



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

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

**Pre-session working group**

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**Replies to the list of issues raised by the examination of the  
combined fifth and sixth periodic report of Belgium\***

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\* The present report is being issued without formal editing.



## 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 have 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.**

In accordance with recommendations Nos. 41 and 42 of the Committee, Belgium was careful to include a selection of sex-disaggregated data in the combined fifth and sixth periodic report submitted in May 2007, while ensuring respect for the page limit imposed. In response to the aforementioned request, the Committee will find, in these replies and in the annex hereto, additional statistics relating to areas covered by the provisions of the Convention and providing sex-disaggregated data on the characteristics of the population, the level of school instruction and guidance, the labour market, use of time, poverty, women's participation in decision-making, women's health and spousal abuse furnished by the authorities at the various levels.

**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 contribution of public institutions at both the federal level and that of the federated entities, as well as details of consultations with non-governmental organizations.**

The entire reporting process has been conducted on the initiative and with the coordination of the Federal Department of Foreign Affairs in the form of a number of meetings of the ministerial cabinets and the departments concerned, at all levels of administration, held on 13 December 2006, 18 April 2007 and 17 April 2008, as well as various electronic consultations.

The Institute for the Equality of Women and Men was responsible for coordinating the actual drafting of the combined fifth and sixth report and the replies to additional questions on the basis of the contributions prepared by the competent authorities at all levels of administration, discussions held at the aforementioned meetings, and electronic exchanges.

Civil society was consulted throughout the reporting process at special meetings of the ministerial cabinets and the departments at all levels of administration which took place on 18 April 2007 in order to draw up the combined fifth and sixth report and on 17 April 2008 in connection with the replies to the list of issues.

**3. The report on article 2 of the Constitution 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 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**

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<sup>1</sup> A/57/38 (Part II), paragraphs 159-160.

**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?**

Belgium's German-speaking community enjoys legislative measures designed to combat all forms of discrimination against women and subsidizes a number of institutions and initiatives intended to assist the most vulnerable women, such as migrant women and women living in poverty, as described below.

1. The Asylum Office is specifically responsible for the reception, information and assistance of foreign women who come to Belgium in search of asylum or to settle there for some time, in connection with matters relating to asylum procedure, sojourn, the Nationality Code, family reunion, work permits and psychosocial problems, as well as administrative problems and voluntary return. This Office is responsible for:

1. Information on possibilities for training and involvement in sociocultural life.
2. Cooperation with organizations on the ground and any unit concerned with providing material assistance relating to initial settling-in and food and clothing aid to such persons.
3. Integration of such persons through specific projects and in collaboration with other organizations. For the time being, this is more specifically provided for women, young people and children: for women, as part of "meetings for women" held fortnightly; for young people, in order to reinforce social skills in conflict situations; and for children, in the form of schooling assistance.
4. Awareness development and information activities on asylum targeting specific population groups.

2. Food Banks: in six sectors of the German-speaking Community the Red Cross distributes food and clothing to persons in difficult circumstances. Since immigrants do not always have the means to meet their basic needs, they also benefit from this measure. The German-speaking Community gives financial support for the purchase of food, which is distributed through the food bank.

3. The Council for Cooperation for Development, Solidarity and Integration (RESI), created by Government Order of 19 July 2007 concerning the creation in the German-speaking Community of the Council for Cooperation for Development, Solidarity and Integration, which has the following tasks:

- To organize cooperation for development, North-South solidarity and integration of the foreign population in the German-speaking Community;
- To advise the appropriate ministers and express its views on socio-political matters and matters relating to development policy;
- To draw up an inventory of cooperation for development in the German-speaking community and determine which sectors require action;
- To prepare and implement, on the basis of that inventory, new sustainable projects, including those relating to awareness-raising and North-South partnership;

- To select each year key topics in consultation with the relevant ministers;
- To organize at least every two years a forum on one of the key topics;
- To deal with issues relating to migration and the integration of foreign population groups;
- To enhance the value of development cooperation in the German-speaking Community;
- To promote cooperation among organizations, in particular by setting up a network;
- To promote cooperation with the services of the European Union, the Federal State, the regions and the competent Communities.

#### 4. Report on Poverty in the German-speaking Community

The fight against poverty enjoys a tradition not only at the federal level in Belgium (General report on poverty. Cooperation agreement of 5 May 1998 between the Federal State, the Communities and the Regions), but also at the level of the federated entities, including in Belgium's German-speaking Community, which forms part of a Euregional project, "RECES: Euregional Network for combating social exclusion" for the period 2005-2007. The target public is young people aged 0-18 years, with special attention to the 0-12 age group and young people of foreign origin. In addition to these partners, integration and active participation of persons affected by poverty and social exclusion in this process of analysis and preparation of proposed improvement for political leaders is vital. In the wake of the final report, the Government will determine the topics on which action will be taken.

In the Flemish Community and Region, the decree concerning equal representation of men and women in advisory and managing bodies in the Flemish Administration was adopted by the Flemish Parliament on 13 July 2007. At the moment, the decree is being applied and implemented.

The Flemish Parliamentary Act on Equal Treatment is being prepared by the appointed commission in the Flemish Parliament. It is expected to be adopted in the course of 2008. Preparations for execution and implementation of this Act on Equal Treatment have already been made.

The Government of the French Community is currently preparing a draft decree designed to combat discrimination in the French Community in all its areas of competence, which are based on a series of motives of discrimination such as sex, including pregnancy, motherhood and transsexuality, nationality, alleged race, skin colour, ancestry or national or ethnic origin, age, sexual orientation, religious or philosophical conviction, handicap, civil status, birth, wealth, political conviction, language, current or future state of health, a physical or genetic characteristic or social origin. Once adopted, this decree will supersede the decree of 19 May 2004, which will be abrogated.

#### **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, 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 any 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.**

The provisions of the Convention have been incorporated into the domestic laws through the Act of approval of 11 May 1983<sup>2</sup>, the consent decree of the French Community of 30 March 1983<sup>3</sup>, the consent decree of the Flemish Community of 5 March 1985<sup>4</sup> and the consent decree of the German-speaking community of 25 June 1985<sup>5</sup>. This Act and these decrees have been published in the *Moniteur Belge* in accordance with article 167 of the Constitution (formerly article 68). The Convention as such has also been published in the *Moniteur Belge*<sup>6</sup>.

The direct effect of a provision of international law is that it may be directly invoked in the Belgian courts.

Two conditions must be met if a provision of international law is to have direct effect in Belgian law. Firstly, the intention of the parties must have been to create rights for private persons. Secondly, the provision in question must be sufficiently precise and complete to be directly applicable in the domestic courts without the need for an execution measure. Such matters are generally dealt with in case law. Hence, it is generally accepted that the Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights have direct effect<sup>7</sup>.

A perusal of Belgian case law suggests that litigants have not invoked the CEDAW Convention, but rely more on other provisions of Belgian law or European law relating to discrimination between women and men<sup>8</sup>.

**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 has been carried**

<sup>2</sup> Act of approval of the Convention on the Elimination of All Forms of Discrimination against Women done at New York on 18 December 1979, of 11 May 1983.

<sup>3</sup> French Community decree approving the Convention on the Elimination of All Forms of Discrimination against Women done at New York on 18 December 1979, of 30 March 1983.

<sup>4</sup> Decree of the Flemish Community approving the Convention on the Elimination of All Forms of Discrimination against Women done at New York on 18 December 1979, of 5 March 1985.

<sup>5</sup> Decree of the German-speaking Community approving the Convention on the Elimination of All Forms of Discrimination against Women done at New York on 18 December 1979, of 25 June 1985.

<sup>6</sup> *Moniteur Belge* of 5 November 1985.

<sup>7</sup> See also Court of Cassation, rulings of 3 September 2003, 4 September 2001 and 15 February 2000.

<sup>8</sup> The Court of Cassation deemed, in a ruling of 3 December 1994, that article 4.1 of the Council Directive of 19 December 1978 on progressive implementation of the principle of equality of men and women regarding social security had a direct effect.

**out and provide details on the findings as well as on impact and results of these measures.**

One must, first of all, draw the Committee's attention to the federal legislative reform of May 2007 on the initiative of the Minister for Equality of Opportunity. Three new anti-discrimination laws were adopted on 10 May 2007 in order to combat a series of motives of discrimination, particularly in the fields of employment, social security, provision of goods and services, and access to economic, social and cultural activities. There is a specific law to combat discrimination between women and men in these areas. These laws, published in the *Moniteur Belge* on 30 May, entered into force on 9 June 2007 and transpose a number of European directives, take into account the Constitutional Court's annulment of certain provisions of the law of 25 February 2003 and improve the system of sanctions in cases of discrimination. These new laws abrogated the laws of 25 February 2003 and 7 May 1999, which previously contained provisions intended to fight discrimination based on sex at the federal level.

Furthermore, the law of 4 August 1996 concerning the well-being of workers was also amended by the laws of 10 January and 6 February 2007 and supplemented by a Royal Decree (Order) of 17 March 2007 on the prevention of psychosocial problems caused by work, including violence, stress and psychological and sexual harassment (*Moniteur Belge* of 6 June 2007). In the wake of these reforms, the law on well-being in the workplace has been applied and protects victims in cases of sexual harassment and from harassment based on sex in the work context.

The Institute for the Equality of Women and Men is authorized to intervene in case of violation of the aforementioned laws and to ensure enforcement of the law of 10 March 2007 relating to transsexuality, published in the *Moniteur Belge* of 11 July 2007, whereby a change of sex and given name is henceforth made through an administrative procedure and under judicial control.

Number of complaints filed with the IEFH by women:

<i>Year</i>	2005	2006	2007	2008* (27/3/08)
	50	81	99	21

In order to publicize its legal aid scheme, the Institute produced a special brochure in 2006, which was launched at a seminar in Brussels in November 2006. This publication was highlighted at several training programmes and presentations, including women's associations and the Superior Judicial Council in 2006 and 2007.

A discrimination awareness-raising programme concerning the new federal legislation to combat discrimination was held jointly in 2007 by the Institute for the Equality of Women and Men, the Centre for Equal Opportunity and the Department of Employment and took the form of 10 seminars held throughout the country in order to raise awareness and promote the exchange of knowledge and experience with regard to the fight against discrimination. The inspection services, prevention advisers, trade unions, employers, socio-legal actors and magistrates were the main target groups.

An evaluation was carried out on the establishment of the monitoring stations on private international law described in the report. In 2006 there were 946 applications filed, 58 per cent by women, 41 per cent of them of Belgian nationality

and 21 per cent of Moroccan nationality. One third dealt with marriages and/or concubinage, one third with divorces or repudiations and one third with filiation, adoption and other matters. This experience gave rise to very positive reactions on the part of all those involved and points to a real need that justifies considering the extension of the project.

**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 [(ORBEN)] (p. 15 of the report) is very low (5 per cent). Provide recent data on the number of cases filed in accordance with the Paris Principles (GA resolution 48/134 of 20 December 1993).**

The law prohibits any direct or indirect discrimination and incitement to discrimination with regard to labour relations that occurs in the public and private sectors at every stage of a professional career, from selection criteria and recruitment up to conditions of remuneration, promotion and lay-offs.

Women workers who are the victims of such discrimination may appeal to a number of competent federal public institutions:

- The Social Laws Inspectorate within the Department of Employment. The inspectors are empowered to initiate a conciliation procedure in order to put an end to the discrimination. If the employer refuses to do so the inspectors may, in serious and blatant cases, draw up a report. They may also draw up a report setting out the facts. The labour courts may demand this document.

### Investigations

	2004	2005	2006
Complaints	14	13	14
Request for information			2
Other investigations	3	4	3
<b>Total</b>	<b>17</b>	<b>17</b>	<b>19</b>

### Inspection results

	2004		2005		2006	
	No.	Follow-ups	No.	Follow-ups	No.	Follow-ups
Warnings	2	1	2	1	2	2
Regularizations	4	2	1	3	0	0
Pro justitia	0	0	0	0	0	0
No irregularity	9	1	7	33	5	14
Closure	9	73	14	54	14	10
<b>Total</b>	<b>24</b>	<b>77</b>	<b>24</b>	<b>91</b>	<b>21</b>	<b>26</b>

Source: Social Laws Inspectorate, Federal Department of Employment, Jobs and Social Dialogue.

### Social concertation

- The Centre for Equal Opportunity and the Struggle against Racism and the Institute for the Equality of Women and Men, which help victims or witnesses of acts of discrimination to assemble information, analyse the situations, direct them towards existing services, take note of a complaint, propose mediation and, if necessary, envisage legal action.

Reported cases of discrimination, racism and other offences of incitement to hatred:

	Total	%	Men	Women	Not communicated
Racial	650	39%	419	189	42
Handicap	192	12%	93	91	8
Sexual orientation	111	7%	95	13	3
Religious and philosophical convictions	75	5%	37	34	4
State of health	61	4%	38	22	1
Age	56	3%	36	17	3
Other motives (physical characteristics)	38	2%	21	16	1
Other reasons (Centre not competent, not known)	466	28%	301	149	16
<b>Total</b>	<b>1 649</b>	<b>100%</b>	<b>1 040</b>	<b>531</b>	<b>78</b>

Source: Centre for Equal Opportunity and the Struggle against Racism

Since its creation, the Institute for the Equality of Women and Men has been involved in civil law proceedings in four cases, all of them designed to help women plaintiffs. Three cases concerned labour relations and are still pending in 2007.

The fourth case, “Rentawife”, resulted in a judgement of the President of the Brussels Industrial Court, sitting in the case, on 26 September 2007 (IEFH vs. Emakina et al). It concerned an advertisement placed on an Internet site to promote a DVD rental service by correspondence which proposed renting a wife and having her delivered by post, with the possibility of ordering several copies at once and sending them back to be changed *ad infinitum*. The site showed a video in which a scantily clothed woman was tied at the wrists and ankles to be put into a post-box by her dissatisfied user, who, after dusting the packaging, gave it to the postman to be returned to sender. The judge concluded that a sexist advertisement was an act of discrimination based on sex under the law of 25 February 2003 and ruled to ban the continuation of that act on pain of penalty payments for delay in compliance.

The Institute also intervened as a civil litigant in April 2008 in a criminal case concerning the murder of a female minor of Pakistani origin by her brother, which could be characterized as a crime of honour.

In the Brussels-Capital Region, the ORBEM anti-discrimination office was created in order to fight, inter alia, the main forms of discrimination in job recruitment. It receives requests for information both from the unemployed and from employers, as well as complaints that could have several outcomes (assistance, mediation, judicial follow-up). It works, when the need arises, in official collaboration with the Centre for Equal Opportunity and the Struggle against Racism and the Institute for the Equality of Women and Men.



In the event of multiple discrimination, the office will deal with a complaint on the basis of the competence attributed to it or on the basis of the statement of the complainant, who may not necessarily identify sexual discrimination as the major aspect of the discriminatory act. While complaints by men are more numerous than those by women, it should be noted that for certain forms of discrimination linked to a social handicap, state of health and religious convictions complaints by women outnumber those by men.

May 2003/April 2004: 191 complaints, 7 complaints of discrimination based on sex.

May 2004/April 2005: 113 complaints, 44 of them by women, no complaint of discrimination based on sex.

Year 2006: 103 complaints, 44 of them by women, 3 complaints of discrimination based on sex.

Year 2007: 107 complaints, 41 of them from women, 4 complaints of discrimination based on sex.

**7. Please indicate if Belgium is considering establishing an independent national human rights institution in accordance with the Paris Principles (GA Resolution 48/134 of 20 December 1993).**

Discussions on the creation of a national human rights commission were held during the previous legislature. This project involves many institutional issues since Belgium already has institutions that perform functions connected with human rights.

In 2006, the Office of the United Nations High Commissioner for Human Rights (OHCHR) was asked to furnish a detailed opinion. This opinion was closely scrutinized. Various non-governmental organizations (NGOs) also expressed their views in a document comprising specific proposals for the creation of a national human rights commission.

The preparatory work (*travaux préparatoires*) was followed by in-depth discussions, and the various options were later the subject of close scrutiny that took account of the opinions submitted, the Paris Principles and the domestic institutional environment. It would be premature at this stage to give a date by which this body could be set up.

Although there is as yet no national human rights commission, it should be pointed out that there are already specific institutions dealing with human rights issues. Accordingly, in addition to the Centre for Equal Opportunity and the Struggle against Racism, created in 1993, there are also the following: the Institute for the Equality of Women and Men, created in 2002, whose mission is to ensure respect for the equality of women and men and to combat any form of discrimination and inequality based on sex; the National Commission for the Rights of the Child was created in 2007 and is a platform for discussion and agreement on which all levels of authority and civil society are widely represented. Belgium also has an Interministerial Commission for Humanitarian Law, which coordinates national action for implementation of the Geneva Conventions and their Protocols and examines matters relating to international humanitarian law.

### 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 women and men 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.**

In addition to the judicial procedure conducted against a firm responsible for a sexist advertisement on the net, mentioned in the reply to question 7, which created new case law, the Institute for the Equality of Women and Men commissioned from the University of Antwerp in 2008 an in-depth study on the definition of 'sexism', the term and its implications being difficult to define in legal terms, in order to find effective solutions in the struggle against sexist stereotypes.

In the past couple of years the Flemish authorities have not undertaken specific research into stereotypes in advertising. However, research has been conducted concerning sociocultural prejudices and traditional stereotyping relating to the roles and responsibilities of men and women in the family. The Research Centre of the Flemish Government has conducted research into (attitudes to) role allocation to men and women in families, which compares the attitudes of respondents (male and female) with respect to 15 statements concerning the allocation of tasks and roles to men and women.

Overall the conducted research found no significant change in attitude towards gender equality between 1996 and 2006. On some points respondents tend to support equality more than before, on other points less.

However, women over 45 and men between 45 and 54 years old, women with little education and men with high education have improved in their attitude towards gender equality in role allocation.

The main question in the French Community study on young people's assimilation of sexist stereotypes conveyed by the media, conducted in 2006 by the University of Liège, was the following: *how do young people assimilate the sexist messages and images conveyed through audiovisual broadcasts, especially television programmes?*

In total, over 1,700 pupils (aged 8 to 18) were involved, showing that the presence of sexist stereotypes in the media is a mass phenomenon and is very present in the programmes watched by young people.

The authors have made a series of practical recommendations, including:

- Promotion of media education in schools (with special emphasis on learning to "read the image");
- Launch of a campaign for decoding sexist stereotypes in schools;
- Sensitization of families to the importance of the way they use the audiovisual media (favouring "reflective" use that affords discussion with adults of what they have seen).

The report of the study<sup>9</sup> was presented and circulated in March 2007 at a round table attended by 100 participants in Brussels. In addition to dissemination of the results of this survey, the round table launched discussions among professional media producers, the authorities and civil society on vital issues: what lines of action should be developed in order to ensure egalitarian representation of both sexes in the media? How to reduce the influence of these stereotypes on young people? Publication of the survey results received excellent coverage in the press, in particular the print press, but also on television and radio.

**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.**

Belgium's three Communities have undertaken to establish the rights of the child as the obligatory final aim of education.

The developmental and final objectives in education of the Flemish Community of Belgium are formulated in a gender-neutral way. The cross-curricular themes in particular promote equal opportunities for girls and boys and for disadvantaged groups. They combat stereotypes and are conducive to a respectful attitude towards difference (sex, physical ability, ethnicity, GLBT (gay, lesbian bisexual, transgender), age, etc.)

The cross-curricular attainment targets for secondary education are being updated. The Free University of Brussels (VUB) is currently undertaking an evaluation study. This research project is to assess the social and educational relevance of the attainment targets as well as their feasibility. It is based on a survey among teachers, school heads, pupils and the social field/NGOs. The emancipatory principles underlying the current attainment targets will, however, remain guiding principles.

The ANKIE project offers pedagogical guidelines and tools for primary education to allow for a conscious and free choice of study, without gender bias. The idea is that barriers to a career in the technological sector will be smaller when information, sensitization and changes in attitude and behaviour are stimulated.

The minimum competences for the teaching profession have recently been updated. The minimum competences of teachers are the whole of knowledge and skills that can be expected from a starting teacher. Intercultural competences were already implicitly included, but have now been explicitly incorporated. One example is the supporting knowledge and the teacher's skills to "stimulate pupil emancipation". The teacher can recognize the individuality of learners and social groups, discuss these with learners and enhance the self-development and social integration of the youngster. Knowledge of diverse social and youth cultures and of cultural differences between social groups is required.

In the French Community the "Missions" Decree of 24 July 1997, defining the priority missions of basic and secondary education and organizing the structures suitable for performing them, states that the French Community must ensure respect for the fundamental principles referred to in question 9 on the list of issues (gender equality and human rights norms).

<sup>9</sup> See website <http://www.egalite.cfwb.be/medias/etude-sur-les-jeunes-le-sexisme-et-les-medias/> .

The four programme commissions (for basic education and the first stage of secondary education, for general and technological humanities, for vocational and technical subjects, and for form-3 special secondary education) with competence for all education networks must ensure respect for the spirit of this decree by which they were created.

Moreover, the Government programme of action for the promotion of equality of women and men, multiculturalism and social inclusion<sup>10</sup> assigns an important place to the fight against sexist stereotypes in its structural actions.

The Strategic Contract for Education<sup>11</sup> stipulates that “ (...) the pilot commission will be responsible for giving assent for school textbooks, on the basis of opinions offered by the Inspectorate. This assent will have an indicative function with the provision of the “Missions” decree and the common pedagogical reference systems. It will also take into consideration women-men equality, in addition to intercultural dialogue and social dialogue”<sup>12</sup>.

The decree relating to the approval and dissemination of school textbooks, school software and other pedagogical tools in compulsory education establishments, adopted on 19 May 2006, provides that the Pilot Commission will be responsible for granting, on the basis of an opinion of the Inspectorate, an indicative conformity approval of the textbooks submitted to it, notably in regard to respect of the principles of equality.

In conclusion, the theoretical and practical approach of cultural diversity and the gender dimension forms and integral part of initial training of teachers and administrators (30 hours during a degree-level course)<sup>13</sup>. Thus, the Institute for Mid-Career Training (IFC), responsible for continuous training for teachers, proposes types of continuous training that includes matters relating to equality and cultural diversity.

For more extensive statistical data concerning education in the French Community, see the following sites:

<http://www.enseignement.be/prof/dossiers/indicateurs/index/asp>

[http://www.etnic.be/indes.php?m=etnic serv statistiques](http://www.etnic.be/indes.php?m=etnic_serv_statistiques)

In the German-speaking Community integration of migrant pupils is ensured through the decree of 17 December 2001, which targets school enrolment of newly arrived pupils, namely pupils who:

(a) Are in the 3-18 age group and do not master the language of instruction and have their domicile or normal residence in one of the Region’s nine German-language communes or if the school or section in which they wish to register is the nearest educational establishment;

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<sup>10</sup> Adopted by the Government of the French Community on 25 February 2005.

<sup>11</sup> Adopted by the Government of the French Community in 2005.

<sup>12</sup> Strategic contract for education, point 6. “Doter les élèves et les enseignants des outils du savoir”, p. 34).

<sup>13</sup> Decree of 12 December 2000 defining initial training for teachers in the French Community, amended, among others, on 20 July 2005.

(b) Have either applied for recognition of the status of refugee or enjoy refugee status under the Act of 15 December 1980 on access to the territory, sojourn, establishment and the expulsion of foreigners:

- Accompanying a person who has filed an application for recognition of refugee status or who has had such status recognized;
- Who have filed a request for recognition of statelessness or are recognized as stateless;
- Who are nationals of a country considered to be a developing country as referred to in article 2, paragraph 3, of the Act of 25 May 1999 relating to Belgian international cooperation, or of a country in transition that receives official assistance from the Development Assistance Committee of the Organization for Economic and Cooperation and Development.

(c) Enrolled not before 1 February last in a school of the German-speaking Community.

The Government may add other countries to the list of developing countries when these countries are undergoing a period of grave crisis.

Regular schools offer newly arrived pupils education centred as far as possible on practice. These pupils must, as a matter of priority, learn the language of instruction and be integrated into day-to-day life. Together with these reorientation classes organized at the primary and secondary education level, the decree creates an integration board in basic schools that offer a reorientation class, which must make for optimum school integration of newly arrived pupils.

**10. As requested in the Committee's previous concluding observations, please provide information on the situation of girls and women of foreign origin, ethnic minorities, especially Roma, and woman immigrants, including asylum seekers and refugees, [... ] [on] human rights education offered in 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.**

Following consideration of the question of begging among children from the Rom Community<sup>14</sup>, it became apparent that the most important component for the elaboration of solutions was childcare and school attendance. Assistance to families with a view to children's wider school enrolment (guaranteeing them the material conditions for school attendance and monitoring families in this endeavour) will hence be continued and intensified. Improvements regarding respect for compulsory schooling, such as investing in guidance and strict school monitoring, will also be made to this end.

As part of these tasks, the Federal Agency for the Reception of Asylum Seekers (Fedasil) is concerned with guaranteeing equal treatment of all asylum seekers, whatever their origin, and personalized assistance. Personal circumstances determine the type of assistance the beneficiaries may receive. Some initiatives for greater emancipation of women of all origins and ages are developed within reception structures (word groups, training activities, targeted activities, etc.). A woman's nationality or ethnic origin is not a determining criterion for the type of social assistance proposed. Nevertheless, some ethnic minorities, such as the Roma,

<sup>14</sup> See, inter alia, the project for Rom mediators of the ASBL Foyer.

are subject to special problems that call for more specific assistance. Social workers may also direct women and girls, if the need arises, towards units specializing in preventing and monitoring situations of conjugal violence. Girls and women receive training and information regarding their specific rights in the asylum procedure, regarding sexual and reproductive health, as well as more general training and information to reduce vulnerability and enhance their autonomy and empowerment. Following a study on gender-based violence amongst asylum seekers and refugees undertaken in 2006, a specific tool was developed for and with the target groups to help prevent such violence. Other specific measures to sensitize social workers and other staff in the reception and asylum sector on the one hand, and vulnerable groups on the other, are currently being designed and implemented.

The Flemish authorities have chosen an inclusive approach, reaching out to as many men and women of foreign origin as possible. On few occasions gender-specific activities will be organized, for instance a meeting among women in order to stimulate them to talk freely about their problems.

Courses for civil integration, organized at the local level for persons of foreign origin, find that in general an equal share of the immigrants in these courses is male/female.

**Influx of target groups for civic integration (18+, possible long-term residence permit, ...) in 2007**

Nationality	Male		Female	
	No.	%	No.	%
The Netherlands	3 290	23.1	2 771	21.4
Poland	1803	12.7	1 055	8.2
Morocco	962	6.8	1 116	8.6
Turkey	812	5.7	734	5.7
Bulgaria	682	4.8	451	3.5
France	478	3.4	436	3.4
Romania	451	3.2	381	2.9
India	396	2.8	208	1.6
Germany	372	2.6	316	2.4
UK	307	2.2	207	1.6
Portugal	264	1.9	175	1.4
USA	248	1.7	208	1.6
China	167	1.6	209	2.4
Italy	223	1.6	122	0.9
Russia	155	1.4	270	3.0
Thailand	20	0.1	270	2.1
Philippines	24	0.2	190	1.5
<b>TOTAL</b>	<b>14 212</b>	<b>100</b>	<b>12 935</b>	<b>100</b>

**Integration contracts (start of integration path) signed in 2007**

<i>Nationality</i>	<i>Male</i>		<i>Female</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Morocco	814	15.7	862	12.8
Turkey	591	11.4	619	9.2
Russia	246	4.7	415	6.1
Belgium	201	3.9	349	5.2
China	180	3.5	196	2.9
Poland	118	2.3	237	3.5
DR Congo	131	2.5	192	2.8
Iraq	240	4.6	82	1.2
Thailand	9	.2	275	4.1
Ghana	101	1.9	136	2.0
Nigeria	52	1.0	146	2.2
Afghanistan	114	2.2	84	1.2
Serbia	92	1.8	95	1.4
Philippines	15	.3	168	2.5
Brazil	28	.5	108	1.6
Romania	45	.9	111	1.6
Cameroon	74	1.4	97	1.4
Iran	87	1.7	77	1.1
India	62	1.2	102	1.5
<b>Total</b>	<b>5 189</b>	<b>100</b>	<b>6 760</b>	<b>100</b>

In Flanders and Brussels, not only newcomers are target groups of civil integration. Also, migrants who arrived one or more years ago are encouraged to follow an integration path including Dutch courses, social orientation and/or career orientation. Some of these migrants have already secured Belgian nationality.

While there are fewer female “newcomers” than male “newcomers” (table 1), there are more women than men who signed an integration contract.

Financial support is given to federations of organizations of men and women of foreign origin with responsibility for organizing gender-specific activities themselves.

SAMV, the Support Centre for Immigrant Girls and Women, is also being supported financially. SAMV conducts research, organizes focus groups, publishes brochures, and organizes meetings and sensitizing events. It is an organization that works bottom-up. It asks women of foreign origin what their specific problems are, and creates solutions where possible. A part of the role of SAMV is lobbying, asking for attention at policy level and developing measures for women of foreign origin. A website is currently being developed for Muslim youth concerning sexual and reproductive health (cf. question 25 on list of issues).

As part of efforts to eradicate forced and arranged marriages, in 2005-2007 the University of Ghent Centre for Islam in Europe conducted a study on factors limiting freedom to choose a partner in population groups of foreign origin in Belgium. The intermediate findings of the study were the subject of a number of workshops held during a day of interactive study organized by the Institute for the Equality of Women and Men, in collaboration with the Centre for Equal Opportunity and the Struggle against Racism, held on 6 June 2006. The final results of the study were presented at a morning of meetings and exchanges held on 3 May 2007. An information brochure on marriage and the choice of spouse is currently being prepared for girls and women of foreign origin.

In order to follow up the policy recommendations contained in the report and which refer to the need for a study on the situation of boys and men of foreign origin, the Institute for the Equality of Women and Men has called for a project to supplement the information gathered on the extent of the issue and to bring existing prevention and assistance into line with the specific needs of boys and men of foreign origin. The research will be conducted by the Centre for Migration and Intercultural Studies, University of Antwerp, as of July 2008.

In addition, following the dissemination of the results of the study carried out in the French Community on forced marriages<sup>15</sup> and as an extension of the symposium “Marriage by choice, marriage by submission: what are the challenges for young people?”, the French Community has awarded a grant to the St. Josaphat Group family planning centre to develop a tool to deal with arranged marriages in the context of migration: “Marriage: There and Back”, in the form of an instruction package consisting of a DVD recording encouraging inter-generational dialogue on the facts of arranged marriages, and four teaching manuals. Completed in October 2006, the tool was presented to a public of events professionals, whether connected or not to the family planning centres, and thereafter to the teaching sector. The St. Josaphat Group undertook various methods of dissemination:

- A presentation mailing of the tool to school and extracurricular liaison units:
- Training activities organized by the “Marriage and Migration” Network for professionals of the Schaerbeekois associative and psychosocial network (46 persons).
- Lectures, study days and training for an audience of social workers, educators, teachers, events organizers, school mediators (205 persons).
- Presentations of the instruction package during school activities relating to relational, emotional and sexual life (42 girls in the fifth and sixth grades of secondary school).

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<sup>15</sup> See website <http://www.egalite.cfwb.be/violence-entre-partenaires/mariages-forces/>



- Events involving the tool “Marriage: There and Back” for audiences that habitually attend lifelong education associations and literacy centres (356 persons).
- Sale of the tool to women’s and feminist associations, cultural centres, ASBL, offering guidance services to the public, literacy centres, family planning centres, AMO, police services, etc.
- Media: radio broadcasts in Turkish, GOLD FM and Radio Panik.

Attention should also be drawn to the following three mechanisms put in place in the French Community to address specific problems encountered by population groups of foreign origin.

The reorientation-class mechanism under the Decree of 14 June 2001 for the integration of newly arrived pupils in education organized or subsidized by the French Community (*Moniteur Belge* of 17 July 2001).

This mechanism enables all newly arrived children<sup>16</sup> to benefit from education adapted to their needs. The reorientation class<sup>17</sup> is intended to ensure maximum school attendance at the appropriate educational level. To that end, the priority target of the education on offer will be mastery of the language of instruction which is French and, where necessary, bringing the level of studies up to date.

The decree of 30 June 1988 on positive discrimination in education provides that additional resources should be allocated for their establishment so as to allow and develop educational action designed to guarantee to all pupils equal opportunities of social emancipation. It also concerns establishments welcoming children from the most vulnerable environments, including groups of foreign origin.

A programme on “language and culture of origin” is being implemented under the Bilateral Partnership Charters signed by the French Community with several

<sup>16</sup> Article 2- For implementation of this decree the term: I. “Newly-arrived pupils” means those who meet the following conditions:

- (a) aged at least 2 ½ and under 18;
- (b) either have submitted an application for recognition of refugee status or have been recognized as holding refugee status in accordance with the Act of 15 December 1980 on access to the territory, sojourn, establishment and expulsion of foreigners;
  - or be a minor accompanying a person who has filed an application for recognition of refugee status or whose refugee status has been recognized under the Act of 15 December 1980 on access to the territory, sojourn, establishment or expulsion of foreigners;
  - have applied for recognition of stateless status or be recognized as a stateless person;
  - be a national of what is considered to be a developing country as referred to in article 2 of the Act of 25 May 1999 concerning Belgian international cooperation or of a country in transition receiving official assistance from the Development Assistance Committee of the Organization for Economic Cooperation and Development.

As a transitory measure, from 1 January 2005 to 30 June 2008 the developing countries and countries in transition referred to in this article are the countries appearing on the list of beneficiaries of assistance drawn up by the Development Assistance Committee at 1 January 2003.

- (c) have arrived on national territory less than one year previously.

The Government may add, for a specific period, other countries to the list of developing countries referred to in paragraph 1.1.b when it deems such countries to be in a situation of grave crisis.

<sup>17</sup> Article 2 – For purposes of this decree, (...) 2. Reorientation class is an education modality designed to guarantee reception, guidance and maximum integration of newly-arrived pupils into basic or secondary education.

countries in which a substantial proportion of immigrants to Belgium originate: Greece, Italy, Morocco, Portugal, Romania and Turkey.

These partner States provide for classes in language and culture of origin to schools that request them.

The French Community also offers civic and human rights education targeting all pupils and teachers through an education coordination project entitled “Democracy or «GreetingLine»”, a pedagogical tool “Women/Men in the World (2004), and the “Citizenship” decree.

The decree relating to the reinforcement of education for responsible and active citizenship in establishments organized or subsidized by the French Community of 12 January 2007 has focused on three main points in all compulsory education establishments since the start of the school year in September 2007:

- A reference handbook entitled “To be and become a citizen” designed for the acquisition of reference points for understanding civil and political society and, inter alia, on citizens’ fundamental rights and freedoms.
- Schools must conduct at least one interdisciplinary activity as part of education for responsible and active citizenship per cycle or level, aimed at promoting understanding of the way democratic institutions develop and function, memory work, responsibility towards others, the environment and the heritage.
- Student representation bodies are widespread and recognized in the fifth and sixth years of primary education and in all of secondary education (class delegates and student councils).”

#### **Violence against women**

**11. The Committee, in its previous concluding observations (§ 151 and 152) as well as the Special Rapporteur on violence against women (E/CN.4/2003/75/Add.1 of 27 February 2003, § 1579) 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.**

The report of Belgium states that at the time of preparation of the law of 28 November 2000 relating to protection of minors in penal law, the Government of the day had proposed modifying the notion of indecent assault, modernizing the structure of the Penal Code by moving that offence and that of rape from Title VII “Crimes and offences against public morals and against family order” to Title VIII “Crimes and Offences against Persons”, which includes assault and battery. The Parliament deemed, particularly on the basis of hearings of practitioners, that the notion of indecent assault did not pose any particular problem and that the amendments envisaged by the Government were not appropriate.

As stated in the report, the fact that these two offences are still in Title VII in no way influences the priority accorded to prosecutions.

Statistical data on the subject of domestic violence were provided in a detailed report in 2007; a copy can be found at Annex B.

**12. According to the report (§ 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.**

The National Action Plan accounted for many advances in the fight against conjugal violence through 89 measures covering several objectives.

The resources allocated for certain measures come from the regular budgets of the federal, community or regional administrations and are not always identified as such in the plan. The items mentioned below do not therefore represent the entire range of resources allocated by the Belgian State, but provide a broad overview.

In the field of sensitization, the Institute for the Equality of Women and Men allocated € 42,500 for the printing and publication of a brochure entitled “Violence: how to escape it?” aimed at victims and perpetrators on the ground.

A quantitative and qualitative study on violence in amorous relationships among young people received € 80,000 from the French Community. An awareness campaign for young people on violence in their love relationships was also launched with funding of € 145,000. The French Community also gave € 100,000 to the associative sector to support this campaign.

In addition to the operations budget of the Education Department of the Flemish Community, € 63,000 were assigned for the policy for the prevention of and struggle against violence and psychological and sexual harassment in schools, as well as an additional € 65,000 for a diversity project included in teacher training. Violence between partners is also broached with students by means of a play especially written for the purpose (€ 8,000).

The sum of € 61,538 was also allocated for sensitization and training at centres for the promotion of general well-being (Steunpunt Algemeen Welzijnswerk) of the Flemish community. The centres were therefore able to take on 14 new people to assist social workers in their tasks of prevention and assistance to victims and perpetrators.

Accompaniment of victims in the Walloon Region is funded with € 225,000, while a project appeal for the sum of € 50,000 is made each year.

Where assistance to perpetrators is concerned, the federal public justice system allocated € 2,487,645.16 in 2004, € 3,069,591.61 in 2005 and € 3,174,552.27 in 2006 for follow-up action regarding perpetrators subject to court orders. Assistance to so-called “volunteer” perpetrators received a grant of € 1,427,000 between 2004 and 2007 from the federal budget.

In 2006 the federal public service launched a project for the collection and registration of data relating to domestic violence from a sample of hospital emergency services. With the € 86,000 assigned to the project, it aimed to develop a registration tool and raise doctors’ awareness of the need to gather data. The project was improved and expanded in 2007 to include more hospitals with the help of a

new budget of € 79,000. Another project targeting general medical practitioners and including a good practices guide, a training module and a registration system was also awarded € 150,000 in 2007.

The Institute allocates the budget of the provincial coordination mechanisms responsible for improving the networks of actors and for local coordination of all measures relating to violence and equality. In 2006 this budget amounted to € 284,000 and to € 293,000 in 2007.

In March 2006 the Federal Government allocated an additional budget to the Institute for the Equality of Women and Men for the development of a “support point to deal with conjugal violence” as a supplement to its task of coordinating the National Action Plan. This budget, which amounted to € 134,000, made it possible, among other things, to seek tenders for developing a tool to evaluate two circulars from the College of Public Prosecutors (attached hereto). The support point also made it possible to strengthen evaluation of the plan. This evaluation was carried out in collaboration with an interdepartmental task force and a group of experts and will be used for the preparation of a new plan some time in 2008.

The General Policy Statement of the Minister of Justice in April 2008 provides for the drawing-up of a new Plan, following the evaluation of the National Action Plan for the fight against conjugal violence 2004-2007, in consultation with the competent federal ministers and the Communities and Regions. This new action plan is to cover all forms of violence against women (forced marriages, crimes of honour and genital mutilation). Violence against the elderly will also be given special attention. By and large, in addition to prevention, assistance and the role of the police, there is a need for judicial measures in order to respond to the various forms of domestic violence. Action needs to be taken for sensitization, as well as for prevention, training and reception.

In conclusion, mention should be made of the launching of the idea of a national Internet site devoted to violence between partners, which should be online by the end of 2008.

**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 protect women with disabilities against all forms of violence?**

The vulnerability of women with disabilities and migrant women is covered in the following legislative provisions, which apply to both types of victim:

- Article 433 septies, paragraph 2, of the Penal Code, concerning trafficking in human beings, stipulates that the penalty is increased in the case of abuse of the vulnerability of a victim who is in an illegal or precarious administrative situation, is in a precarious social situation or has a disability.
- Article 77 quater, paragraph 2, of the law of 15 December 1980 on foreigners envisaging a similar aggravating circumstance.
- Article 433 decies of the Penal Code punishing slum landlord practices, of which abuse of vulnerability is a central component.

These three provisions were amended by the law of 10 August 2005 amending various provisions with a view to reinforcing the fight against the slavery of and trafficking in human beings and against slum landlord practices.

In addition, where women with disabilities are concerned, attention should be drawn to article 376 of the Penal Code, which provides for more severe punishment if an indecent assault or a rape is committed against a disabled or sick person or a pregnant woman.

Mention may also be made of general measures for protection of and assistance to victims, as set forth in the law of 15 December 1980, as amended in 2006 (arts. 61/2 to 61/5) for assistance to victims of slavery or trafficking.

Moreover, all institutions for persons with disabilities, as far as being recognized by the Flemish Agency for Persons with Disabilities, are bound by legal decree of 29 April 1997 – laid down by Order of the Flemish Government of 15 December 2000 and modified on 16 April 2004 – regarding the quality of care.

This order specifies, among other things, that each institution has to commit itself to specific minimal quality standards regarding the quality of care it provides:

- One of these standards deals with integrity and the written commitment of the institution to preserve the integrity of every disabled person. Each institution has to take specific measures against abuse and violence of its users.
- Another deals with the explicit declaration of non-discrimination on the basis of gender (and other features) when considering intake or not. Every institution has to describe also explicitly how it will deal with complaints of their users. If one is not satisfied by the way the particular institution is dealing with his or her complaint, one can address him/herself to the Flemish Agency.
- Finally, a procedure dealing with the detection of, and adequate reaction to, abuse and violence against users of the institution.

In addition, the Flemish Agency promotes a study on the incidence of undesired sexual behaviour regarding disabled persons. This study should lead to policy advice on the installation of different registration points.

In cooperation with the Support Centre for Immigrant Girls and Women, a website is currently being developed for Muslim youth concerning sexual and reproductive health (cf. question 25).

The Centres for General Welfare Work developed specific measures for contacting migrant women. They work together with the Provincial Centre for Integration (PRIC) to provide “social interpreters” who can support workers who help migrant women who speak other languages. There are social interpreters for about 71 different languages. The House of Welfare, a part of the Centres for General Welfare Work, receives help from Muslim women who, on a voluntary basis, visit migrant families who are victims of domestic violence.

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

**14. The report (§ 55 et seq.) 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.**

The available data on trafficking in human beings is submitted below. However, it must be pointed out that some of the databases used may mix facts relating to illegal work and actual situations of trafficking, since it was only after a legislative amendment of August 2005 that statistics relating to the two types of offences were recorded separately.

1. In the public prosecutor's department, 451 files on trafficking in human beings were opened in 2006. Most of these files concerned sexual exploitation (291, i.e. 64 per cent of all files), followed by files relating to exploitation in the work context (135, i.e. 30 per cent of all files)<sup>18</sup>.

The opening of several files for commission of offences concerning promotion (23 in 2006) or exploitation of begging (2 in 2006) also attests to the effective enforcement of the new provisions set forth in the law of 10 August 2005.

2. Statistics on sentencing (available up to mid-2004) show that since 2001 there has been a trend towards an increase in the number of sentences (256 in 2001 to 398 in 2003) with harsher sentences imposed, especially in terms of prison sentences. Indeed, there has been an increase in the number of firm non-suspended sentences, as well as an 11 per cent increase between 2001 and 2003 in the average duration of prison sentences.

3. Regarding assistance to victims, the "trafficking in human beings" database, developed by the Centre for Equal Opportunity and the Struggle against Racism, in collaboration with the three special reception centres of Pag-Asa, Sürya and Payoke, show that:

Between 1999 and 2005, there were 3,332 reports of potential victims of enslavement and/or trafficking in human beings, registered by the three centres. One third of these reports (1,101) eventually resulted in the establishment of a "victim" dossier. A study of 914 dossiers showed that victims of sexual exploitation accounted for 39.6 per cent, victims of economic exploitation for 20.1 per cent, victims of trafficking for 20.5 per cent, the trafficking-sexual exploitation combination for 14.8 per cent and the trafficking-economic exploitation combination for 5 per cent.

Most victims of sexual exploitation originated in Eastern Europe: Bulgaria: 16.9 per cent; Romania: 13,1 per cent; Russia: 8.3 per cent; Albania: 6.9 per cent; Ukraine: 5 per cent; and Moldavia: 3.9 per cent.

Moreover, 17.8 per cent came from Nigeria. Nigerian nationals (29.6 per cent) also accounted for the largest numbers of cases of the trafficking-sexual exploitation combination.

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<sup>18</sup> *Source:* statistics furnished by the College of Public Prosecutors.

In 2006, there were 480 victims of human trafficking who were directed to officially approved centres; 160 of them were accorded the status of “victims of trafficking in human beings”. In 2006, there were 86 women and 73 men. Women are still more numerous in securing the status of victims and are highly represented in the prostitution sector, while men are more linked to economic exploitation and trafficking.

Of the 160 new victims assisted, 57 were victims of sexual exploitation (prostitution), 65 victims of economic exploitation, 1 victim of begging, 22 victims of trafficking and 13 for various motives

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

Child pornography is one of the forms mentioned under the heading of trafficking in human beings for purposes of sexual exploitation (article 433 quinquies, paragraph 1, of the Penal Code.

The following measures have been taken to combat child pornography on the Internet:

1. Under the previous legislature, the Federal Interior and Economy Departments set up a central system for the reporting of alleged illicit information on the Internet. This system, known as the integrated office for complaints on the Internet of the federal police (website: <http://www.ecops.be>), has been operational since early 2007. It has thus become the Belgian reference point for any user wishing to report certain abuses noted on the Internet, including child prostitution.

2. A task force on child pornography composed of magistrates, federal police officers, members of the Federal Computer Crime Unit (FCCU), of the federal public prosecutor’s office and the federal public service of the Justice Department met on several occasions in 2005 and 2006.

This task force has a dual objective:

- To fight the maintenance of an active climate of eroticization of children’s bodies for use by paedophiles;
- To study the facts of a problem and the advisability of recourse to a new provision, given the restrictive morphology of the notion of pornography and, by extension, that of child pornography.

This task force concluded that the preparation of clear directives on searches and prosecutions would enhance the effectiveness of the struggle against pornography involving minors.

3. A protocol for collaboration to combat illicit acts on the Internet, concluded between the Federal State and ISPA (Internet Service Providers Association) on 28 May 1999, was recently evaluated, after which a new protocol was negotiated. This new protocol is yet to be signed by the competent ministers and the Belgian Internet Service Providers Association (ISPA). The protocol provides that if an ISP (internet service provider) notices some allegedly illicit content or that a user attracts its attention to this type of information, it must inform the Federal Police integrated complaints office. This integrated contact point then

decides how to act on the allegedly illicit information. Should it decide to take the matter up, the file is then transmitted to the competent authorities for subsequent processing. The ISPs undertake to collaborate with the competent authorities and to abide by their instructions, in accordance with the law.

4. With the collaboration of the Federal Police Human Trafficking Unit and of Child Focus, an Internet site, a civilian contact point was set up and serves as a tool for reporting suspect Internet sites and may even be used anonymously.

There are also measures by the Flemish Department of Education and Training on media literacy, whereby awareness of the role of the media in society and media-related skills are targeted, i.e. cross-curricular final objectives on media education, on ICT (information and communications technology), on citizenship education (human rights/emancipation, see 9 above).

An *E-safety campaign for education* on safe Internet use was launched and published in 2007, "Safe Online" aimed at teachers. Previous sensitizing initiatives by the Flemish authorities were websites [www.web4me.be](http://www.web4me.be) (OIVO ICRI, 2005, aimed at 14-18 year-olds), [www.saferinernet.be](http://www.saferinernet.be) (2005) and [www.clicksafe.be](http://www.clicksafe.be) (2002). Also co-financed were [www.gezinsbond.be/veiligonline](http://www.gezinsbond.be/veiligonline) (for parents) and [http://www.sensoa.be/downloadfiles\\_shop/seks\\_en\\_internet.pdf](http://www.sensoa.be/downloadfiles_shop/seks_en_internet.pdf) (for children). Another interesting website on this subject is [www.stopchildporno.be](http://www.stopchildporno.be).

Internet safety policy in Flemish Education: most Flemish educational establishments have finally realized that using high-quality security software is a very risky business. Educational establishments have learned from their own experiences with computer viruses, which can destroy a month's work in an instant. Technical security, nonetheless, means more than simply installing an anti-virus system and a firewall. In the 2007-2008 school year, all educational establishments were provided with a new up-to-date set of guidelines for safe ICT use. The campaign focuses on the above-mentioned issues with a special focus on cyberbullying. For this campaign, learning materials were developed on the themes of digital identities, cyberbullying and copyright issues.

The aim of the SAFER INTERNET BELGIUM project is to find the answer to two problems: how to bridge the gap between generations and the different sociocultural groups regarding the use of ICT and how to improve the security of minors online. These challenges are tackled by means of research, a large-scale awareness-raising campaign and other types of action. Until now, no such cooperation framework at national level existed. For this reason the SAFER INTERNET BELGIUM platform brings together people who are concerned with the implementation of a nationwide information campaign on the possible dangers of Internet and ICT use. Child Focus coordinates the platform and collaborates with a number of partners active in the area.

A project website gives attention to the most important dangers: child pornography, discrimination, sects, unlawful trade practices, technical dangers and other harmful content which are aimed at children and young people, both on the Internet and by means of other converging communication forms: mobile phones, text messages, etc. The site is being built in phases and will eventually consist of three parts:

- One for parents and teachers in the form of a sketch of the problems and associated pedagogical sheets;



- One for children in the 6-12 age group, in the form of games; and
- One for young people, which will include specific communication information.

There is also a project concerning sustainable tourism, which indirectly fights child prostitution. The international organization against prostitution of children (ECPAT – End Child Pornography, Child Prostitution and Trafficking of Children for Sexual Purposes) informs the Agency of their campaigns. The Agency has an engagement towards the Flemish tour operators. Each professional federation of tour operators also has individual contacts with ECPAT. Most of the tour operators included a statement concerning sustainable tourism in their code of conduct.

Regarding education in relationships and emotional and sexual life (EVRAS), a pilot project for organizing events relating to emotional and sex life has been under way since September 2007 in the French Community.

As part of this programme, two events were specifically proposed for children aged 10 to 12 in primary education. They aim not only to develop a positive vision of sexual and emotional life, but also to alert children who use the Internet to the risk of finding disturbing pornographic pictures. Hence, they offer advice on how to avoid adverse effects on a child's development in general and on the development of fulfilled and free sexuality. They also aim to avert the risks of sexual aberrations that make victims of minors (some young people imitate in their sex life practices they discover on pornographic films, which can lead to various types of abuse: rape, violence, "bed-hopping" and the risks of coming into contact with paedophile networks and becoming a victim of prostitution or pornography).

The French Community has developed and published two texts to stimulate thinking among professionals involved with child abuse which will identify the impact of excessive media coverage and the expansion of the virtual world on children's development and also implements within the media and audiovisual services measures to prohibit the production and broadcasting of material that advertises banned practices regarding the sale of children and child prostitution and pornography. The Order of 13 October 2006 concerning approval of the management contract of RTBF (a Francophone public television channel) for the period 2007-2011 states that "RTBF undertakes generally to refrain from producing, co-producing, acquiring, programming or broadcasting programmes with audiovisual contents that run counter to the law". It points out that "the authorization and monitoring board of the Supreme Audiovisual Council is responsible for verifying proper application of the laws, decrees and regulations on the audiovisual sector and for punishing any infractions."

**16. Please indicate what rehabilitation and reintegration programmes for women and girl victims of trafficking into prostitution exist, including 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 (§ 60), please indicate jurisprudential cases where judges have held that there was exploitation of prostitution.**

Belgium grants specific residence permits to victims of trafficking in human beings who collaborate with the judicial authorities.

Since 1993 there has been a specific system of assistance and care for victims of trafficking in human beings. Until very recently the entire procedure was contained in a 1994 ministerial circular and in two directives of 1997 and 2004. These texts described all the measures concerning the issuance of provisional (and in some cases permanent) residence permits.

The current legal basis is the law of 15 September 2006 amending the law of 15 December 1980. The procedure was introduced into the law as a result of the implementation of various directives, including the directive of 29 April 2004 relating to the residence permit granted to nationals of third countries who are victims of trafficking in human beings and who collaborate with the competent authorities.

The entire victim protection system will be defined in a new ministerial circular in the near future. This circular will contain specific instructions aimed at all actors involved in the fight against trafficking in human beings, who are called upon to collaborate on this issue.

The system is the outcome of a compromise between two concerns: firstly, the need to provide victims with a series of care and assistance measures; secondly, the struggle against persons and networks who engage in trafficking in human beings.

Emphasis has been placed on the fact that the system deals not only with sexual exploitation, but also with other forms of exploitation, including economic exploitation, exploitation of begging, illegal removal of organs and tissue or the forcing of a person to commit a crime or offence against his or her will.

In order to benefit from the system, victims must meet three conditions; they must:

- ∞ Break off contacts with the alleged authors of the acts;
- ∞ Be compulsorily monitored by a specialized care centre for victims of trafficking in human beings.
- ∞ Collaborate with the judicial authorities either by giving statements or by lodging a complaint against the guilty parties.

In practice, the procedure is carried out in three stages:

- ∞ The detection of persons as victims of trafficking by front-line services on the ground, information regarding the possibilities of monitoring and referral to a specialized care centre providing lodging, guidance, psychosocial care, and medical and judicial assistance.
- ∞ A period of reflection during which the victim has access to social assistance;
- ∞ The granting of a provisional residence permit, possibly followed by a residence permit of unlimited duration and access to a class-C work permit.

Since 1995 the Federal Government and federated entities have recognized, authorized and subsidized three specialized care centres for the reception and care of victims of trafficking in human beings. They are Pag-Asa (located in Brussels, Sürya (located in Liège in the Walloon Region) and Payoke (located in Antwerp in the Flemish Region).

The task of these centres and the multidisciplinary teams that comprise them (educators, social workers, criminologists, etc.) is to provide care for victims of trafficking in human beings. This assistance plan consists of psychosocial and medical care, including helping the victim to enrol in language classes or vocational training courses and to actively seek employment, administrative assistance and legal aid. The centres also have a reception house (at a secret address).

Moreover, the Centre for General Welfare Work in Antwerp rehabilitates victims of international trafficking. The victims can live there for a short period. In order to obtain help, they must leave the network they worked in (and were exploited by) and they must cooperate in the judicial research against the network. In exchange, they receive support, training in social skills and training in living in our society.

Prisma is a non-profit association recognized and subsidized by the German-speaking Community. It organizes psychological and legal consultations for women victims of any form of assault. It also organizes consultations on sexuality for men and women and runs a refuge centre for women in difficult circumstances. There is also a mental health centre where victims of an assault that has been the object of criminal prosecution may receive free socio-psychological treatment. Victims are normally referred to this centre by the victims unit of the courts or that of the federal police.

In the Walloon Region some hostels have a reception service for female prostitutes and the “health links” receive all persons anonymously. These women are supported by numerous vocational integration programmes developed in the Walloon Region, as described below (see reply to question 20).

The decree of 4 March 1991 relating to assistance to young people in the French Community applies to young people in difficulty and to all minors whose health or security is in danger or whose educational situation is compromised by their behaviour or that of their family or relatives, and thus also targets young girls who are victims of sexual exploitation. Care and monitoring of 15 young unaccompanied foreign minors, alleged victims of trafficking in human beings, are provided each year.

A research project entitled “Young prostitutes and social responses” dealing with the specific issues of prostitution among minors and the care provided for them in the French Community was launched in October 2005 and conducted by Myriam Dieleman, a social anthropologist, with a view to:

- Drawing up a qualitative inventory of prostitution among minors in the French Community (life paths and the reasons for their going into prostitution, risk-taking, routes taken by unaccompanied foreign minors), as well as a quantitative one (existing federal and local statistical data);
- Analysing the way in which the phenomenon is currently addressed in socio-judicial terms and clarifying the participants’ resources and difficulties (social, police and legal assistance to young people).

This research may be downloaded at the following address:

[http://www.aidealajeunesse.cfwb.be/fileadmin/sites/ajss/upload/ajss\\_super\\_editor/professionnel/documents/etude/Jeunes\\_prostitue-es\\_et\\_reponses\\_sociales.pdf](http://www.aidealajeunesse.cfwb.be/fileadmin/sites/ajss/upload/ajss_super_editor/professionnel/documents/etude/Jeunes_prostitue-es_et_reponses_sociales.pdf)

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

**17. The report (para. 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.**

The decree concerning Equal Representation of men and women in advisory and administrative bodies in the Flemish Administration was adopted by the Flemish Parliament on 13 July 2007. At this moment the decree is being applied and implemented. The Flemish VLIOM database, which covers all advisory and managing bodies of the Flemish Government and ministries, is being adapted so that equal representation of men and women (max. 2/3 of members is of the same sex) can be implemented and continually followed up. All advisory and managing bodies are being informed of this decree by means of a brochure. For every domain of policy in the Flemish Ministry, one or two contact persons have been appointed and will keep the database updated. They have been informed about the decree and the obligations of all bodies. The first report of the follow-up of the new quota decree will soon be presented to the Flemish Government and Parliament. At this moment we do not have any general statistical information concerning the share of women in advisory and managing bodies. This information will be available for some bodies in the course of 2008, and for all bodies in 2009.

Balanced presence of women and men within advisory bodies is also a priority in the French Community. In 2006 AEIDL (European Association for Information on Local Development) conducted an evaluation of the implementation of the Decree of 17 July 2002 designed to promote balanced presence of men and women within advisory bodies.

A series of lessons were drawn:

- The percentages of men and women within bodies whose composition is known are tainted by deceptive appearances: while the overall figures appear satisfactory, the reality reveals huge disparities;
- The obligations contained in the decree are little known and are also hardly taken into consideration in the functioning of advisory bodies;
- The obligation of a balanced mix further complicates the (already) extremely complex composition of advisory bodies as it is today;
- The proportions of men and women within advisory bodies reflect the vertical segregation and social segmentation between women and men;
- There is evidence of obvious and subtle discrimination (more women among actual members, but more male presidents);
- In conclusion, unclear and easily circumvented sanction measures and the lack so far of any implementation orders remove much of the force of the decree.

In 2007 the administration prepared a draft amended decree and a draft order on implementation of the decree of 17 July 2002, amending the order of 18 April 2002<sup>19</sup> and proposing improvements to the existing mechanism.

These proposals will be addressed from the broader viewpoint of reform of advisory functions in the French Community.

A decree promoting balanced presence of women and men within advisory bodies also exists in the German-speaking Community, allowing a maximum of two thirds of voting members of an advisory body to be of the same sex. A reasoned argument for the inability to meet this condition must be adduced and submitted to the Government. Otherwise, and should the Government find the reason unsatisfactory, any advice from that body will be invalid.

The Walloon Region has:

- Decrees of 15 May 2003 promoting balanced presence of men and women in advisory bodies and promoting balanced presence of men and women in matters regarding which the Region performs the functions of the French Community (*Moniteur Belge* of 21 May 2003, p. 27944), as well as their implementation orders of 27 November 2003.
- Decree of 8 December 2005 amending the Local Democracy and Decentralization Code with regard to subsidies for certain investments of public interest (*Moniteur Belge* of 2 January 2006, p. 78, err.: MB of 31 January 2006, p. 5190), introducing the obligation of balanced numbers of men and women on local electoral lists and on local assemblies and executive bodies.
- Decree of 7 November 2007 amending the decree of 12 February 2004 relating to the status of public administrator, as well as for matters regulated by article 138 of the Constitution, with a view to promoting balanced presence of men and women within the managing bodies of public agencies (*Moniteur Belge* of 23 November 2007, p. 58604).

At the federal level, in order formally to identify the bodies referred to in the law of 20 July 1990 which aims to promote balanced presence of men and women within advisory bodies, it was decided to draw up an official list containing all the bodies within this field of application. Moreover, the law of 3 May 2003, supplementing the existing measures, provided for the creation, within the federal Ministry of Equality of Opportunity, a commission entrusted with ensuring respect for this law. Its task will include the furnishing of opinions on this list and, more generally, on the promotion of balanced presence within these bodies. However, implementation measures determining the composition and functioning of this commission were not adopted during the previous legislature.

In conclusion, article 120 bis of the communal law provides that a maximum of two thirds of the members of an advisory board may be of the same sex. Should that provision not be met, the opinions it provides will not be valid.

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<sup>19</sup> Order of the Government of the French Community establishing a coordination body for equal opportunity covering both the Ministry of the French Community and the public institutions of the French Community.

**18. The data provided on the representation of women in the Federal foreign service (pp. 70-71), as well as on their participation in competition for diplomatic career (pp. 72-73), 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 (para. 149), to increase the presence of women in the diplomatic service.**

As indicated in the joint fifth and sixth periodic report of Belgium, several measures have been taken in recent years to increase the presence of women in the diplomatic service, such as the adoption of a general plan of action for "equality of opportunity between women and men", promoting the integration of a gender perspective in the policies of the federal foreign service, foreign commerce, and cooperation and development services, and the creation of a specific position of Family Officer.

Aware of and regretting the very low percentages of women's participation and success during the most recent competition for the diplomatic service in 2005 (see report, page 72), the authorities have taken specific measures to reverse that trend. These measures were implemented from the start of organization of the next competition, which was launched in 2007. The first test of the competition was therefore modified and is now based on a person's "skills" rather than his or her "knowledge" per se.

Analysis of the official figures of the Office of Administrative Selection (SELOR) for this first stage shows that this type of test is less unfavourable to women than the earlier system. Although the increase in women's participation is still modest, the increase in women's success rate at this first stage is significant in both language groups. The final official results of the competition will be known during the course of 2008.

In addition, a sensitization campaign aimed at universities will be held in 2008 on the initiative of the Federal Personnel and Organization Department as well as an exploratory study on "gender and diplomacy".

**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.**

Belgium adopted a series of specific targeted measures to increase women's participation in various fields of public life, such as policy-making and positions of responsibility in administration, social and associative action, advisory bodies and cultural and sporting life, as the following examples show.

As part of the local policy on equality between women and men, in 2007 a specific project was carried out in the Province of Luxembourg<sup>20</sup> and was selected in connection with the call for projects for 2007 aimed at balanced participation of men and women in decision-making. Indeed, in response to the wishes of the participants at an (initial) training session for women wishing to enter politics for

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<sup>20</sup> Projects conducted under the local policy are financed from a specific budget allocation: AB 41.01.32, reserved for financing the cooperation agreement among the French Community, the Walloon Region and the Federal State concerning the financial management of the Provincial Coordination Units for Equality between Men and Women.

the October 2006 communal elections, the Provincial Service organized in 2007 a new and much more specialized training course entitled “Women in politics: training for better communication”, the priority targets being women in political office in the Province. The course content covered the following subjects: participatory management, public speaking, relations with the press, the myths and facts of opinion polls, etc. Decentralized over three locations, the course enabled the about 30 female participants to address the notion of gender, move from theory to actual situations and to benefit from an analysis of their strong points and their weak points during the actual situations.

The Decree of 17 July 2003 relating to support for associative action in the area of lifelong education aims at “*developing associative action in the field of lifelong education for a critical analysis of society, stimulation of democratic and collective initiatives, development of active citizenship and the exercise of social, cultural, environmental and economic rights from a perspective of people’s individual and collective emancipation, assigning priority to active participation of the target public and to cultural expression.*”

Among the different legislative texts promoting women’s participation in public services that come under the German-speaking Community, the Decrees of 23 November 2000 and 19 September 2006 aim to guarantee that both sexes are represented on the social assistance boards of the public centres for social assistance.

The Flemish policy in the fields of culture, youth and sports focuses on the participation of all people.

In the analysis of participation in culture, youth work and sports, both practical and scientific findings indicate that for certain groups of people it is not all that obvious to find their way to the provision. That is why, for groups that can be clearly defined (e.g. persons with disabilities, persons living in poverty, persons with a different ethnic/cultural background, persons with a relatively low education), a specific policy is pursued or specific actions are developed on top of a general, non-categorical policy.

In this context, research has shown that women do not participate any less in culture, youth and sports. However, women are suspected to be less represented in the administrative bodies of sports associations and cultural organizations. Currently (2008) a study is being carried out to map this out and to link policy recommendations and actions to the results thereof. In order to increase diversity in advisory bodies, a campaign “*Iedereen kan zetelen*” (Everyone can have a seat) is currently running. It aims at all citizens in Flanders, but target group organizations have been called upon for the communication.

Moreover, the Flemish authorities support the SAMV (*Steunpunt voor allochtone vrouwen en meisjes* – Support Centre for Immigrant Girls and Women). On the basis of an action survey of 1999 which mapped out the immigrant women associations in Flanders and Brussels, the need for specific support for immigrant girls and women was formulated, as their participation is often very limited and they often do not feature (in a fully-fledged manner) within both the structures of the minorities policy and the women’s movement.

Specific actions for the progression of women into top positions are taken both in the federal administration through a Plan for Diversity and in the Flemish

Administration through network sessions for women and men with management potential since 2005, internal and external coaching and a Communication Campaign for more women in top positions. In the spring of 2006, an excellent opportunity presented itself to increase the progression of women into top positions within the Flemish administration. In April, 32 top positions were declared vacant (Third round). Both internal and external candidates could apply. In order to increase the progression of women into top positions, a number of specific actions were taken:

- A target figure of 33 per cent women was set for the recruitment round;
- Women aged 30 and older who were employed at level A within the Flemish administration received a letter in which they were encouraged to consider applying;
- The Ministers for Administrative Affairs and Equal Opportunities sent an e-mail to women and women's organizations to call on qualified women to apply for the top positions within the Flemish administration.
- The Service for Emancipation Affairs organized an information and awareness session to inform women about top positions and careers within the Flemish administration.

Moreover, the use of gender-neutral language is being supported, as well as telework, and possibilities to combine work and family. In publications attention is being given to non-stereotypical images.

The Public Management Institute (Catholic University of Leuven) has analysed this recruitment and selection procedure for senior civil servants. Although 49 per cent of the candidates for the vacant top positions within the Flemish administration were women, the Flemish Government only appointed 6 women out of 30. The number of female candidates has thinned out materially (to 29 per cent), especially after the first two steps in the selection procedure, namely the screening of CVs and the exploratory interview. Three elements turned out to be crucial: age (over 40), experience within the minister's office, and working experience within the Flemish public administration. Too few female candidates turned out to meet these criteria. Moreover, the research shows that the appointment of senior civil servants often goes hand in hand with lobbying and the use of political networks. Women are usually less actively involved in such networks.

### **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?**

First of all, the Walloon Region is developing a number of programmes for the training and recruitment of women. Access to training for all citizens is of particular interest to the most vulnerable on the employment market, both because of their



level of education and of other potential criteria of discrimination of which women are particular targets.

In 2006, 34,500 job-seekers underwent training courses comprising some 6,400,000 training hours. Disaggregation by sex shows that 58.5 per cent were men and 41.5 per cent women (an increase of nearly 2 per cent in women's participation in training for job-seekers).

There was also a marked rise in the provision of distance training in 2006. Some 2,000 job-seekers, over 78 per cent of them women, received such training. This overwhelming majority of the female population is due in part to sociological factors (training from home), but also to the structure of the training on offer. Language immersion courses in which 800 job-seekers registered helped some 51.5 per cent of female beneficiaries.

The Walloon Region is also developing two partnerships with public centres for social assistance.

- *Through a framework agreement on training and socio-vocational integration of users of these centres who are registered as job-seekers.*

The aim of this agreement is the integration of the beneficiaries of the RIS (social integration income), especially unskilled job-seekers and heads of single-parent families into sustainable and high-quality jobs.

Some actions have the priority target of unskilled female RIS beneficiary job-seekers for whom training and integration assistance is yet to be developed and differentiated. Furthermore, the measures are global projects for social and vocational integration that take into account dimensions such as reconciling private and working life, problems linked to mobility of "female job-seekers" (through driving lessons) and childcare.

- *Through an agreement with centres involved in measures to blend social objectives with economic dynamism.*

The Walloon Region allocates a subsidy of € 3,719 for a person recruited under article 60, paragraph 7, of the organic law on the CPAS. The project must correspond to an increase in the volume of employment offered to social assistance beneficiaries with a work contract and provide for technical supervision of targeted workers, as well as a programme designed either to stabilize their employment within the CPAS or to promote their transfer to other employment. Many female job-seekers have thus been integrated into the employment market through the activities involved (social laundry and grocery services).

This represents a budget of € 1,137,000.

In 2006 the Walloon Region also supported a programme for promoting measures to fight discrimination relating to training for the job market, including training for women (job-seekers, unemployed or in employment) especially female immigrants. These training courses, for which the level of qualification may vary, focused on contents in which women appeared to be largely underrepresented: technical training, new technologies, business management, etc., and for which remedial courses may be needed in terms of cross-cutting skills: Budget: € 350,000.

A project to combat discrimination in recruitment and employment, and diversity management in businesses and organizations was launched as a pilot

experiment. The overall purpose was to enhance the value of management of the diversity of human resources as a factor of integration and creation of added value within the company.

The specific aims were to:

1. Prepare an internal and external tool for evaluation of the management of the diversity of human resources within companies and organizations. The “gender” criterion is one of the four diversity criteria established.
2. Prepare the launching, as a pilot experiment, of the “2007 Diversity and Human Resource Prize in Wallonia”, as an incentive measure to fight discrimination in employment and promote better human resources diversity management level in Wallonia.

The purpose was to reward and encourage innovative measures that enhanced diversity at the level of Human Resources Management. This prize is aimed at four categories of employer: SMEs, large corporations, the public sector and the associative sector.

3. To disseminate information on the human resources diversity policies developed in the Walloon Region.

4. To sensitize firms and organizations to diversity management.

Budget: € 56,200.

The Walloon Region also addresses the problem of insufficient care places for children in the 0-3 age group, which impedes social and vocational integration, especially that of women, their remaining in a job and their promotion therein, and the economic consequences. As part of the priority action plan aimed at Wallonia’s economic recovery, the Walloon Government has decided to support the policy in force in the French Community in order to attain the objectives of the European Summit held in Barcelona (coverage rate of 33 per cent by 2010) through various measures.

1. *Creation of a portal on availability of childcare facilities*

In 2006 the Walloon Region designed a pilot database which, once online, will fulfil the dual objective of:

- Releasing a brake on employment and vocational training by remedying the lack of information on the supply and availability of reception places:
- Providing a care facilities management tool for local authorities.

A budget that allows recruitment for 100 jobs was reserved on the initiative of the Minister for the Economy and Employment to set up this Walloon “childcare” portal for expansion of the concept and methodology at the regional and subregional levels and for use of the tool at the communal and provincial levels.

2. *Offer of subsidized jobs for the care of children in the 0-3 age group.*

Given the proven insufficiency of care places for children in the 0-3 age group and the obstacle that this dearth poses to equality of opportunity and rights regarding access to employment and vocational training, as well as to keeping one’s job and to promotion, the Walloon Region decided, by creating subsidized jobs (950 childcare jobs), to help achieve the objective set for the various Member States at

the Barcelona Summit, namely to offer a number of care places for children aged 0 to 3 years, equivalent to 33 per cent of children aged under three.

In order to achieve this objective, the French Community must create 8,000 care places for children aged 0 to 3 years by 2009. The Barcelona objective could be achieved by means of the following:

1. Releasing a growth budget for the ONE within the French Community;
2. Subsidized jobs in the Walloon Region;
3. Use of a new and more flexible SEMA Plan, providing for a lower financial contribution from businesses, but whose effects unlikely to be felt before 2007;
4. Implementation of alternative financing for the creation of new communal infrastructures for collective childcare for the 0-3 age group.

#### MC2: Crédal microcredit

Crédal is a lending cooperative that collects savings from private individuals seeking social added value to their savings. These savings make it possible to offer loans and advisory services to various actors: social economy companies, VSEs (very small enterprises) and low-income individuals.

Since September 2000, MC2 has been supporting the creation and development of microenterprises by proposing loans and assistance to entrepreneurs without access to regular bank financing. Access to this type of microcredit is one of the most suitable instruments for addressing the lack of female entrepreneurs in Wallonia: 43.5 per cent of microcredit beneficiaries in 2006 were women, while only 16 per cent of heads of very small enterprises (VSEs) in the Walloon Region were women. This is a positive development when compared to 2005 when 34 per cent of microcredit beneficiaries in 2006 were women.

#### Mechanism for integration enterprises

The task of integration enterprises is to develop and support the social economy sector in order to promote access to employment and vocational integration for unskilled job-seekers and persons registered as unemployed for at least 24 months, as well as beneficiaries of the social integration income and persons with disabilities. It has been observed that 50 per cent of organizations recognized as integration enterprises are also recognized for *titre-services* (outsourcing of, mainly, household help), which accounts for over 95 per cent of the women concerned. In actual fact, women account for 80.5 per cent of persons recruited through the activities conducted by the integration enterprises

#### Employment of women in traditionally male jobs

A vocational integration project for women in construction was set up in 2005 (aim: to integrate 20,000 women into the sector by 2009 out of a potential 887,000 active workers). This project is linked to the EQUAL project entitled "Construction Diversity", spearheaded by the Walloon Construction Confederation and designed to integrate persons with disabilities, persons of foreign origin and women into construction trades.

**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.**

There is no doubt that the elimination of the salary gap between women and men has for several years been a key priority of political leaders and social partners in Belgium.

At the request of the Federal Government, on 14 March 2008 the Institute for the Equality of Women and Men published the second report on the salary gap in Belgium. This report, which can be found at annex C, is the result of the collaboration of several competent authorities and furnishes official and updated figures on the difference in the remuneration of women and men. It provides, for the first time, figures on a number of sectors, such as the public sector, small enterprises and joint committees.

The major course on which Belgium has actively embarked consists in introducing classifications of neutral analytical functions at the gender level. This involves examining existing remuneration systems and identifying sexist prejudices and hidden discrimination. To this end, in 2008 the Institute for the Equality of Women and Men will publish a practical guide to facilitate evaluation of the neutrality or otherwise of a company's job descriptions. Another measure that aims to consolidate a firm's social results provides for each heading to be disaggregated between men and women with additional data on salaries, allowances and bonuses. Lastly, breaking the glass ceiling will also be a priority. The Institute will continue to look into objective identification of invisible barriers created both by prejudices and stereotypes and by the operational methods of organizations that keep women in positions deemed less strategic.

To reduce the pay gap in the private sector, the Flemish Minister for Equal Opportunities has also chosen the career gap between men and women as the central focus of her gender mainstreaming policy. Through the Open Method of Coordination, all policy areas are being sensitized and encouraged to take measures to fight horizontal and vertical segregation in the labour market, to facilitate the combination of work and private life, to stimulate equal participation in paid and unpaid (care) work for men and women, and — in this way — to fight the pay gap. Every two years action plans are being made, executed and evaluated. This process is largely steered by the Commission on Equal Opportunities composed of representatives from all the different Flemish ministries and chaired by Equal Opportunities in Flanders, the unit within the Flemish administration that prepares, implements and monitors the Flemish Equal Opportunities policy.

Currently, the Support Centre for Equal Opportunities is developing gender indicators in different policy areas (such as work and education) to facilitate the monitoring of the progress that is being made.

In a wider scope, the career and gap is also being reduced by providing more and more flexible day-care centres and financial incentives (such as paid parental leave) for men and women to stimulate combining work and family. From 2007 onwards companies that are willing to develop "family-friendly" services (e.g. ironing or washing services or household-help) are financially supported by the

Flemish authorities. Sensitizing men and fathers is part of the plan, as with more men willing to work less in exchange for more parenting time and an easier work-family combination, social acceptance will grow.

As part of the forthcoming presidency of the Council of Ministers of the European Union in the second half of 2010, Belgium will propose reviewing the nine salary-gap indicators adopted in 2001 under the Belgian presidency and will suggest new ways of progressing in this area.

**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.**

In Belgium there are specific measures for fighting long-term unemployment, which mainly affects women. Hence, a reduction in employer social security contributions serves as an incentive to employers to hire these long-term unemployed job-seekers. Some unemployed also have their unemployment allowance or integration income activated. Employers may deduct this amount from the salary they should normally pay, making it cheaper for them to employ such workers. These measures, adapted to suit the type of employer, are:

- The “ACTIVA” system for the private sector

The Activa plan is an employment promotion measure that affords reduced employer social security contributions whenever a job-seeker is hired. This reduction is combined with activation of the unemployment allowance or social integration income when a fully unemployed person receiving benefits or a recipient of RIS is hired. This measure should result in an increase in the employment rate in general and that of older workers (aged 45 or over) in particular.

- Vocational transition contracts for the non-commercial and the public sectors

Vocational transition programmes are designed for the long-term unemployed and were created by employers in the public sector in the broadest sense of the term. Their aim is to offer the long-term unemployed the opportunity to acquire vocational experience that allows them to improve their position in the labour market and facilitate their transition to the regular work circuit. Employers creating vocational transition programmes may reap certain benefits: reduction of employer social security contributions as well as a say in the worker’s net salary.

- The “SINE” regulations for the social integration economy sector

The “Social integration economy” scheme, SINE for short, through the active use of unemployment allowances, promotes the reintegration of unemployed persons who are very difficult to place in the social insertion economy. Employers who engage SINE workers may enjoy a reduction in social security contributions and a wage subsidy.

- Local employment agencies (ALEs)

The objective of the creation of local employment agencies in communes or in a group of communes is to meet the demand for a number of activities not found in regular work circuits and which do not compete with them. Moreover, the ALEs

must also meet the demand for employment for the long-term unemployed, beneficiaries of the social integration income and of certain beneficiaries of financial social assistance, who have trouble finding a slot in the labour market.

- The *titre-services* (service outsourcing) system

The *titre-services* (service outsourcing) system is a measure to promote neighbourhood jobs and services. The companies targeted by the *titre-services* system include commercial enterprises (for instance, laundering or temporary work firms), self-employed persons engaging wage-earners, non-profit associations, mutual benefit schemes, local employment agencies, communes, public centres for social assistance and social firms.

A worker holding a *titre-services* employment contract falls into one of the following two categories: workers (category A) receiving unemployment benefits, an integration income or financial social assistance while working on a *titre-services* contract or other workers on a *titre-services* contract (category B).

The numerous measures also taken to reconcile family and working life with a view to improving women's access to full-time jobs include:

- Career interruption and time credit

Career interruption allows workers who so wish to suspend or reduce their working hours. Keeping up a monthly allowance during the interruption, protection against laying-off, and the subsequent resumption of the job as performed before were guaranteed. In addition to certain social security rights, a sound social statute protects certain rights of workers whose career has been interrupted.

- Parental leave

A worker may opt for one of the following types of parental leave and for a monthly allowance in order to take care of a child:

- ∞ All (full-time or part-time) workers may completely suspend work under their contract for a period of three months; they may if they wish break up the three-month period into lesser periods;
- ∞ All full-time workers may, for a period of six months, opt for half-time work. They may choose to break up the six-month period into lesser periods. However, each request must cover a period of two months or a multiple thereof.
- ∞ All full-time workers have to right to reduce their working hours by one fifth over a period of 15 months. Workers may opt for this reduction to be broken up into lesser periods. However, each request must cover a period of five months or a multiple thereof.

- Palliative care

All wage and salary earners in the private sector have the right to suspend their work contract completely or reduce their working hours in order to devote themselves to palliative care of someone with an incurable disease. That person does not necessarily have to be a member of the family. A similar right to palliative leave exists in the public sector. A monthly allowance is provided.

In April 2008 the Minister for Employment and Equal Opportunities undertook to study the effective guarantee of maintaining the rights of part-time women workers through the fight against employment traps and the improvement of low net salaries.

To ensure that women have access to full-time and permanent jobs, Belgium significantly invests in qualitative, and where possible, flexible day-care centres for children.

The Committee will find, annexed hereto, updated sex-disaggregated data on the unemployment rate, duration of unemployment, full/part-time work and the factors that affect women workers' full-time or part-time employment.

**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.**

In Belgium all levels of authority have legislative measures, backed up by civil and criminal sanctions, to guarantee equal treatment of persons without discrimination based, in particular, on race or ethnic origin in the labour market in both the public and private sectors, regarding access to employment, training and professional promotion, and working conditions.

The Regions also take measures connected with literacy activities, training and social and vocational integration of migrant women.

In this regard, the Walloon Region decree of 4 July 1996 on integration of foreigners or persons of foreign origin organizes, inter alia, financing for local activities relating to literacy, training and social and vocational integration of migrants. Some 30 per cent of the resources allocated to local integration initiatives are devoted to this area (+/- € 300,000) per year.

The decree also provides, among the tasks of the regional centres for the integration of foreigners or persons of foreign origin, for the development of social and vocational integration activities and the promotion of training. These are most often work programmes that precede vocational training as such – preparatory work on identity and life plans, pre-training with linguistic upgrading, and information on institutional and legislative aspects, personalized psychosocial care, etc. Within this framework, there has been broad participation of women who started off as immigrants.

In addition to the resources assigned to literacy programmes, the Walloon Region specifically participates in the teaching of French as a foreign language for migrants (+/- € 150,000 per year). Women account for the vast majority of participants.

**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.**

The law of 11 June 2002 relating to protection against violence and psychological or sexual harassment in the workplace and the Royal Order of 11 July 2002 oblige employers to incorporate protection of workers against violence and harassment in the workplace into their prevention policies. Such protection became a new aspect of the concept of well-being in the workplace. Employers must therefore take measures to prevent the emergence of such behaviour within the company and limit the damage to persons when such behaviour occurs. The legislation also obliges all employers to appoint a prevention counsellor specializing in psychosocial issues and, possibly, trustworthy persons and to set up an internal procedure within the company.

The Inspectorate, competent to deal with files concerning harassment and violence in the workplace, forms part of the directorate-general for monitoring well-being under the Federal Department of Employment. The law on labour inspection requires the author of a complaint to specifically authorize the Labour Inspectorate to reveal his or her identity to the employer; otherwise it is impossible to act individually on behalf of a particular worker.

In 2006, 830 dossiers were closed, but in only 525 of them was structured information concerning the investigation recorded. This represents an increase of over 100 per cent in the number of dossiers registered in comparison with 2005 (when there were only 254).

The number of dossiers for which no detailed statistical information is available (305 of the 830) is due to the fact that not all the data are available and/or that a dossier begins with a complaint but moves into a different category.

The data collected show certain trends:

- The term “psychological harassment” used by complainants accounts for some 80 per cent of complaints, the rest being a mixture of sexual harassment or violence. Only occasionally do these last two categories appear individually as the basis of a complaint;
- The proportion of male complainants remains in the minority (47 per cent in 2005 and 41 per cent in 2006) while they make up the majority of those accused of harassment or violence (70 per cent in 2005 and 69 per cent in 2006);
- In the vast majority of cases, the accused occupy a more senior position (89 per cent in 2005 and 85 per cent in 2006);
- Dossiers naming several persons as “perpetrators” account for about one third of cases (32 per cent in 2005 and 36 per cent in 2006);
- There has been an increase (twofold) in situations in which several persons file a complaint in a single dossier (11 per cent in 2005 and 22 per cent in 2006);



- In 2005, complaints were lodged essentially by the workers themselves (92 per cent), but this figure fell to 74 per cent in 2006, the main reason being the increase in complaints stemming from the office of the labour prosecutor (3 per cent in 2005 and 16 per cent in 2006);
- At a stage preceding the filing of a complaint with the Inspectorate, the complainant has already had contact with the prevention adviser specializing in psychosocial care (from 23 per cent in 2005 to 25 per cent in 2006) and/or the employer (a drop from 28 per cent to 17 per cent), the trade union (from 22 per cent to 14 per cent), the trustworthy person (from 13 per cent to 10 per cent), the police (from 9 per cent to 12 per cent), the justice system (from 4 per cent to 9 per cent), and the company preventive medicine adviser (stays at 2 per cent). Under the new legislation, this is certainly not a positive development. Employers are approached less often, perhaps because it is they who are most often accused;
- With regard to the geographical distribution of complaints, between 2005 and 2006 Brussels moved from 43 per cent to 35 per cent, Flanders had the fewest dossiers (dropping from 33 per cent to 22 per cent), and Wallonia became the principal source (increasing from 25 per cent to 43 per cent).
- It is companies with 10 to 99 workers that, relatively speaking, generate most complaints (38 per cent in 2005, 44 per cent in 2006). Smaller or larger companies account for the remainder, very similar over time (28 per cent and 26 per cent for very small enterprises and 20 per cent and 22 per cent for large companies);
- The sectors in which complaints originate are distributed as follows: in the general public sector they fell from 16 per cent in 2005 to 14 per cent in 2006, while in education they rose from 6 per cent to 13 per cent. In the private sector (dropping from 78 per cent to 73 per cent), the construction sector increased from 10 per cent to 16 per cent, the wholesale and retail, care, and the hotel, restaurant and café (HO-RE-CA) sectors accounted for fewer (9 per cent, 7 per cent and 9 per cent);
- Regarding general prevention measures, labour regulation is in line with the information to be furnished in eight tenths of cases, but in 64 per cent of cases in 2006 the compulsory record that businesses that have contact with the public must keep and which makes it possible to register the statements of workers subjected to verbal or physical abuse by third parties was lacking, while 55 per cent of businesses monitored in 2005 were in order. This is perhaps due to poor definition of the registration and its use in practice, especially in multi-headquartered enterprises or those with a high rate of violence (schools, prisons, hospitals, etc.)
- A reasonable analysis of specific risk is the exception (23 per cent in 2005 and 14 per cent in 2006). Tools for analysis in this field are being developed. At this stage, even the inspectors are ill at ease when called upon to monitor the presence of this type of analysis and evaluate its content.

An evaluation report on the law of 2002, established by the Federal Department of Employment, underscored problems relating to enforcement of the legislation, such as difficulties with the interpretation of key concepts and the lack of precision in the regulations.

The legislation has since been amended. Since 16 June 2007 violence and psychological and sexual harassment in the workplace have formed an integral part of psychosocial stresses caused by one's job, and the employer is required to incorporate measures concerning abusive behaviour into a prevention policy relating to psychosocial stress. Such behaviour and the psychosocial stress it entails care cannot really be separated. An employer must now look not only into violent and harassing behaviour, but also into any other situations that, like violence and harassment, create psychosocial burdens (such as stress, disputes, etc.).

Alongside other key actors, such as trustworthy persons, counsellors on internal and external prevention, the social inspectorate, the labour prosecutor's office and the trade unions, the Institute for the Equality of Women and Men has dealt with a number of complaints of harassment based on sex or sexual harassment.

<i>Year</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008* (27/3/08)</i>
Harassment based on sex	2	8	3	1
Sexual harassment	3	2	3	

In the public sector, trustworthy persons are appointed within the public administration at all levels of authority. They interview people before they lodge a complaint and endeavour to resolve the situation. Once a reasoned complaint had been filed, it is submitted to the medical officer. The post of prevention adviser is normally an external one.

### **Health**

**25. The report provides information on the number of abortions by age, which indicates a high rate of abortion per pregnancies for women less than 19 years (p. 112). Please provide information on the measures taken to implement the Committee's previous concluding observations (para. 158) to prevent early pregnancies and on the availability of contraception. 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.**

In order to eradicate unwanted pregnancies among young women through better access to contraception and to reinforce prevention of sexually transmitted diseases, a Royal Decree of 24 March 2004 provides for the conclusion of agreements with authorized price-setting offices and other insurance bodies with a view to partially financing the purchase of contraceptive pills and other contraception methods for women under 21 years of age. assistance intervention for the period 2004-2006 was set at an annual budget of € 4,733,100.

This Decree also provides for the conclusion of agreements between the Insurance Committee, insurance bodies and representative organizations of pharmacists for financing - for the target group of young people aged 15 to 21 - of information campaigns relating to the supply of low-cost contraceptives, prevention of sexually transmitted diseases and free distribution of condoms. This measure costs € 525,900.

An information campaign launched on 8 May 2004 comprises:

- Television spots shown in all cinemas for six weeks and on certain television channels aimed at young people for two weeks.
- Circulation of posters carrying the last image of the televised spot.
- Creation of an Internet site [www.laura.be](http://www.laura.be) which furnishes, in the form of a game but with an educational objective, all information concerning action taken to cut the price of the pill and, more generally, everything concerned with “safe sex”. This also refers to the sites of persons active in the area of health and sexual and emotional life.

The website was visited by as many as 90,000 persons between May 2004 and August 2005, an average of 200 connections a day. Nearly 15,000 visitors tested their knowledge online and 18,000 watched the televised spot at least once.

In tandem with this campaign, 500,000 condoms were distributed in order to make young people aware of the importance of dual protection. Every girl who bought some form of contraception in a pharmacy received a free condom with a notice reminding her of the information campaign. Pharmacies, family planning centres, mutual insurance companies, etc, distributed the remaining condoms.

In September 2005, new information was launched in the form of a photo novel. It tells the story of Laura, a teenager who experiences her unplanned pregnancy and motherhood with highs and, especially, lows. The language and style used are those of photo novels published in magazines for young people. The photo novel was distributed to the tune of 200,000 copies as a supplement to the October issue of *Maks !*, an educational review distributed young people aged 14 to 18 in schools in Flanders.

On the Francophone side, 150,000 copies were distributed via the family planning centres. The photo novel may also be seen in its entirety on the site [www.laura.be](http://www.laura.be). Advertisements in a number of magazines containing passages from the photo novel will have encouraged young people to surf the site. Specific information has been developed on the morning-after pill.

A campaign for the distribution of 900,000 condoms also took place in 2005 in order to raise awareness of dual protection. The condom wallet advertises the [www.laura.be](http://www.laura.be) site.

It has been observed that implementation of the Royal Order of 24 March 2004 caused certain problems on the ground and required adjustment, which was provided in the Royal Order of 12 January 2006 (*Moniteur Belge* of 22 January 2006) enabling INAMI to publish on its Internet site (<http://www.inami.fgov.be>) a list with the new contraceptive measures, the changes in their retail prices and/or the basis for reimbursement pending the half-yearly adjustment of the list by Royal Order.

The main purpose of the November 2006 campaign was to draw the attention of very young adolescents (either before they become sexually active or very early on in their sex life) to the need to protect themselves and to the increased accessibility of contraceptives.

Thus, over 100,000 copies of a 52-page information booklet perfectly suited to young people were sent to the parents of 13-year-old adolescents. Besides a few less technical passages on emotional relationships in general and the testimonies of

television personalities or pop stars on their “first time”, the booklet proposes a handful of amusing educational games and tests.

The letter accompanying the booklet was addressed to the parents and delivered a very clear message: *“Your child is becoming an adolescent and must be wondering about certain questions. This booklet was written for your child by professionals, but it is for you, the parents, to decide whether your child is ready to read it.”* The parents also had the opportunity to read the booklet in order to anticipate later questions.

In parallel, state-of-the-art communication techniques (podcast, Bot Messenger, website interactive test) are used to keep young people even better informed about contraception and “safe sex”. Moreover, the website is still the centre of the information campaign since it has had over 470,000 visits since the first campaign in 2004. It also contains a downloadable podcast that can be read on an MP3 player or iPod. Another useful way of reaching young people is the use of a Bot Messenger. This means that young people using MSN Messenger can add “Dr. Love” to their Messenger buddies and be asked a question on “safe sex” every time they log on. A person giving a wrong answer is given the right answer and is referred to the [www.laura.be](http://www.laura.be) website. Since the website is also at the heart of the Internet community, a “risk-free sex test” that young people can take has been added to it.

A condom distribution campaign (750,000 condoms) was carried out in 2006. As a result, family planning centres (in Wallonia) and Sensoa (in Flanders) will be able to place a year-round stock of condoms at the disposal of their visitors and even organize events.

In order to implement its policy regarding sexual and reproductive health, the Flemish Government works together with a number of expert organizations with which long-term (five years) covenants are concluded. The most important one is Sensoa, active in the field of sexual health and welfare, and a centre of expertise with regard to HIV/AIDS and STDs. Among the different specific target groups which Sensoa focuses on (youth, gays, lesbians and bisexuals, immigrants, people with HIV), women naturally receive special attention. For instance, brochures focus particularly on birth control, some sections on the website are specifically for women, etc. In cooperation with the Support Centre for Immigrant Girls and Women, a website is currently being developed for Muslim youth.

Pasop and GH@pro have created for themselves a distinct profile as organizations performing field actions with regard to prevention and counselling, specifically targeted towards sex workers. Here we find almost exclusively women. These organizations receive subsidies to promote sexual health in sex workers. Both Pasop and GH@pro have consultation times at which sex workers can receive information or report for medical examination. The Hepatitis B vaccine is administered to each of the sex workers and followed up. In 2007, they were visited by 1,140 female sex workers in Flanders.

Current epidemiological trends in Europe show that migrants from countries with generalized epidemics (i.e. many countries in Sub-Saharan Africa) account for increasing proportions of new HIV infections. Today, persons without Belgian nationality are the group with the highest HIV prevalence (i.e. 62.3 per cent of all people diagnosed with HIV whose nationality is known are non-Belgians). However,

for almost 30 per cent of HIV cases no information about the nationality is available (Sasse et al, 2006). Of the non-Belgians, 76.5 per cent are Sub-Saharan African migrants (SAM). Among the latter, more women (61 per cent) and younger age groups have been affected than compared to the general population of people living with HIV (PLWH). Therefore the HIV-SAM project of the ITG is so important. The HIV-SAM project supports the idea that prevention is most effective when interventions are implemented on different levels simultaneously. Working on the continuum of primary, secondary and tertiary prevention allows for addressing both personal modifying and structural modifying factors, which are essential in enabling Sub-Saharan migrants (SAM) to reduce their potential risk of HIV infection.

In June 2001, an organized breast cancer screening programme was initiated, inviting all women aged between 50 and 69 every two years for free mammography breast screening. The rate of participation is about 45 per cent of all women from the target group.

The French Community has launched a pilot project consisting of four two-hour events dealing with relationships and emotional and sexual life (EVRAS), which are conducted as follows in 12 schools:

- Around 10 years: boy-girl relationship, sexual identity, and understanding of one's body.
- Around 12 years: puberty, first sensitization to HPV (Human Papillomavirus – girls) vaccination and Hepatitis B and to early pregnancies.
- Around 14 years: based on family planning: information on sexuality, STD, contraception and early pregnancies.
- Around 16 years: based on family planning: work according to the person's life experience.

Regarding information on HIV/AIDS and sexually transmitted diseases, generalized brochures and brochures specifically for adolescents are published twice a year by specialist associations entirely or partly subsidized by the French Community.

The German-speaking Community has an AIDS-prevention group coordinated and monitored by the Department of Health of the Ministry of the German-speaking Community. For the time being, the group consists of 11 women and men specially trained to provide information on AIDS and its prevention. During three months every year, April, May and October, these collaborators visit all the schools in the German-speaking Community to talk about AIDS and its prevention. The target audience consists of young people in the 14-15 age group (third year of secondary education).

**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.**

A draft national action plan for the fight against genital mutilation was drawn up in connection with the 21 November 2006 Interministerial Conference on

“Integration into Society”. A task force was formed to study 11 proposals contained in this draft, which unfortunately were never given final shape<sup>21</sup>.

The April 2008 General Policy Statement of the Minister of Justice provides for the establishment of a new action plan following evaluation of the National Action Plan on the fight against conjugal violence for 2004-2007, in consultation with the federal ministers concerned and with the Communities and Regions. This new action plan is to extend to all forms of violence against women, especially genital mutilation<sup>22</sup>.

For several years the Federal Department of Public Health has been responsible for dispatching and publishing a brochure prepared by Professor Amy of VUB. The GAMS association references constitute the main reference unit. In Belgium ASBL GAMS-Belgium deals with information/training and sensitization on this subject. It plans, inter alia, to conduct two national campaigns as of February 2008: on 6 February 2008 to mark the International Day against Female Genital Mutilation and in June 2008, before the vacation exodus, an awareness-raising campaign entitled “No mutilation for my daughter”<sup>23</sup>.

### **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.**

1. The law of 25 April 2007 inserting article 391 sexies into the Penal Code and amending certain provisions of the Civil Code with a view to criminalizing forced marriage and expanding the means of annulling it, published in the *Moniteur Belge* of 15 June 2007, entered into force on 25 June 2007.

Under this law, new article 146 ter of our Civil Code provides that: “*Likewise, no marriage is valid when it is contracted without the free consent of the two spouses and when the consent of at least one of the spouses was obtained through violence or threat.*” The new provision permits the civil registrar to refuse to celebrate the marriage if it is a forced marriage. Forced marriage shall henceforth be subject to absolute nullity, which may be invoked by the Public Prosecutor’s Office, the spouses themselves or all interested parties.

A criminal penalty is also established. A term of imprisonment of one to two years or a fine of €100 to € 500 shall be imposed on any person who, through violence or threat, coerces someone into contracting a marriage. Any attempt to do so is also punishable.

It should be noted that forced marriage is also punishable under article 79 bis, paragraph 1, subparagraph 3, and paragraph 2, subparagraph 3, of the law of 15 December 1980 on access to the territory, sojourn, settlement and expulsion of foreigners when it is connected with a marriage of convenience. In effect, this provision punishes with the same penalty any person who has used violence or

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<sup>21</sup> Extract from proposed resolution 4/533/1 of 29 January 2008, available on the [www.senate.be](http://www.senate.be) site.

<sup>22</sup> General policy statement of the Minister of Justice, Jo Vandeurzen, April 2008, p. 29.

<sup>23</sup> Extract from proposed resolution 4/533/1 of 29 June 2008, available on the [www.senate.be](http://www.senate.be) site.

threats to coerce someone into concluding a marriage of convenience for the sole aim of obtaining a residence permit or of securing a residence permit for a spouse.

2. In the draft law filed in preparation of the law of 25 April 2007, the scope of the phenomenon of forced marriage in Belgium was revealed through the following sources of information:

In 1999 the Vrije Universiteit Brussel interviewed people about problems relating to forced marriages among Turkish and Moroccan women residing in Flanders and Brussels.

Of the women over 40 years of age interviewed, 27 per cent claimed to have married under duress, while 13 per cent of Turkish first-generation migrant women aged 17 to 24 admitted having been coerced into their marriages. Among the Moroccan women interviewed the proportion was eight per cent<sup>24</sup>.

At the request of the Department of Equal Opportunity of the Ministry of the French Community, an academic study was conducted by the Catholic University of Louvain - on, inter alia, forced marriage in the French Community - among 1,200 young students aged 15 to 18 over the period from December 2003 to June 2004. For the purposes of this research, forced marriage was defined as “a marriage conducted without the valid consent of both parties, where duress is a factor”.

According to this research, 73.4 per cent of the young people claim that forced marriages still occur in Belgium: 23 per cent said they knew of forced marriages, 16 per cent of them among acquaintances and 7 per cent within their families. The study also reveals that girls are more familiar with the problem of forced marriages. The same was true of older persons polled, those who are engaged in technical or vocational work or follow a course in the religion of Islam or who have fathers with a level of education lower than secondary<sup>25</sup>. The findings of this exploratory survey were published in issue No. 15 of *Faits et Gestes* (Facts and Gestures) in December 2004, in which the main results were shown under the title “*Marriage by choice, marriage submitted to: what are the challenges for young people?*”<sup>26</sup> This publication was accompanied by a symposium on the problems of forced marriages, held on 21 January 2005, in order to consolidate the links among the various actors and initiate a coordinated, cross-cutting approach to the issues.

In addition to these studies, the draft law showed that various associations had reported cases of forced marriage and that other small-scale studies had been undertaken.

<sup>24</sup> T. Callaerts, “Stratégies matrimoniales des différentes communautés étrangères: Turkish family formation in Flanders and Brussels”, address at the Belgian debate meeting, Family immigration: a test for integration, Belgian coordination unit for the right of foreigners to family life, Brussels, 22 January 1999.

<sup>25</sup> I. Dumont, A. Garcia, E. Melan, V. Monshe, “Le mariage: un choix pour la vie? Une enquête sur les aspirations et attentes des jeunes envers le mariage”. Final report, Catholic University of Louvain, Department of Political and Social Sciences, Unit of Political Science and International Relations, 15 June 2004, 141 pages. See also A. Garcia, L. Dumont, E. Melan, “Le mariage: un choix pour la vie? Une enquête sur les aspirations et attentes des jeunes envers le mariage”, *Jeunes et mariages: regard multiculturel. Mariage choisi, mariage subi: Quels enjeux pour les jeunes?* Records of the symposium held on Friday 21 January 2005, Brussels, Department of Equal Opportunity, Ministry of the French Community, 2005, pp. 10-21.

<sup>26</sup> See site <http://www.egalite.cfwb.be/violence-entre-partenaires/mariages-forces> .

3. In view of the recent character of the law criminalizing forced marriages, there are at present no legal statistical data on the subject.

**28. In the previous concluding observations (paras. 165 and 166), 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 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?**

Following the dissolution of the federal legislative chambers on 2 May 2007, the proposed laws cited in the previous report were deemed to be null and void (cf. law of 5 May 1999 relating to the consequences of the dissolution of the Legislative Chambers regarding draft and proposed laws of which they were seized).

New proposed laws aimed at introducing, inter alia, parental equality regarding transmission of a name to a child were filed under the current legislature<sup>27</sup>. However, Parliament has not yet determined the time frame for the consideration and possible adoption of these proposals.

**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).**

1. The legal organization of patrimonial relations between spouses is established under Book III, Title V, of the Civil Code, concerning matrimonial systems and containing articles 1387 to 1474.

Under these articles, the system applicable in default of a contract between the parties is that of the legal community, based on the existence of three types of assets: the assets exclusive to each of the spouses and the shared assets to which each of the spouses possesses equal rights (art. 1398, Civil Code).

The objective of this system is to ensure equality of the spouses regarding all incomes and assets they acquire during the marriage and to ensure equal power of administration of those incomes and assets. This system especially protects the spouse who did not have an income from a job during the marriage.

Also included in the shared assets are all incomes from of each spouse's professional activity, as well as all incomes or allowances included therein or

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<sup>27</sup> Proposed law amending the Civil Code with regard to the transmission of family names, in order to guarantee the transmission of family identity by the bearing of a double surname, *Doc. Part.*, Ch. Repr., extr. sess. 2007, 0047/001; Proposed law amending article 335 of the Civil Code as it relates to transmission of a name to a child, *Doc. Part.*, Ch. Repr., ord. sess., 2007-2008, 0327/001; Proposed law amending article 335 of the Civil Code as it relates to the name of a child, *Doc. part.*, Ch. Repr., extr. Sess., 2007, 0231/001.



supplementing them (art. 1405, paragraph 1, Civil Code): particularly targeted are unemployment or severance payments, as well as the non-statutory benefits offered by the company, such as a supplementary pension fund.

Also included in the shared assets are all assets acquired against payment by one or both of the spouses during the period of the regime.

However, provision is made for certain exceptions to this last rule: individual assets include pension rights, life annuities, or similar allowances to which only one of the spouses is entitled (art. 101, paragraph 4, Civil Code – only the right to the pension is personal, while payments made fall into the category of shared assets) as, in certain circumstances, does a life insurance policy concluded by one of the spouses for his or her own benefit (art. 1400, para. 7, Civil Code: capital shall be shared if it is paid during the regime and personal if it is paid after the dissolution).

In the event of dissolution of the legal regime, its rules cease to apply thereafter: the spouses' incomes cease to augment the shared property and the assets that each of them may acquire no longer form part of the shared assets. There is therefore no mechanism for the sharing of incomes or assets acquired after the dissolution.

The law permits spouses to enter into agreements to alter the statutory regime without, however, authorizing a departure from the rules concerning the management of individual or shared assets (art. 1451 of the Civil Code).

The law also permits spouses to adhere to a regime other than the statutory regime, especially a regime of separation of assets whereby each of the spouses keeps his or her own incomes and savings (art. 1466 of the Civil Code).

In the latter case there are neither shared assets nor the possibility of automatic sharing of a spouse's assets. The rules of the primary regime (arts. 212-224 of the Civil Code) applicable to all spouses nevertheless apply and make for a degree of solidarity between spouses: for example, by making the spouses jointly liable for all debts contracted for household needs and children's education (art. 222 of the Civil Code).

2. Regarding alimony due to divorce, the law of 27 April 2007 reforming divorce (*Moniteur Belge* of 7 June 2007) entered into force on 1 September 2007. It made certain modifications regarding alimony between spouses (mainly arts. 229 and 301 of the Civil Code). Hence, failing an agreement between the parties, the law of 27 April 2007 stipulates that a judge, in a divorce for irreversible breakdown, may, at the request of the spouse in need, grant a maintenance allowance to be paid by the other spouse. The legislator has opted for an extended right since it is open to the spouse who has filed for and obtained the divorce on grounds of irreversible breakdown. However, this right to alimony may be excluded if the person who will be paying proves that the person requesting it has been guilty of a serious fault that makes it impossible for the couple to continue to share their lives (for instance, the perpetrator of conjugal violence may not be awarded alimony). Therefore, while the new law allows the judge to grant the divorce without attributing fault, it does not exclude reference to fault where the financial consequences of the divorce are concerned.

The judge determines the amount of the alimony, which must cover at least the beneficiary's needs and may not exceed one third of the income of the spouse

who will be paying the alimony. He may gear the amount to match the economic options presented by the parties during their shared life and, particularly, in order to avoid penalizing the spouse whose career might have suffered as a result of conjugal life.

Another innovation introduced in the law concerns the time limit on alimony, which may not exceed the duration of the marriage, save in exceptional circumstances.

**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.**

Aware of the importance of the functioning of the Committee on the Elimination of Discrimination against Women (CEDAW), Belgium, like other countries of the European Union, co-sponsored General Assembly resolution 62/218, which, inter alia, authorizes the Committee to meet five times during the 2008-2009 biennium, with three of those sessions to be held in parallel chambers to enable the Committee to make up for the cumulative delay in the consideration of reports.

Since the amendment of article 20, paragraph 1, has not entered into force, Belgium has always supported alternative solutions that allow the Committee to perform its functions in a satisfactory manner. At the moment Belgium is considering the possibility of instituting a ratification procedure or the amendment of article 20, paragraph 1. It recognizes the need to allow the Committee more time to perform its role on a foreseeable and sustainable basis.

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