

# Belgium

## Apie

In 2002, the Belgian Constitution explicitly affirmed the principle of equality between women and men by including a specific provision in an amendment to Article 10. However, Belgium has long had experience of gender mainstreaming, having implemented legal measures to promote gender equality and equal opportunities at federal and regional level, in both the private and public sectors, since the 1980s. Belgium's track record in gender equality is also inspired by the Fourth World Conference on Women, held in Beijing in 1995. After adopting a law to monitor the application of the Beijing Declaration and Platform for Action (BPfA) in 1996 and piloting projects in all federal ministries, the overall legal framework for gender mainstreaming at federal level was established in 2007 through a Gender Mainstreaming Law. This law was designed to structurally integrate a gender dimension into all federal policy.

Although there is no federal action plan for gender equality, there is such a plan for gender mainstreaming. Manuals, guidelines and tools for the implementation of the Gender Mainstreaming Law are issued by the Institute for the Equality of Women and Men (IEWM). This Institute is the permanent government body responsible for gender equality. The Deputy Prime Minister and Minister of Employment, Economy and Consumers represent the highest level of government dealing with gender equality.

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## Legislative and policy framework

At the federal level, Belgium adopted three anti-discrimination acts in 2007: the General Anti-Discrimination Federal Act, the Racial Equality Federal Act, and the Gender Act. The latter fights discrimination between women and men and covers sex and related areas, i.e. maternity, pregnancy and transgender issues. In addition to these laws, a Gender Mainstreaming Law was adopted in 2007, transposing the resolutions of the BPfA, with the aim of integrating gender in all federal policy fields.

Belgium has established an Interdepartmental Coordination Group (ICG), whose work is set out under royal decrees. The first Royal Decree (2010) determines the composition, remit and functioning of the Group and the necessary qualifications its members must hold. It also regulates the submission of reports to the parliament and the development of a federal gender mainstreaming plan. In 2010, the IEWM produced the 'Manual for the implementation of gender mainstreaming in the Belgian federal administration' to action this strategy.

Article 3 of the Gender Mainstreaming Law calls for the implementation of a 'gender test' for all laws and regulations, which would require the minister responsible to conduct an ex ante gender impact assessment. This provision was executed with the adoption of the Regulatory Impact Assessment (RIA) law (Law of 15 December 2013 and Royal Decree of 21 December 2013). With the adoption of the RIA law for all new regulations submitted to the Council of Ministers, Belgium made significant progress in improving the quality of government regulation through administrative simplification. The underlying purpose of the gender section of the RIA law is to contribute to greater equality between women and men, within the framework of gender mainstreaming.

Belgium has no federal action plan for gender equality. Since July 2012, however, the first Federal Plan on gender mainstreaming has been in place. This plan contained 75 federal policies, committing different members of government to gender mainstreaming. The policies were chosen based on a screening of policy briefings by ministers and secretaries of state, carried out by the IEWM. As part of the plan, members of government also committed themselves to ensuring that their administrations make concrete progress in implementing the provisions of the 2007 Gender Mainstreaming Law. The first Federal Plan on gender mainstreaming was followed by a plan for the 2015-2019 period. This plan consists of two parts:

- 1 collective commitment of government members to the implementation of gender mainstreaming and its main instruments, and
- 2 commitment by government members to prioritise gender mainstreaming in one or more policies within their jurisdiction.

This plan was drawn up by the ICG, in consultation with civil society actors.

Notwithstanding the existence of the 2012 Federal Plan on gender mainstreaming, in 2014 the Committee on the Elimination of Discrimination against Women, reporting on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), expressed the following criticism: 'It notes with concern, however, that the Institute (IEWM) lacks the power to coordinate the implementation of federal policies on gender mainstreaming provided for by the law of 12 January 2007 on gender mainstreaming. The Committee is also concerned about the absence of an overarching strategy for gender mainstreaming' [1].

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## Structures

### Government responsibilities

The Minister of Employment, Economy and Consumers is responsible for gender equality policy, alongside foreign trade, poverty alleviation, equal opportunities and people with disabilities.

The ICG was established by the Gender Mainstreaming Law (2007) and is regulated by a royal decree (2010). This group is overseen by the Belgian semi-independent body and is composed of staff from each ministerial cabinet, the federal public service, public programming service and the Ministry of Defence, as well as representatives of the IEWM. It coordinates the implementation of the provisions of the Gender Mainstreaming Law in each department.

At the federal level, the Council for Equal Opportunities between Men and Women has acted as an advisory body for ministries and other organisations (such as the National Labour Council) since 1993. It draws up reports, conducts research, proposes measures, formulates opinions and provides information on equal opportunity policy, at the request of the competent minister for equal opportunities, any other federal minister, organisation, group, individual or on its own initiative.

### Independent gender equality body

Belgium's main organisation for gender equality and gender mainstreaming at federal level is the federal Institute for the Equality of Women and Men (IEWM). Established in 2002 as a semi-independent body, the IEWM is under ministerial control from an administrative perspective but remains autonomous with respect to legal action or the provision of advice to government and other public authorities. A specific unit within the IEWM is responsible for gender mainstreaming processes at federal level.

The IEWM is competent as an equality body for the federated entities, with protocols in place that designate the Institute as an independent body promoting equality within those entities. Thus, the Institute can write independent reports on gender discrimination within the jurisdiction of the entities concerned and provide them with opinions and recommendations on gender equality. It has signed protocols of collaboration with the French Community (2008), the Walloon Region (2009), the French Community Commission (2013), the Brussels-Capital Region (2016), and the German-speaking Community (2016).

Substantial cuts to the IEWM budget in 2016 saw a reduction in subsidies for activities, research and associations, which has significantly complicated the Institute's work.

## **Parliamentary bodies**

For the representative elected bodies, the system of regular reporting to the government and the parliament features public hearings and reports on progress on gender equality initiatives. The focus of the reporting system primarily concerns gender mainstreaming and gender-based violence but other reports can also be presented.

Although there is no parliamentary committee with gender equality as a specific part of its brief, the Commission for Public Health, Environment, and Society Renewal receives or collects information on progress in the field of gender equality field. Following the general election of May 2019, the Commission was renamed the [Health and Equal Opportunity Commission](#).

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## **Regional structures**

Gender equality policy in Belgium is implemented by both federal and federated authorities, in their respective domains of competence and at their respective governance level. The 1994 Constitution stipulates that Belgium comprises:

Three communities: the French Community, the Flemish Community and the German-speaking Community;

Three regions: the Walloon Region, the Flemish Region and the Brussels-Capital Region;

Four language regions: the French-speaking region, the Dutch-speaking region, the bilingual Brussels-Capital region and the German-speaking region. Every commune in the country belongs to one of these language regions.

The communities and regions are federated entities with their own political bodies. The language regions are simply political divisions of Belgian territory.

Considerable differences exist between the gender equality policies and government bodies of the various constituent parts of the Belgian State. The relationship between the federal and regional levels is complex in all aspects of administration. This has prevented a joined-up approach to gender equality, resulting in [gender mainstreaming strategies](#) being developed independently.

Regional competences are related to the occupation of 'territory', in the broad sense of the term. Thus, the Flemish Region, the Brussels-Capital Region, and the Walloon Region exercise their powers in the fields of economy, employment, agriculture, water policy, housing, public works, energy, transport (with the exception of the SNCB), the environment, land-use planning and urban planning, nature conservation, credit, foreign trade, guardianship over provinces, and municipalities. They are also competent in scientific research and international relations in the aforementioned fields.

Communities are based on the language spoken by the inhabitants. A range of related subjects thus fall within community competence: culture (theatre, libraries, audiovisual, etc.), teaching, use of languages and so-called 'customisable' subjects, including health policy (preventive and curative medicine) and social supports (youth protection, social assistance, support for families, reception of immigrants, etc.).

This complex organisation means that regions and communities can work to progress gender equality in all of the fields of their legal competence. The regions and communities may therefore have their own gender equality bodies.

## French Community

The regional government gender equality bodies of the French Community pursue a number of tasks and objectives, including: gender mainstreaming, gender budgeting, gender balance decree (highlighting the share of people of the same sex in decision-making bodies), fight against discrimination, combat violence against women, granting subsidies and aid to associations. In April 2014, the Walloon government adopted a Gender Mainstreaming Decree to pursue the fight against gender discrimination. This decree is now at the stage of implementation.

The local Directorate of Equal Opportunities divides its activities into six priorities: education, youth and sport, culture, audiovisual and media, the fight against violence, and discrimination and decision-making. Gender mainstreaming now applies to all policies developed by the Community.

In 2017, the government of the French Community adopted two Decrees amending the Decree of 7 January 2016 on the integration of the gender dimension in all policies of the French Community. The first concerns the integration of the gender dimension in all decisions of the Community. It establishes the framework of the gender impact assessment before all policies - the 'gender test'. The second regulates the integration of the gender dimension in all budgets of the Community. It introduces a three-step analysis method: codification, justification of the choice, and compilation of all budgets so as to promote equality between women and men.

## Brussels-Capital Region

The gender equality body of the Brussels-Capital Region is responsible for awareness-raising actions, such as campaigns, studies, research and publications. Gender mainstreaming is occasionally applied by the Brussels-Capital Region, sometimes by the French Community authorities. In addition to the acts that frame the gender mainstreaming strategy, other [pieces of legislation](#) also address the fight against discrimination based on gender and the equal treatment of women and men.

On 29 March 2012, the government of the Brussels-Capital Region adopted a [Decree on gender mainstreaming](#), aiming to integrate the gender dimension into the political lines of the Brussels-Capital Region. This was followed by the [Decree on the integration of the gender dimension into the political action](#) on 24 April 2014 and the [Decree on gender budgeting](#) on 14 July 2016.

On 21 June 2013, the French Community Commission adopted a decree to integrate the gender dimension into its political lines, with an identical intervention subsequently adopted by the Common Community Commission [2] on 16 May 2014.

## **Flemish Region**

Since 2005, the Open Method of Coordination (OMC) has been used to embed and integrate an equal opportunities perspective into each Flemish area of competence. The application of the OMC in the Flemish equal opportunities policy was enacted by decree in 2008.

In 2015, Flanders chose to assign gender-related missions within its area of competence to a Gender Ombudsman within the Flemish Mediation Service. The Institute can deal independently with complaints of gender discrimination, carry out studies within the competence of the federated entities concerned and issue opinions and recommendations on gender equality.

The Gender Ombuds service (Gender Kamer Vlaanderen) is the independent gender equality body for Flanders. Although part of the region's Ombudsman, it has additional specific missions and other legal provisions. Its mission includes the following activities:

- to promote equal treatment, equal opportunity, diversity in society and proportional participation, and the elimination and prevention of all forms of discrimination, exclusion, restriction, exploitation or prejudice on the grounds of sex, gender identity, and gender expression;

- to develop dialogue and structural cooperation with the associations, bodies, and services directly involved in the performance of these missions and exchange information with European counterpart organisations.

Finally, the Decree of 10 July 2008 specifies the general framework of the fight against gender discrimination for the Flemish region and community.

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## Methods and tools

Note: the methods and tools listed under this were the focus of EIGE's 2018-2019 assessment. If certain methods and tools are not mentioned in this section, this does not necessarily mean that they are not used at all by Belgium.

Each Belgian regional government pursues its own gender equality agenda. At the administrative level, the Gender Mainstreaming Law provides that a gender dimension is to be included in management plans (and more generally in all strategic planning instruments) under the leadership of the Executive Committee Chairs. According to the Gender Mainstreaming Law, the equality of women and men is taken into account in the context of public procurement procedures and the granting of subsidies, and in the preparation of reports to the parliament. Gender indicators are also defined to measure the process of gender mainstreaming and the achievement of strategic objectives. Statistics produced, collected and ordered are broken down by gender.

The federal government submits two evaluation reports on the implementation of the strategic objectives set out at the beginning of its mandate to reinforce gender equality. These are submitted to the federal chambers, the first at mid-term and the second at the end of the legislature.

A [gender test](#) exists at federal and Brussels-Capital Regional level since 2015. In the French Community, the 'gender test' has been compulsory since 1 January 2018. This impact analysis of draft policy decisions is mandatory for administrations and ministerial cabinets proposing new public policies, who must consider the gender dimension in their respective texts and justify their actions.

## Gender budgeting

In 2008, the Flemish region introduced the Open Method of Coordination (OMC), while both the Brussels-Capital and French Community have integrated the gender dimension into all budgets and decisions since the early 2010s. Gender budgeting represents an important tool for gender mainstreaming, and, according to the Circular on Gender Budgeting, each draft general expenditure budget must include a gender note [3]. Each administration prepares a contribution to the gender note.

## Training and awareness-raising



The Institute for the Equality of Women and Men (IEWM) described the monitoring and mechanisms to facilitate the application of the Gender Mainstreaming Law. Its 'Manual for the implementation of gender mainstreaming in the Belgian federal administration' helps to put this strategy into practice.

Different initiatives to raise awareness of gender equality have facilitated the implementation of the Gender Mainstreaming Law. Among the initiatives proposed for employees of the government body for gender equality are ad hoc short training sessions, specific training on gender-sensitive communication to understand and carry out gender analysis in subsidies and procurement, gender discrimination legislation, gender mainstreaming and gender budgeting. However, less than 33 % of employees have undertaken such training.

In the French Community, 17 training sessions were delivered on gender mainstreaming and gender budgeting for specific target groups, covering 250 people. A structural training module, accessible to members of ministerial offices and administrations of the French Community on a voluntary basis, was organised in collaboration with the School of Public Administration. Training modules on gender mainstreaming and gender budgeting were organised within the Brussels-Capital Region as well.

## **Gender statistics**

Article 4 of the Law of 12 January 2007 on Gender Mainstreaming provides that all federal agencies must 'ensure that all the statistics they produce, collect and order in their field of action are disaggregated by sex, whether or not it is relevant'. Article 3 of the Law also provides that each minister must 'approve the relevant gender indicators to measure the process of gender mainstreaming and the achievement of strategic objectives'.

The Gender Mainstreaming Law provides for two types of indicators:

- 1 indicators to measure the process of gender mainstreaming (process indicators), and
- 2 indicators to measure the achievement of set objectives (content indicators).

Process indicators generally concern concrete measures and actions to implement a policy (staff commitment, budget commitment, adoption of a royal decree, compilation of statistical data disaggregated by sex within a department, the number of 'gender tests' carried out, online implementation of a website, etc.). Content indicators are used to analyse situations and evaluate the results and impacts of the policies implemented.

In 2011, the IEWM published a new version of its brochure 'Women and Men in Belgium. Statistics and gender indicators'. It published a further report in 2012 on 'Inventory and analysis of sex-disaggregated data and gender indicators at the Belgian federal level'. This report is an inventory of Belgian federal public statistics to analyse their (lack of) gender disaggregation and identify the gender indicators presented. Gaps in the visibility of differences in gender in Belgian statistics are identified, alongside recommendations to better take gender into account.

Since its creation in 2004, the Walloon Institute for Evaluation, Foresight and Statistics (IWEPS) has focused on the differences in the position of women and men in Wallonia. One of its missions is to collect, centralise and disseminate studies, analyses and information on the fight against gender discrimination. The objective is to provide a concrete and quantified image of the situation of women and men in Wallonia by collecting both quantitative and qualitative administrative data. Since March 2012 (the approval of the decree on gender mainstreaming), the Brussels-Capital Region has started to collect and produce statistics and internal data broken down by gender, and **gender indicators** are under preparation. The Flemish gender monitor maps the position and participation of women and men in society clearly and simply, and monitors its evolution. The monitor uses a number-based approach to compare differences, similarities and evolution in education, paid and unpaid labour, income and poverty, health, decision-making, social participation attitudes and behaviour.

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## Good practices

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### **Endnotes**

[1] Committee on the Elimination of Discrimination against Women (2014). [Concluding observations. CEDAW/C/BEL/CO/7.](#)

[2] The Common Community Commission plays a fundamental role in the Brussels-Capital Region in the areas of personal assistance and health.

[3] Deputy Prime Minister and the Minister of Employment, Economy and Consumers (2010). [La circulaire spécifique relative au gender budgeting.](#)