
Committee on the Elimination of
Discrimination against Women
Eighth session

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

Initial report

266. The Committee considered the initial report of Belgium (CEDAW/C/5/Add.53) at its 143rd and 146th meetings, on 28 February and 1 March 1989 (CEDAW/C/SR.143 and 146).

267. In her introduction, the representative of Belgium said that her country had guaranteed women and men equal rights in all fields during an economically difficult period even before the ratification of the Convention. The most important measures taken to promote and achieve equality were, besides its enshrinement in the Constitution, the setting up of advisory commissions and the

creation of the Secretariat of State for Social Emancipation, which was attached to the Prime Minister's office. The Secretariat of State had undertaken several studies, launched awareness campaigns and organized competitions in order to encourage girls to study non-traditional subjects and to practise non-traditional professions. The concept of positive action had existed since 1978 but had not taken legal shape until the creation of the Secretariat of State and a positive action support team under the Ministry of Employment and Labour. Whereas positive actions were voluntary in the private sector, they were imposed by law in the public sector. In order to promote positive action, enterprises had been given a practical guide and many of them had concluded agreements with the Secretariat of State under which they committed themselves to giving women equal opportunities.

268. The representative stated that women were very poorly represented in public and political life at all levels and that a campaign had been organized recently to raise the awareness of the population to the important role that women should play in politics.

269. Although education was free for all persons, it did not preclude de facto inequality, and women were not proportionally represented in all fields of employment. She said, however, that a gradual improvement had been observed. A change in the discriminatory position of the spouses of farm operators was imminent, and the earnings of spouses were treated separately for tax purposes since the enactment of a law in December 1988.

270. No statutory discrimination existed between Belgian and foreign women, although the wives of immigrants were often disadvantaged.

271. One of the priorities of the Secretariat of State for Social Emancipation was to combat violence against women and children through scientific research, information campaigns and co-ordination efforts. The objective was to publicize the facts, abolish taboos, prevent further occurrences, receive and assist victims and create a link between all the bodies concerned. Furthermore, a draft law on the crime of rape was under consideration. In order to decriminalize abortion, five abortion bills were currently under discussion in Belgium.

272. The members of the Committee expressed their appreciation for the comprehensive report and the additional information given in the oral presentation and noted, in particular, the collective agreements in the private sector, the many legal initiatives that had been taken by the Government to implement the Convention and the campaigns to promote awareness. They also noted, however, the lack of sufficient statistical data in the report and hoped that such data could be given in the replies or in the second periodic report. Some members said that it would have been preferable for the information in the report relating to the different articles of the Convention to have been separated.

273. With regard to the reservation made to article 7 of the Convention, one member asked about the attitude of the female members of the royal family and the extent of the powers of royalty in equality matters. It was asked whether royal ordinances had the force of laws and whether the King was able to influence royal ordinances. Other members asked whether the State intended to withdraw its reservations regarding article 15, paragraphs 2 and 3.

274. It was asked in what way the Government used the Nairobi Forward-looking Strategies for the Advancement of Women 12/ to put into practice the principles of

equality between women and men. Further information was requested about the Secretariat of State for Social Emancipation, its staff, its budgetary allocations, its organization and the decisions it reached. Members inquired about the extent to which the many laws that had been promulgated recently promoted equality. An explanation of the hierarchy of legal command was sought. It was asked whether, in Belgium, it was international law, the Constitution or the Convention that prevailed.

275. As regards the many national mechanisms for the advancement of women, it was asked whether the number could be considered as positive and whether it would be reduced in future. It was also asked whether the many commissions were non-governmental organizations in an advisory capacity, whether their responsibilities overlapped, whether they had separate budgets, whether the courts asked for their assistance, whether they initiated amendments to Belgian legislation and what their relationship to the Secretariat of State for Social Emancipation was. Questions were raised as to whether the Commission on the Employment of Women was empowered to deal with matters relating to discriminatory treatment and unequal pay, and it was asked what impact the Ministerial Commission on the Status of Women had made, and how often the Prime Minister presided over its meetings. Information was requested on how easy it was to set up advisory commissions concerning matters of equality.

276. Further information was requested on the indirect discrimination mentioned in the report and on action planned by the Secretariat of State for Social Emancipation to prevent it.

277. It was asked whether discriminatory advertising was banned, what was being done about the advertising of toys and to prevent advertising using sex stereotypes in the media.

278. One member of the Committee inquired about the impact of the rulings by the Supreme Court of the Judiciary and the highest administrative Court that the provisions contained in the Constitution prohibited all discrimination based on sex. Another member asked how often cases of violation of the equality of both parents were brought before the Juvenile Court and what the Court's rulings were. It was asked whether rape between spouses was considered a crime under the new draft law and whether proceedings could be initiated by the Public Prosecutor. Considering that the new definition of rape was very far-reaching, a member asked whether there was public opposition to the draft.

279. Further information was sought on the influence and effects of the measures initiated by the Ministry of National Education, such as the distribution of audio-visual material and school manuals to make youth aware of stereotyping based on sex. Members of the Committee inquired whether the major religion in the country constituted a hindrance to the efforts of the Government to promote equality between women and men.

280. Regarding the affirmative action programmes, it was asked whether a quota system had been introduced and, if so, why the number of women in political life was still low. A member of the Committee inquired about affirmative action programmes regarding the equality of treatment between women and men in economic life. Concerning affirmative action in the public sector, it was asked how the plans were drawn up and what the sanctions were in the case of non-compliance. Clarification regarding the affirmative action measures was requested and it was

asked what the effects of their introduction in the civil service had been. It was asked whether any efforts were being made to increase the number of women in areas such as the armed forces, the police and the railway service. Information on the role women played in the army was requested. One member asked who funded the experts sent by the Government to private companies to monitor their compliance with affirmative action programmes, and what the sources of training were. Clarification was sought as to why the non-existence of a law prevented the implementation of temporary special measures in Belgium.

281. Members requested that, in subsequent reports, abbreviations should be avoided and the names of political parties spelled out. Details were requested of the membership and interests of the 250 women's associations referred to in the report, and it was asked how they worked together and how the co-operation between them and the various commissions functioned.

282. The Committee expressed its appreciation for the information provided in connection with violence against women and the measures that had been undertaken. It was asked whether any research had been undertaken to find out the causes for that violence, whether anything had been done to assess the results of the measures, and whether female victims of violence received support from the Government.

283. Members of the Committee suggested that measures for the elimination of prostitution might be undertaken. It was asked whether the Secretariat of State for Social Emancipation was dealing with the problem of prostitution and, if so, what measures had been undertaken so far, especially in view of the fact that Belgium had ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the General Assembly in 1949. It was also asked whether the Belgian Government had taken a stance in the matter of prostitution, considering the prevailing attitude that prostitution contributed to the spread of AIDS.

284. Further details were requested on the seemingly contradictory statement in the report that women achieved good results in the parliamentary elections but that they were not sufficiently strong in the various parties. Further elaboration was requested of the statement in the report that women's organizations must organize themselves so as to bring pressure to bear on their political parties.

285. Questions were asked about steps to remove sex stereotyping from school textbooks and curricula and the number of single-sex schools, and it was asked whether the curricula of those schools were similar for boys and for girls and whether there was a tendency to maintain single-sex schools in view of the discussions in other countries about the negative effects of co-education on some age groups. One member of the Committee asked whether illiteracy existed in Belgium. Another member inquired whether there was a connection between the number of girls and boys registered in primary, secondary and university-level education, disaggregated by gender and occupation, and the number of women in non-traditional jobs. The question was raised whether girls should be encouraged to choose feminine or masculine careers and whether the choice of a typically masculine profession put women in a higher wage bracket. It was asked whether seminars for teachers were held at all levels of education. Members wanted to know which educational institutions the members of the royal family attended, and whether the school curricula were the same in the French and Flemish sectors of the country.

286. Several members of the Committee requested statistical data on unemployment, disaggregated by gender and age group, and on the number of women working part time. One member asked whether any action programmes ensured that a minimum number of women were employed. Others asked whether laws provided for the establishment of gender-neutral criteria for equal pay. Data on the wage discrepancies between women and men were requested, as well as on studies in related fields. It was asked further whether any remedies had been recommended to remove the discrepancies.
287. Members asked whether legislation existed, or was envisaged, to combat sexual harassment in employment. It was also asked whether the question of a uniform age of retirement for women and men had been settled. It was asked whether men took paternity leave and whether there were sufficient child-care facilities. It was asked whether and for what reasons Belgium still maintained the prohibition of night work for women. Members inquired about the amount of remuneration women received during maternity leave.
288. Concerning the Civil Code, article 216, paragraph 1, under which it was possible for one spouse to prohibit the other from practising a profession in certain circumstances, information on specific cases was requested. It was asked whether that provision did not constitute an obstacle to ensuring equality in the labour market and what the reasons for it were.
289. Data were requested on the number of illegal abortions in the country and abroad. Information was sought on the attitudes of the women's movement towards abortion. It was asked what the sanctions for women who had abortions were and under which conditions abortion was permitted. Members wondered how it was possible to prohibit abortion and yet not provide easy access to contraceptives, and what was being done to prevent clandestine abortion. It was asked whether any laws existed in connection with the new medical techniques in human reproduction, and whether measures had been taken to protect the rights of women who had contracted infections through those techniques.
290. Details were requested about any action that might have been taken to improve the situation of farm operators' wives, who had no professional status.
291. Members of the Committee inquired about the minimum age of marriage for women and men, the possibilities of obtaining a divorce by mutual consent and, in view of the reference to concubines in the report, whether polygamy was practised in Belgium. A member asked whether adultery was a criminal offence and whether it would be abolished as grounds for divorce.
292. It was asked whether there were any plans to remove the discriminatory provisions concerning the family name of married mothers and of children born out of wedlock. Information was sought on the rights of children born out of wedlock. A further question referred to any possible problems that were encountered by the minority group of migrant women when submitting applications for marriage.
293. In reply to the questions and comments made by the members of the Committee, the representative of Belgium noted that, as Belgium was a democracy, its laws were voted on by the Parliament and reflected the wishes of the majority of its population. The Government initiated changes by persuasion rather than force and for that reason, it emphasized affirmative actions. The representative said that her country's reservation to article 7 was still valid, but its reservation to article 15 was purely theoretical, as it had been based on transitional measures

that had ceased to have any effect. Despite the existence of a law, passed in 1976, giving spouses the legal capacity to manage their properties equally, couples who wanted to adhere to it had to so state before a notary within one year. No one, however, had made use of that right. Since 1977, the equality of matrimonial property rights had been established for both spouses.

294. As regards the hierarchy of legal authority, the representative explained that, in Belgium, international legal norms were enforced by the State, the communities or the regions by laws or decrees. International conventions directly affected the State concerned and the internal legal system.

295. The representative explained that the Advisory Commission on the Status of Women had been dissolved in December 1985. All the other commissions had distinct roles, as spelled out in the instruments that had established them. They could give advice only to the Minister to whom they were responsible. In order to avoid overlapping, the Secretariat of State for Social Emancipation summoned regular meetings of the presidents of the commissions, and all activities of the commissions were monitored by representatives of the Secretariat. The annual reports of the activities of the commissions showed that many laws were initiated on the basis of advice given by the consultative commissions. The competence of the Ministerial Commission on the Status of Women included the measures that had to be taken to ensure the equal treatment of women and men. As the Secretariat of State for Social Emancipation currently functioned as the secretariat of that Commission, it prepared its agenda, the groundwork for its decisions and supervised their implementation. The Prime Minister presided over almost all of the meetings of the Commission.

296. Since its inception, the Secretariat of State for Social Emancipation had had its own budget and a separate administration. Its budget had grown from 12.8 million Belgian francs in 1986 to 65 million francs in 1989. It had had a temporary administrative staff of 10 persons since 1987.

297. With reference to the various campaigns that had been carried out in Belgium, the representative said that campaigns were not sufficient to change attitudes; the achievement of equality was a slow process and required repeated actions. The campaign on the harassment of women at the work place had elicited 1,750 letters and telephone calls and had led trade unions and employers' organizations to start dealing with the problem. As a result of the campaign on unnecessary violence, the gendarmerie and the police had received new instructions on how to deal with the victims. She said that it was still too soon to evaluate the results of the campaign to encourage young women to choose their studies according to the demand on the labour market. A campaign on the occasion of local elections in 1988 had resulted in a marked increase in the number of women elected.

298. As regards the effectiveness of affirmative action programmes, to which Belgium attached great importance, the representative said that it was necessary to provide an adequate legal framework. The Secretariat of State for Social Emancipation concluded agreements with companies and put at their disposal experts who were funded from the budget of the Secretariat. Although the degree signed recently provided for obligatory affirmative actions in the public sector, no penalties were stipulated. The effectiveness of such actions was, however, closely monitored.

299. In order to enhance the image of women in the media, the Secretariat of State for Social Emancipation had recently signed an agreement for affirmative actions with the television channels.

300. The representative said that the women's organizations to which most women belonged were either Catholic, socialist or liberal organizations. In addition, women's groups defended women's interests inside each political party and other groups concentrated on special target groups. Most of the women's organizations suffered from financial constraints; they played the role of pressure groups, and most of them were represented on the Commission for Emancipation, which advised the Secretariat of State for Social Emancipation.

301. Prostitution was regarded as a private activity and was not prohibited, but the exploitation of prostitution and prostitution involving minors were offences under the law. Among the measures to be undertaken by the Secretariat of State for Social Emancipation, priority would be given to tax and social security measures for prostitutes.

302. In order to increase the presence of women in political life, the rule that the maximum representation of one gender in political bodies should not exceed two thirds had to be respected.

303. Private and public schools were co-educational, but in Belgium, as in many other countries, some persons were opposed to the co-educational system. The representative said that the Minister of Education had issued instructions to avoid sex stereotyping in school textbooks.

304. Owing to traditional prejudices, some employers were still not easily inclined to hire young women. The Secretariat of State for Social Emancipation, however, was trying to eliminate those prejudices through affirmative action programmes. The percentage of women in the labour force had risen from 33 per cent in 1970 to 40.7 per cent in 1987. Statistics by age group showed that the percentage of women who had remained in their jobs for periods of between 25 and 29 years and 30 and 34 years had risen markedly since 1970. Women constituted 57.6 per cent of the workers in the tertiary sector. The percentage of women in managerial positions in both the private and public sectors ranged from 10 to 12 per cent; 87 per cent of the part-time workers were women. The unemployment rate for women was 15 per cent and for men 7 per cent. Average wages for women were 25.6 per cent lower than those of men.

305. Women were entitled to a maternity leave of 14 weeks, during which they had the same net earnings as during periods of employment. Career breaks of six months to one year were possible; the maximum period for such breaks was five years. Currently, 84.7 per cent of the persons benefiting from career breaks were women aged between 25 and 39 years.

306. The prohibition of night work, to which Belgium was bound by the Convention Concerning Night Work of Women Employed in Industry (No. 89), adopted by the International Labour Organisation in 1948, was currently under discussion. The tests for entrance to the army, the gendarmerie and the police had recently been adapted so that they did not discriminate against women. According to the most recent statistics, 3,500 women were in the army where they did mostly office work.

307. Belgium had an extensive child-care system with crèches, kindergartens and private families, who received subsidies. Up to 80 per cent of the related costs could be deducted from tax. There were still some problems with after-school day care and the care of sick children.

308. Regarding the subject of in-vitro fertilization, the representative said that the Government had set up a scientific council to study the fundamental ethical questions. Abortion was considered an offence, but the Government had initiated information programmes, taken measures to assist pregnant women in need and envisaged providing social security allowances to single mothers. The Parliament was considering a possible amendment to the law on abortion. The new draft law envisaged conditions under which abortion was not considered an offence.

309. The representative said that, in the Criminal Code, provisions were included that made rape an offence. The definition of rape was, however, unduly restrictive, and a draft law was under discussion that would redefine rape and facilitate the prosecution of it. The new draft law would also make rape between spouses an offence.

310. The representative explained that the law on parenthood had recently undergone changes, which had ended the former discrimination against children born out of wedlock. Children born within and outside marriage had been given equal rights: with regard to the name of the child, a child born within marriage would bear its father's name. A child born outside of marriage would bear its mother's name if it was natural and acknowledged by its mother and if it was adulterine and acknowledged by its father. In the latter two cases, however, the child could bear the name of its natural or adulterine father after acknowledgement by him and if the father and the mother declared to the registrar within one year that that was their wish.

311. One member noted the considerable difference in the unemployment rate for women and for men and asked whether the reasons for it were the practices of private companies, customs and traditions, the lack of technical and vocational training, or because women could not compete with men in the labour market.

312. Members of the Committee welcomed all the measures undertaken by the Government and thanked the representative for the extensive replies provided.