



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: AA/follow-up/Belgium/51

14 March 2012

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the fifth and sixth periodic reports of Belgium at the Committee's forty-second session, held in October-November 2008. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/BEL/CO/6). You may recall that in paragraph 53 of the concluding observations, the Committee requested Belgium to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 28 and 30 of the concluding observations.

The Committee welcomes the follow-up report received on 7 September 2011 under the CEDAW follow-up procedure (CEDAW/C/BEL/CO/6/Add.1). At its fifty-first session, held in February 2012 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 28** of the concluding observations to “modify its legislation on family names in line with article 16 of the Convention so as to guarantee equal rights of women and men to transmit their family names to their children”: the State party indicated that while the Belgian Government has no authority to modify provisions of the Civil Code governing the conferring of names, a number of parliamentary initiatives aimed at reforming the law on the naming of a child or an adoptive child had been submitted to Parliament. The Committee considered that the recommendation had been **partially implemented**.

The Committee recommends that the State party provide, **in its next periodic report**, additional information on the actions taken to modify its legislation on family names in line with article 16 of the Convention so as to guarantee equal rights of women and men to transmit their family names to their children.

H. E. Mr. François ROUX
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Regarding the recommendation made in **paragraph 30** of the concluding observations to “modify the Criminal Code with a view to qualifying sexual abuse as a violent crime rather than as a crime against morality”: the State party indicated that while amendments requested have an effect that would be more symbolic than substantive, amending the legislation would require the amendment of a number of laws containing references to these legislative provisions and the renumbering of the provisions themselves. The Committee considered that the recommendation **had not been implemented**.

The Committee recommends that the State party provide, **in its next periodic report**, information on the actions taken to modify the Criminal Code with a view to qualifying sexual abuse as a violent crime rather than as a crime against morality.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Belgium on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink that reads "Barbara Bailey". The signature is written in a cursive style and is enclosed in a light-colored rectangular box.

Barbara Bailey
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women