communities engaging in that practice and among health workers.

17. **The Committee recommends that the State party strengthen its efforts to strictly enforce the law banning female genital mutilation and effectively implement the national action plan to combat intimate partner violence and other forms of domestic violence for 2010-2014, with a view to eliminating female genital mutilation and other harmful practices, such as forced marriages and violent acts against women and girls committed in the name of so-called honour. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, the Committee also recommends that the State party increase its efforts to raise awareness of the criminal nature of those practices and their adverse impact on the rights of women and girls among communities where those practices are prevalent and among health workers.**

18. The Committee is concerned about the lack of information on the impact of the ban on wearing headscarves on women and girls, as stipulated in the rules, regulations and by-laws of several local administrations, public hospitals, schools and private companies in the State party.

19. **The Committee recommends that the State party monitor and assess the impact on women and girls, in particular in relation to their access to education and employment, of the ban on wearing headscarves adopted by several local administrations, public hospitals, schools and private companies, and compile information on the number of women and girls who have been sanctioned on the basis of such a ban.**

Violence against women

20. The Committee notes with concern:

(a) That the national action plan to combat intimate partner violence and other forms of domestic violence for 2010-2014 lacks clear timelines and measurable benchmarks and fails to address the specific needs of migrant women who are victims of domestic violence;

(b) That the number of shelters available to women who are victims of violence is insufficient and that undocumented migrant women are often not admitted to those shelters because of financial constraints;

(c) That the law of 15 December 1980 regarding the entry on the territory, the stay, the settlement and the removal of aliens (Aliens Law) fails to grant temporary residence to women who are victims of domestic violence who are undocumented or are awaiting a residence permit on the basis of family reunification. In addition, while noting the State party's indication that deportations are unlikely in the above-mentioned cases, and that the women can apply for residence permits on humanitarian grounds, the Committee is concerned that fear of deportation prevents victims from reporting cases of domestic violence.

21. The Committee recommends that the State party:

(a) Include in the national action plan to combat intimate partner violence and other forms of domestic violence for 2010-2014 clear timelines, measurable benchmarks and measures to address the specific needs of migrant women who are victims of domestic violence;

(b) Increase the number and capacity of State-run shelters for women who are victims of violence and ensure that all women, including undocumented migrant women, have non-discriminatory access thereto;

(c) Amend the Aliens Law to grant temporary residence to migrant women who are victims of domestic violence who are undocumented or are awaiting their residence permits on the basis of family reunification and to ensure that migrant women having residence permits as a result of family reunification, who are victims of domestic violence and want to leave their husbands, are not required to prove that they are employed, self-employed, or have sufficient means of subsistence to receive residence permits on their own. The State party should work to raise awareness among migrant women of the existence of the new legal provisions once they are adopted;

(d) Ensure that all migrant women can seek protection from domestic violence and halt deportation procedures in this context.

22. The Committee welcomes the drafting, in February 2014, of a checklist of good practices for police officers who are responding to situations involving possible sexual offences. However, the Committee notes with concern:

(a) The qualification of sexual abuse as an "offence against public morality and family order" under title VI of the Criminal Code;

(b) The lack of comprehensive statistical data on violence against women, disaggregated by age, ethnicity, nationality and relationship between the victim and the perpetrator, and on the number of women murdered by their current or former partners;

(c) The absence of specialized centres providing women who are victims of sexual violence with immediate medical and forensic examinations to collect evidence, medical treatment, psychological counselling and legal assistance;

(d) The underreporting of rape and the high number of rape and domestic violence charges dropped, owing in part to a lack of trust in the police and inadequate support services;

(e) The incomplete process of ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), signed on 11 September 2012.

23. The Committee recommends that the State party:

(a) **Amend the Criminal Code with a view to qualifying sexual abuse as a crime against the person rather than an offence against public morality and family order;**

(b) **Collect statistical data on all forms of violence against women, disaggregated by age, ethnicity, nationality and relationship between the victim and the perpetrator;**

(c) **Establish specialized centres (one-stop shops) for victims of sexual violence, where they can receive immediate medical and forensic examinations to collect evidence, medical treatment, psychological counselling and legal assistance in filing a complaint;**

(d) **Study the reasons for the underreporting of cases of rape and the high number of rape and domestic violence charges dropped, in order to inform the development of policies and strategies to address this issue, including policies to build the trust of women who are victims of violence in the police and in the law enforcement system;**

(e) **Expedite the ratification of the Istanbul Convention.**

Trafficking and exploitation of prostitution

24. The Committee notes with concern that no temporary residence permits are granted to victims of trafficking who, after a 45-day reflection period, do not report having been victims of human trafficking and refuse or are unable to cooperate with prosecution authorities. It also notes with concern the absence of comprehensive information and data on trafficking in women and girls, the reportedly low number of prosecutions and convictions of traffickers, and reports of insufficient funding for combating trafficking in women and girls and for assisting victims.

25. The Committee recommends that the State party:

(a) **Grant temporary residence permits to women and girls who are victims of trafficking, regardless of their ability or willingness to cooperate with prosecution authorities and to file a complaint;**

(b) **Increase its efforts to investigate, prosecute and punish traffickers;**

(c) **Ensure that adequate human and financial resources are allocated to policies and programmes to combat trafficking in persons;**

(d) **Continue its efforts to ensure that victims of trafficking have effective access to medical care, psychosocial counselling, legal assistance and rehabilitation and reintegration programmes;**

(e) **Increase international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through the exchange of information and the harmonization of legal procedures for prosecuting and punishing traffickers.**

26. The Committee is concerned about:

(a) The absence of comprehensive information and data on the prevalence of prostitution in the State party;

(b) The absence of measures taken to discourage the demand for prostitution;

(c) The lack of information on measures taken to provide alternative income-generating opportunities to women who wish to leave prostitution.

27. The Committee recommends that the State party:

(a) **Carry out a study on the prevalence of prostitution in the State party and address the root causes of the prostitution of women and girls in order to eliminate their vulnerability to sexual exploitation and trafficking;**

(b) **Take measures to discourage the demand for prostitution, including by considering the criminalization of the purchase of sexual services;**

(c) **Assist women and girls who wish to leave prostitution by providing alternative income-generating opportunities, among other measures.**

Participation in political and public life

28. The Committee welcomes the results achieved in the participation of women in the legislative bodies at all levels of the State. It remains concerned, however, about the unequal representation of men and women, in particular that of women belonging to ethnic and religious minorities, in appointed positions in the federal Government and in the governments of the federated entities. The Committee is also concerned that women continue to be underrepresented in the diplomatic service and in international organizations. It is further concerned that the measures envisaged for the private sector are limited and that their evaluation is planned to be conducted only in 2023, which would not allow for corrective measures to be taken should they be needed.

29. The Committee calls upon the State party to take measures, such as statutory quotas, to guarantee the equal representation of men and women, in particular that of women belonging to ethnic and minority groups, in appointed positions in the federal Government and in the governments of the federated entities, as well as in the diplomatic service and in international organizations. The Committee recommends that the State party reinforce the mechanisms that it has established for the private sector in order to better address the underrepresentation of women in all types of enterprises.

Education

30. The Committee welcomes the high level of educational achievement among women in the State party. It remains concerned, however, about:

(a) The fact that women and girls continue to choose traditionally female-dominated fields of education;

(b) The persistence of gender stereotypes in some textbooks;

(c) The low number of women teachers at higher levels of education;

(d) The lack of information on whether the high dropout rate among children of migrant background disproportionately affects girls as relative to boys.

31. The Committee recommends that the State party:

(a) **Intensify its efforts aimed at diversifying academic and vocational choices for women and men and take further measures to encourage women and men to choose non-traditional fields of education and careers;**

(b) **Ensure that all gender stereotypes are eliminated from textbooks, that school curricula, academic programmes and professional training for teachers cover women's rights and promote gender equality and that gender studies courses are introduced at higher levels;**

(c) **Encourage applications by women for teaching positions at higher levels of education and accelerate the appointment of women in academic institutions;**

(d) **Conduct a study on the extent and the root causes of school dropouts among girls of migrant background that will inform policy interventions to guarantee their retention in educational institutions.**

Employment

32. The Committee welcomes the adoption in 2012 of a law aimed at reducing the gender wage gap and in 2011 of a law on women's participation on the management boards of listed companies and autonomous public enterprises. It remains concerned, however, about:

(a) The persistent gender wage gap as well as horizontal and vertical segregation in the labour market, in which women are concentrated in lower-paid and part-time work, which adversely affects their career development and pension benefits;

(b) The fact that the evaluation of the implementation of the law on women's participation on the management boards of listed companies and autonomous public enterprises is due to be conducted only in 2023, and that no similar temporary special measures are envisaged in other companies to increase the representation of women at decision-making levels;

(c) The large number of cases of discrimination on grounds of pregnancy and motherhood filed with the Institute for the Equality of Women and Men;

(d) The low number of cases of sexual harassment that are considered to be well founded by the labour courts (14.3 per cent) and the increasing number of complaints of sexual harassment received by the Institute between 2009 and 2011;

(e) The absence of a study on gender-based discrimination in the social security system.

33. The Committee recommends that the State party:

(a) **Continue to take specific and proactive measures to eliminate occupational segregation and to reduce the gender pay gap, including by ensuring the strict application of the law of 2012 aimed at reducing the gender wage gap;**

(b) **Create more opportunities for women to gain access to full-time employment;**

(c) **Consider undertaking a first evaluation within the next four years and carry out regular evaluations of the impact of the law of 2011 on women's participation on the management boards of listed companies and autonomous public enterprises, and include information on the results of those evaluations in its next periodic report; and consider taking temporary special measures to accelerate women's participation at the decision-making level in companies that are not covered by the law;**

(d) **Ensure that women have effective access to justice in cases of discrimination on grounds of pregnancy and motherhood and in cases of sexual harassment;**

(e) **Carry out a study on the prevalence of gender-based discrimination in the social security system.**

Health

34. The Committee is deeply concerned about:

(a) The reported disproportionately high number of sterilizations of women with intellectual and/or psychosocial disabilities;

(b) The high breast cancer rate in the State party as compared with other European countries.

35. **The Committee recommends that the State party:**

(a) **Ensure that, in practice, there is not any non-consensual sterilization of women with intellectual and/or psychosocial disabilities who have been deprived of their legal capacity or have limited legal capacity, and that those women are provided with the support necessary to decide whether they wish to give their informed consent to sterilization;**

(b) **Increase its efforts to raise awareness among women about the importance of undergoing regular mammography tests.**

Disadvantaged groups of women

36. The Committee is concerned about the continued discrimination against migrant women, including multiple and intersecting forms of discrimination on the basis of sex and other grounds, such as ethnic or religious background, both in society at large and within their communities.

37. **The Committee recommends that the State party take measures to eliminate discrimination against migrant women, including multiple and intersecting forms of discrimination, both in society at large and within their communities, and promote positive images of women belonging to ethnic and religious minorities.**

38. The Committee notes with concern the increasing feminization of old age and the multiple forms of discriminations faced by older women.

39. **In line with its general recommendation No. 27 on older women and the protection of their human rights, the Committee recommends that the State**

party pay special attention to the precarious situation of older women, develop measures that adequately address their health, economic and emotional situation in order to avoid poverty and isolation and ensure the availability of care centres to meet the needs of older women, especially those who are single and those without family support.

40. The Committee is concerned about multiple and intersecting forms of discrimination against women with disabilities and about the high rate of violence against them.

41. The Committee recommends that the State party strengthen its efforts to eliminate discrimination and violence against women with disabilities.

42. The Committee welcomes the development of a legal and institutional framework allowing the granting of refugee status to persons with a well-founded fear of gender-based persecution. It is concerned, however, that, unaccompanied asylum-seeking girls are not always assigned female guardians and that asylum-seeking women are not systematically provided with female lawyers or interpreters.

43. The Committee recommends that the State party assign female guardians to unaccompanied girls and female lawyers and interpreters to asylum-seeking women.

44. The Committee is concerned that, to obtain legal recognition of their gender, transgender women need to undergo a lengthy and burdensome procedure and are required to undergo a psychiatric assessment and compulsory sterilization or surgery.

45. The Committee recommends that the State party:

(a) **Lighten the procedural burden for transgender women to obtain legal gender recognition by making the procedure more expeditious, transparent and accessible;**

(b) **Amend current laws and practices, in particular the law of 10 May 2007 on transsexuality, to abolish the requirements for a psychiatric assessment, sterilization and surgery for transgender women who wish to obtain legal recognition of their gender.**

Data collection and analysis

46. The Committee is concerned about the general lack of statistical data. It notes that data disaggregated by sex, age, nationality, geographical location and socioeconomic background are necessary for an accurate assessment of the situation of women, to determine whether they suffer from discrimination, for informed and targeted policymaking and for the systematic monitoring and evaluation of progress achieved towards the realization of women's substantive equality in all areas covered by the Convention.

47. The Committee calls upon the State party to develop a gender indicator system to improve the collection of data disaggregated by sex and other relevant factors necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights. In this regard, the Committee draws the State

party's attention to the Committee's general recommendation No. 9 on statistical data concerning the situation of women.

Amendment to article 20 (1) of the Convention

48. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

49. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Millennium Development Goals and the post-2015 development framework

50. **The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.**

Dissemination

51. **The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the Federal Parliament and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities, research institutions and the media. It recommends that the present concluding observations be disseminated in an appropriate form at the local community level to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, in addition to the Committee's general recommendations, to all stakeholders.**

Ratification of other treaties

52. **The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment**

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

by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, to which it is not yet a party.

Follow-up to the concluding observations

53. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 21 (b) and (c) and 25 (a).

Preparation of the next report

54. The Committee invites the State party to submit its eighth periodic report in November 2018.

55. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

Disappearance; and the Convention on the Rights of Persons with Disabilities.