

Belgium

About



The Belgian constitution has explicitly affirmed the principle of equality between women and men since 2002, thanks to an amendment to Article 10. However, Belgium has a long experience in gender mainstreaming, mainly inspired by the Fourth World Conference on Women, held in Beijing in 1995. After a start-up phase – with a law adopted in 1996 to monitor the application of the 1995 Beijing Declaration and Platform for Action, and pilot projects implemented in all federal ministries – the overall legal framework for gender mainstreaming at the federal level was established in

2007 through a Gender-Mainstreaming Law. This law was designed to structurally integrate a gender dimension into all federal policies.

Gender-equality policies in Belgium are implemented by both federal and federate 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 federate entities with their own political bodies. The language regions are simply political divisions of Belgian territory.

Thus, when considering gender-equality policies and governmental bodies in place, considerable differences exist among the various constituent parts of the Belgian State.

Structures



Federal level: In Belgium, the main organisation for gender equality and gender mainstreaming at the federal level is the federal Institute for the Equality of Women and Men (IEWM). The IEWM was established in 2002 as a semi-independent body that is administratively speaking under ministerial control but autonomous in terms of legal action or the provision of advice to government and other public authorities. Currently, the government member in charge of gender-equality policies is the Secretary of State in charge of Fight against Poverty, Equal Opportunities, Disabled Persons, Urban Policy, Scientific Policy, assistant to the Minister of Finance of the Belgian federal government. A specific unit within the IEWM is in charge of gender-mainstreaming processes at the federal level. The institute oversees an Interdepartmental Coordination Group, established by the Gender Mainstreaming Law (2007) and regulated by a royal decree (2010). The group is composed of staff from each ministerial cabinet, federal public service, programmatic public service and the Ministry of Defence, as well as representatives of the IEWM. It aims to coordinate the implementation of the provisions contained in the Gender-Mainstreaming Law in each department. At the federal level, the Equal Opportunities Council has acted as an advisory body for ministries and other organisations (such as the National Labour Council) since 1993.

Regional level: In Belgium, the Regions (i.e. Brussels, Flanders and Wallonia) and Communities have an Equal Opportunity Unit within a ministry in their respective governments. The Flanders, Brussels and Walloon regions, since recently, are most active in the gender-mainstreaming process. They have structures in place that are similar to those at the federal level. In addition to the abovementioned structures, the region of Brussels has created a committee with representatives from each ministry. The region of Flanders also has a commission that gathers representatives from each ministry along with members of civil society organisations. In this respect, they follow the example taken at the federal level, although Flanders invites non-governmental organisations (NGOs) to certain meetings where their contribution is considered to be relevant. The region of Wallonia has a commission on equal opportunities that functions as an advisory board to the Equal Opportunity Unit.

The relationship between the federal and regional level is complex at all aspects of administration. This has not allowed for a joined-up approach to gender equality and has resulted in gender-mainstreaming strategies being developed independently.

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Laws and policies

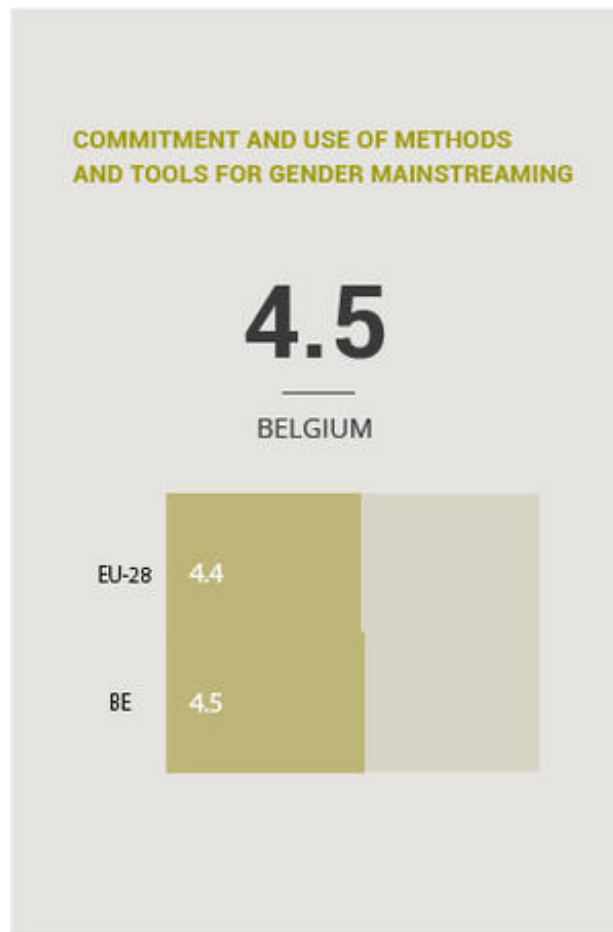
At the federal level, Belgium adopted three anti-discrimination acts in 2007: the General Anti-Discrimination Federal Act, the Racial Equality Federal Act, and the Gender Act. The latter fights discrimination between women and men and relates to sex and assimilated areas, i.e. maternity, pregnancy and transgender issues. In addition to these laws a Gender Mainstreaming Law was adopted in 2007. It transposes the resolutions of the 1995 Fourth World Conference on Women, with the aim of integrating gender in all federal policy fields. It also established the Interdepartmental Coordination Group, providing that all details be covered by 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 elaboration of a federal gender mainstreaming plan and the submission of reports to the Parliament. A second royal decree was expected to be issued in compliance with Article 3 of the Gender-Mainstreaming Law, which calls for the implementation of a 'gender test' for all laws and regulations, and provides for the responsible minister to conduct an ex ante gender impact assessment. This was executed with the adoption of the Regulatory Impact Assessment (see further). In 2010, the Federal Institute for the Equality of Women and Men produced a Manual for the implementation of gender mainstreaming in the Belgian federal administration to help put this strategy into operation.

In 2013, with the adoption of the Regulatory Impact Assessment (RIA) for all new regulation submitted to the Council of Ministers, Belgium made headway in terms of improving the quality of government regulation through administrative simplification. The RIA law (Law of 15 December 2013) and its royal decree (Royal Decree of 21 December 2013) were published in the Belgian law gazette at the end of 2013. The underlying purpose of the gender section of the Belgian RIA is to contribute to greater equality between women and men, and to do so within the framework of gender mainstreaming, constituting a de facto 'gender test'.

At the regional level, in the Flemish Community/Flanders the main legislation of reference is the Framework Decree on Equal Opportunities and Equal Treatment Policy (2008), while in the French-speaking Community, equal opportunities policies are governed by the Decree on the Fight against Certain Forms of Discrimination (2008). In the same year, the Walloon Region adopted a similar decree concerning the fight against certain forms of discrimination, including discrimination between women and men. In 2014 the Walloon Region also adopted a Decree on the integration of the gender dimension in all regional policies. The French-speaking will adopt it in 2015.

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The federal Gender-Mainstreaming Law of 2007 and the Royal Decree of 2010, impose different tools to stimulate the integration of the gender perspective:

- the ‘gender test’, obligatory as a component of the Regulatory Impact Assessment (RIA) since 2014, imposes a gender screening for all legislative or regulatory proposals that are presented to the Council of Ministers. A manual has been developed to assist in completing the RIA and several training sessions have been given.;
- a method for gender-responsive budgeting, detailed in a specific circular letter on gender budgeting from 2010, obliges the Federal Public Services to analyse the gender perspective of their budgetary allocations and to identify activities and related budgets aimed at promoting equality between women and men.. A number of instruments, such as awareness-raising sessions, training, a checklist, a manual and a mention of gender budgeting in the annual ministerial budget circulars, support this process;
- the Interdepartmental Coordination Group, composed of representatives from each ministerial cabinet, federal public service, programmatory public service and the Ministry of Defence, as well as representatives of the Institute for the Equality of Women and Men (IEWM) and charged with preparing the federal plan on gender mainstreaming and the reports to the Parliament;

- the Federal plan on gender mainstreaming, elaborated at the beginning of each period of office of a new government and containing the commitments of that government for the duration of their mandate. The first plan was adopted in 2012 and the second one in 2015;
- the Reports to the Parliament that have to be submitted halfway through and at the end of the period of office and that report amongst others on the achievements concerning the implementation of the Gender-Mainstreaming Law and the Federal plan gender mainstreaming;

The IEWM also developed a 'Manual on the application of gender mainstreaming within the Belgian federal administration', has an extensive component on gender mainstreaming on its website and has provided funds for trainings on gender mainstreaming in several administrations.

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Good practices

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