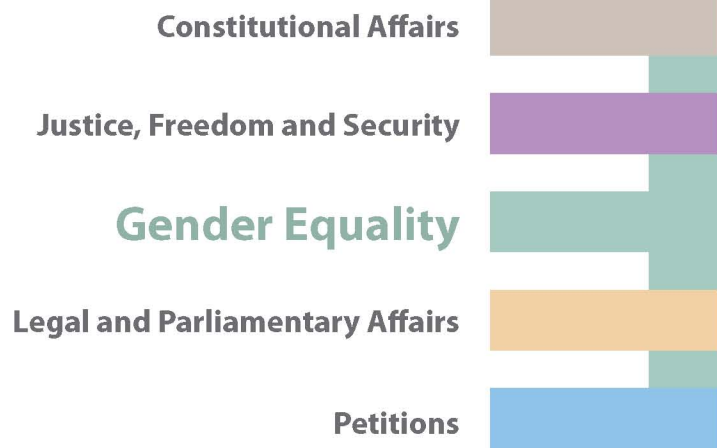


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



The policy on gender equality in Belgium

NOTE



DIRECTORATE GENERAL FOR INTERNAL POLICIES
POLICY DEPARTMENT C: CITIZENS' RIGHTS AND
CONSTITUTIONAL AFFAIRS

GENDER EQUALITY

**The policy on gender equality
in Belgium**

STUDY

Abstract

This study gives a view of four areas of social security benefits as they affect women's labour market prospects and reconciliation of work and family life as well as freedom of movement of household with care responsibilities, the situation with respect to rights and the effects of fiscal systems on reconciliation of work and family life.

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AUTHOR

D. GHAILANI, Observatoire social européen

RESPONSIBLE ADMINISTRATOR

Claire GENTA

Policy Department C - Citizens' Rights and Constitutional Affairs

European Parliament

B-1047 Brussels

E-mail: claire.genta@europarl.europa.eu

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ABOUT THE EDITOR

To contact the Policy Department or to subscribe to its newsletter please write to:

poldep-citizens@europarl.europa.eu

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Belgium is a federal constitutional monarchy made up of three Communities (the French-speaking, Flemish-speaking and German-speaking Communities) and three Regions (Wallonia, Flanders and Brussels-Capital). In Flanders the competencies of the community and regional levels are merged, while they remain separated for the rest of the country. In matters constitutionally defined as 'community competences', the Flemish Community has authority in Flanders, the French Community in Wallonia, and both are competent in Brussels, where a common institution deals with all community matters for which both the French and Flemish communities are competent (the Common Community Commission (COCOM/GGC)). This means that, in Brussels, for community matters, both Flemish and French-speaking Community law applies. Gender equality policies, which by definition pertain to many areas, are thus implemented by both central and federal authorities, in their respective competence domains and at their respective governance level.

From a general perspective, legal measures to promote gender equality and equal opportunities in both the private and the public sectors have been introduced at both federal and regional level, mainly since the late 1980s. But it is only since 2002 that the Constitution explicitly affirms the principle of equality between men and women (article 10, amended in 2002). The office of the Secretary of State for Social Emancipation was established in 1985 with two main missions: promoting equal opportunities between men and women and advising the government on these matters. Since 1992, equal opportunities are among the competences of the federal Ministry of Employment. Gender equality issues have also been incorporated in the portfolio of several regional and community ministers (Michielsen, 2010).

We will start with an outline of the transversal legislative acts and policies adopted at the central (federal) and sub-central (regional and community) levels. The second section of this note will be dedicated to a more detailed and thematic presentation of the numerous initiatives promoting gender equality in Belgium

1. GENERAL DISPOSITIONS

With regard to the fight against gender-based discrimination, the main law of reference in Belgium is the **Gender Act 2007** (10 May 2007, B.M. of 9 June 2007). This law relates to discrimination on the basis of gender and assimilated grounds, i.e. maternity, pregnancy and transsexualism¹. It transposes the European Directives and establishes a coherent reference framework with regards to gender discrimination. With the exception of Communities and Regions' competences, the law covers gender discrimination in the access to services and goods, and in public services provision; social protection, social advantages, complementary social protection schemes (notably pensions); employment relations and access to any other form of economic, social, cultural and political rights. Some of the specific features of this law are detailed in the second section of this note. It is deplorable that, three years after the Gender Act of 10 May 2007 came into force, several ancillary Royal Decrees which are necessary for its proper application have not yet been adopted (e.g. concerning positive action).

A complementary but decisive step for the promotion of equal opportunities at federal level in a more integrated way has been the adoption in 2007 of a wide reaching law aiming at

¹ This Act is one of the three components of the 2007 General Anti-discrimination Act, the two other Acts relating to racial and general discrimination issues.

the **mainstreaming of gender issues** in all policy fields². This fundamental legislative act transposes the resolutions of the 1995 World Conference on Women, providing for: (i) the evaluation of all draft laws and regulations undertaken by the central authorities, in order to prevent and correct any deleterious effects on the situation of women and in order to take into consideration their specific needs; (ii) a “gender budgeting” procedure implying that each draft of the general budget must be accompanied by a note showing each department’s financial contribution to actions supporting gender equality; (iii) a break down by gender of the statistics produced by the public administration and the establishment of gender indicators; (iv) the inclusion of gender equality objectives in the new term of office declaration a recently appointed government and in the general policy documents of each Minister, as well as the monitoring of progress achieved; (v) the improvement of the system of reporting to the Parliament on the implementation of the Beijing platform of action; (vi) the creation of an interdepartmental coordination group composed of high-ranking members of ministerial cabinets and representatives of federal administrations, in order to institutionalize the integration of the gender dimension; and finally (vii) the Institute for the Equality of Women and Men to follow and support the integration of the gender dimension into law, public policy and action programmes (United Nations, 2007). This focus on mainstreaming is also reflected in Regional and Community policies. Since 2005, the Flemish Community has used the Open Method of Coordination – a new method of EU governance - to foster the mainstreaming of equality issues in all policy domains. Although the other Communities and Regions have not explicitly implemented gender mainstreaming, the importance of the latter is clearly emphasised in the governmental programs of these entities.

In the Flemish Community/Region, the *Framework Decree on equal opportunities and equal treatment policy* of 10 July 2008 is the main legislation of reference (B.M. of 23 September 2008). Its scope relates to the same fields as the federal law and sets up a general framework for the implementation of a proactive and preventive policy on equal opportunities. The Flemish equal opportunities policies simultaneously take into account differences between social groups (diversity), the need for personal development (emancipation) of these groups’ members, with no one being excluded (non-discrimination) and everyone feeling responsible for mutual well-being (solidarity). It seeks to counteract discrimination, whether it is based on gender, disability, sexual orientation, inaccessibility or ethnicity. For this term of office of the Flemish government (2009-2014), three priority areas have been defined with regards to gender equality: a balanced participation of women and men in social life (parity on election and firm boards), the conciliation between family and work life (parental leave, equal participation of men and women in domestic and care tasks) and raising gender equality awareness among ethnic groups (Smet, 2009) (Vlaamse Overheid, 2010). The Flemish Framework Decree also insists on mainstreaming gender equality in all Flemish policies. The 2008 Decree anchors the OMC process as the transversal element of equal opportunity policies in the Flemish Community.

In the French-speaking Community, equal opportunities policies are governed by the Decree of 12 December 2008 on the fight against certain forms of discrimination (B.M. of 13 January 2009), which addresses the same grounds for discrimination as those covered by the 2007 Federal Law. The governmental action program promoting gender equality operationalises gender mainstreaming by allowing each Minister to promote gender equality through concrete initiatives. This program encourages each minister to promote gender equality in three areas pertaining to his portfolio, and to pursue the following objectives:

² The law of 12 January 2007 on verifying the application of the resolutions of the global conference on women held in Beijing in September 1995 and integrating the dimension of gender within the totality of federal policies, Belgian monitor of 13 February 2007.

fight sexist stereotypes and violence, promote overall equality and balanced gender ratios in education, reinforce social and cultural integration, oppose all forms of discrimination, guarantee equal access for all to various services (education, health, etc.), etc. (French Community, 2005). The Decree establishes six general objectives with regard to the promotion of gender equality: the fight against sexist stereotypes and domestic violence, balanced sex ratios in compulsory and higher education, the promotion of gender studies and research, the equal participation of men and women in decision-making and the break up by gender of all official statistics.

On 6 November 2008, the Walloon Region adopted a similar Decree, concerning the fight against certain forms of discrimination, including discrimination between women and men in the fields of economy, employment and vocational training (B.M of 19 December 2008). It covers discrimination on the same grounds as those covered at the federal level, but also addresses vocational guidance, socio-professional integration, placement of the unemployed, employment promotion funding, and funding for employment and financial services. The *Regional Policy Declaration* for 2009-2014 also includes a clear reference to the mainstreaming of gender equality in all policy fields. Emphasis is also laid on several specific priorities aiming to reinforce social and cultural integration, to fight all forms of discrimination and to combat domestic violence (Walloon Region, 2009).

As mentioned above, in the Brussels-Capital region, the legal frameworks of both the Flemish and French-speaking Communities apply. The *Brussels Governmental Declaration* issued by the new regional government in 2009 also explicitly refers to policies fostering equal opportunities, and establishes the following gender equality objectives: the promotion of gender mainstreaming, the annual reporting to the Parliament on the advancement of equality policies, the fight against domestic violence, a balanced participation of women in decision-making (including politics), and the fostering of female entrepreneurship.

Specific agencies or institutions have also been developed to support the implementation of gender equality policies at the national and sub-national levels. Founded in 2002, the federal *Institute for Equality between Women and Men* is an autonomous public agency monitoring the situation with regard to equality between men and women. It also fights all forms of discrimination and inequalities based on sex and develops integrated tools and strategies to pursue this objective. The Institute carries out and coordinates research, issues recommendations to public authorities, and offers legal assistance to victims of sex discrimination. In addition, this public agency supports associations that are active in the area of gender equality with the aim of elaborating a larger network. Furthermore, since 1993, the federal *Equal Opportunities Council* acts as an advisory body for ministries and other organisations (such as the National Labour Council), as well as for groups and individuals. It prepares reports, undertakes research, proposes measures, and provides references and information regarding the equal opportunities policy. Regions and Communities have also created specialised bodies whose missions with regard gender equality are more or less equivalent to those of the federal agencies. In Flanders, the *Unit on Equal Opportunities in Flanders* operates as an administrative unit in the horizontal department 'Services for General Government Policy'. In the French-speaking Community, the *Head Office for Equal Opportunities* handles the gender equality questions falling within the French Community competences. In the Walloon Region, the *Walloon Council for Equality between Women and Men* advises regional authorities and promotes gender equality. An *Equal Opportunities and Diversity Cell* fulfils a similar role in the Brussels-Capital Region (United Nations, 2007).

2. THEMATIC DISPOSITIONS

2.1. Equal economic independence for women and men

As in the vast majority of EU countries, gender equality in Belgium is traditionally considered through the lenses of differences between women and men in the employment and labour markets. Belgian legislation contains an important arsenal of laws dedicated to gender equality, mainly elaborated at national level, given that labour law is a federal competence. Several topics are also directly ruled through the social dialogue at inter-sectoral or sectoral levels³. We could distinguish three broad axes for gender policies and laws in relation with economic independence of women: ensuring equal treatment in employment, tackling the gender gaps and increasing the participation of women in the labour market. It should be noted that these axes mutually reinforce one another to encourage entrance or permanence of women in the labour market.

Equal treatment in employment

In recent years two main legal frameworks have been introduced at national level to integrate and reinforce the current legislation and collective agreements on non-discrimination in general and on gender based discrimination in particular⁴. The first is the aforementioned "Gender Act" of 2007, presented in the first section of this note. The 2007 Act fixes a general framework to tackle gender discrimination in several fields, including those related to working life of women. These fields are: conditions of access to employment (recruitment procedures, job announcements), career progression, partnership in associations of practitioners, working conditions (including employment status regimes, wage and earnings setting procedures (equal pay), working time, night and Sunday work), health and safety and well-being at work, holidays and leaves (thematic leaves, time-credit scheme), contract termination procedures and severance pay and also access rules to complementary social security schemes. The second piece of legislation is the Collective Agreement n°95 of 10 October 2008 concerning the equality of treatment in all phases of the employment relationship, which thereby covers the full range of items already expressed in the Gender Act (IEFH, 2008, 2010c).

Tackling the gender gaps

The issue of gender gaps (occupations, economic sectors, career development and essentially wages) is the object of several laws in Belgium but it is only until recently that it receives a greater attention at policy level (IEFH, 2010a). The attention is mainly focused on the central question of pay differentials, although several non-binding initiatives have also been taken to improve female participation in traditionally male-dominated sectors. Wage setting is traditionally ruled through social dialogue. Two Collective agreements signed in 1951 and 1975 are specifically referring to the equality of remuneration between women and men. Other aspects concerning equal pay are also fixed in laws concerning general protection of workers' remuneration, night work or working time in the public sector. The gender wage gap is explained by various factors, notably including the vertical and horizontal gender segregations⁵ on the labour market. Several initiatives have been

³ Collective agreements are binding and apply generally to all employers and employees of the private sector represented by the signatory parties. Their coverage is usually extended to all workers and employers through a Royal Decree, at the demand of signatory parties.

⁴ French speaking Community Decree of 19 May 2004 implementing the equal treatment principle; Walloon Decree of 27 May 2004 on equal treatment in employment and vocational training.

⁵ Horizontal segregation refers to the concentration of women in certain sectors of the economy. Vertical segregation refers to the over-representation of women in certain levels of the professional hierarchy.

taken at policy level to reduce these segregative effects. However, despite the possible 'objective' explanations, a significant part of the gap could be attributed to discriminatory practices that are difficult to detect as they are hidden behind many practices and rules. These aspects are tackled through the general legislation on non-discrimination and equal treatment in employment mentioned earlier, but reducing gender gaps proves to be a long standing fight (Meulders et alii, 2008a).

A significant explanation of the gender wage and career gaps lies in the way that jobs are classified in the grid used for the wage-setting procedures in the social dialogue. In Belgium the most noteworthy initiative in this field is the EVA project, set up in 2001 by the Federal Public Service for Employment, Labour, and Social Dialogue in collaboration with the social partners and with the financial support of the European Social Fund (IEFH, 2010b). Its goal is to bring the social partners and the industries a step closer to a gender-neutral system and to convince them of the importance of an analytical system to achieve equal pay for work of equal value. Since then it was taken in charge by the Institute for the Equality of Women and Men, leading to the production of several studies, training programmes, an implementation guide and a check-list of gender neutrality that could be used by private and public employers. Furthermore, the Cross-industry Agreement for 2007-2008 encourages social partners to integrate this gender neutral approach of job classification in their current practices. Social partners at regional level are also increasingly encouraged to adopt a similar approach. The decrees on equal opportunities introduced by the Flemish and the French-speaking Communities, mentioned above, also make reference to the tackling of wage and career gaps among their axes of action. Equal access to training is essential to reduce wage and career gaps. Several regional laws are aimed at ensuring that no differences are made between women and men in the access to training⁶. Here, the Gender Act of 2007 again plays a central role in consolidating the existent legislation.

Increasing labour market participation

Participation of women in the labour market is undoubtedly the principal area of policy and legislative actions underpinning gender equality in Belgium. We lack space in this brief overview to fully describe the numerous policies and practices implemented to encourage women to remain or enter in the labour market. A large number of measures and laws described in other sections of this note have also an impact on the labour market participation of women. Equal treatment and non-discrimination, equal and gender neutral access to training or fight against gender stereotypes in education and occupational choices are also important in this perspective.

In the last decade, Belgium has shifted the focus of its labour market policies towards a more 'active' approach. Several schemes of "activation" may be considered as relevant for gender equality, as women are generally predominant in the groups targeted by these policies (unemployed and especially long-term unemployed, low-skilled, older workers,...). These "activation" policies have also been completed by a tax-credit and specific reductions of personal social security contributions explicitly aimed at improving labour market participation of (low income) women. However, the tax-credit scheme has been abandoned for employees given its counterproductive effects for women, especially those living in couples for whom the financial incentive was insufficient. The scheme has only been maintained for self-employed workers, as they do not benefit from the possibility of reduced social security contributions. For employees a new system of decreasing reductions in social security contributions has been implemented since 2005 and progressively

⁶ Walloon Decree of 27 May 2004 on the equal treatment in employment and vocational training / Brussels Capital Decree of 22 March 2007 on equal treatment in vocational training.

developed (Employment Bonus). Employees working full time are entitled to the full reduction, while part-time employees receive only half of the maximum reduction. Flanders topped up the system in 2007 by granting an extra flat-rate tax reduction.

Nevertheless, while reductions in social security contribution may improve the financial situation of women already occupied, they are less efficient in terms of job creation. In this respect, the introduction since 2004 of a system of subsidised service vouchers destined to create employment in the social economy deserves to be highlighted. The service vouchers have a positive effect on the employment in the social economy, a low paid sector where women are predominant. First, it allows them to improve their working time and job stability as employers are obliged after a number of months to offer a contract of unlimited duration for at least a half-time job. The service vouchers system gives also the opportunity for women, notably from migrant origin, to trade in the uncertain status and income of their previous activity in the black economy for an acknowledged, protected and secure employment contract. Furthermore, the system also benefits other working women by offering them the possibility to access reasonably priced household services to alleviate the traditional burden of unpaid work and possibly increase their own working time as a result (Meulders et alii, 2007).

In Belgium several projects have been dedicated to the development of female entrepreneurship. These have mainly taken the form of information and training programmes for women who desire to start their own business. The most noticeable one is a project called DIANE, started in 2000 under the European Social Fund EQUAL programme, and continued later until 2008

The Gender Act of 2007 includes several provisions aimed at improving the level of social protection of women, notably concerning the helping spouses of self-employed persons. A (limited) scheme of maternity leave has been implemented, but more essentially the affiliation of self-employed spouses to the whole system of social security is now compulsory for the self-employed. Since the 2003 Act on occupational schemes, equal access to occupational pension schemes - which in Belgium may only supplement the statutory social security schemes - was guaranteed, but only for employees. An amendment to the Gender Act of 2007 extends this guarantee to self-employed workers.

2.2. Equal participation in decision-making

Since January 2002, the Belgian Constitution formally guarantees equality between men and women (article 10) and enjoins the legislator to adopt measures designed to guarantee this equality, in particular measures fostering the equal access of men and women to elective and public offices (article 11 bis) (IEFH, 2006).

The first Belgian legal tool aiming to increase female political participation was the 'Smet-Tobback' Law of 24 May 1994 (B.M. of 1 July 1994), adopted after a lengthy and stormy parliamentary debate. This law renders illegal electoral lists with more than two-thirds of same-sex candidates (IEFH, 2007). Subsequently, after amending the Constitution, several laws have been adopted at the federal level with the aim to increase the number of female members of **federal, regional and European legislative assemblies**⁷. These laws prohibit political parties from putting forward electoral lists on which the difference between

⁷ The law of 17 June 2002 guarantees an equal presence of men and women on the list of candidates for elections to the European Parliament (B.M. of 28 August 2002); the law of 18 July 2002 guarantees an equal presence of men and women on the list of candidates for elections to the federal legislative houses and to the Council of the German-Speaking Community (B.M. of 28 August 2002); the special law of 18 July 2002 guarantees an equal presence of men and women on the list of candidates for elections to the regional Walloon Council, the Flemish Council, and the Council for the Brussels-Capital Region (B.M. of 13 September 2002).

the number of male and female candidates (incumbents or challengers) is greater than one. Belgian law also forbids electoral lists on which the first two candidates are of the same sex. Non-conforming electoral lists are invalidated. Similar provisions apply at local level in Flanders, Wallonia and in Brussels⁸.

Measures aimed at increasing women's parliamentary representation have been adopted in parallel with dispositions designed to guarantee the representation of both sexes in the country's **governments**. The presence of both men and women within the federal government is even guaranteed in the Constitution itself⁹.

The law of 3 May 2003 on the balanced participation of men and women in advisory bodies establishes an official list of agencies falling within its scope. Additionally, the law also creates an advisory committee for the evaluation of policies designed to promote gender balance within consulting bodies. Similarly, the government of the French-speaking Community adopted a decree promoting the equal participation of men and women in advisory bodies (B. M. of 13 September 2002). This decree provides that for each vacancy within an advisory body, there must be at least one candidate of each sex, and that such bodies must be made up of at least 35% members of each sex.

In Brussels, the Commission of the Flemish-speaking Community has also voted for an ordinance on a more balanced representation of men and women on advisory bodies. Similarly, in 2007, the Flemish Parliament also adopted on 13 July a decree on the equal representation of men and women on the Flemish administration's advisory and administrative bodies. The decree foresees that such bodies cannot be composed of more than two-thirds of members of the same sex. The first report of the follow up of the new quota decree is due to be presented to the Flemish Government and Parliament in July 2010.

2.3. The eradication of all forms of gender based violence

Belgian policies on **domestic violence** are coordinated by several federal-level ministries (Equal Opportunities; Justice; Internal Affairs; Public Health), as well as by Community and Regional Ministries. Since 2001, the Federal Government has implemented a policy actively combating violence against women, including intra-familial violence.

Moreover, the Justice Ministry has also adopted several legislative and administrative measures reinforcing the existing mechanisms to fight this type of violence. The law of 28 January 2003, completing article 410 of the Penal Code, provides for family housing for victims of physical violence perpetrated by their spouse or legal partner.

Two other documents reinforce the legal arsenal fighting domestic violence: the circular No. COL 3/2006 of 1 March 2006 from the Association of General Prosecutors associated with the Courts of Appeal (definition of intra-familial violence and of extra-familial child abuse, identification and recording of cases by the public prosecutor and the police); and the joint

⁸ Decree of 10 February modifying the Municipal electoral Act, the Provincial electoral Act, the act on Automated Voting and the Flemish parliament act on the monitoring of Election expenditure (B.M. of 10 March 2006); Ordinance of 17 February 2005 guaranteeing the equal presence of men and women in municipal elections (Belgian Monitor on 9 March 2005); Decree of 2005 modifying the Code of local Democracy and of Decentralization, (B.M. of 2 January 2006).

⁹ Special law of 5 May 2003 guaranteeing the presence of persons of the opposite sex in the Flemish Government, the Government of the French Community, the Walloon Government, the Government of the Brussels-Capital Region, and among the regional secretaries of state of the Brussels-Capital Region (B.M. of 12 June 2003); Law guaranteeing the presence of persons of the opposite sex in the Government of the German-Speaking Community (B.M. of 12 June 2003).

circular COL 4/2006 of 1 March 2006 of the Ministry of Justice and of the Association of General Prosecutors regarding the policy on spousal violence.

These two circulars promote the following four objectives: (i) they define the lines of force within the crime policy with regard to spousal violence; (ii) they develop a uniform system of identification and record-keeping for the police and public prosecution services; (iii) they establish minimum measures to be applied by all jurisdictions within the country; (iv) they provide officials within the police and judiciary with tools and references to help them in their work.

As far back as 2001, following the decision of the inter-ministerial conference on equal opportunities that took place on 14 November 2000, Belgium launched its first **National Action Plan Against Spousal Violence**. This plan was the Government's first attempt at coordinating actions in this domain. The latest national action plan against spousal violence has been adopted in December 2008 and covers the **2008-2009 period**. It provides for a better coordination between federal ministries and levels of governance, and has four objectives: to enhance the coordination of all intervening actors; to ensure that the existing structures will survive over time and to extend pilot programmes; to develop tools for professionals; and finally, to increase public awareness of the issue.

A new plan has been set up for 2010-2014 in cooperation with the Communities and the Regions, following consultation of the civil society. It specifies priority actions in two domains: violence between partners and other forms of intra-familial violence, the latter including forced marriages, crimes of honour and genital mutilations. The plan was scheduled for adoption last March, during an inter-ministerial conference which never took place (French Community, 2010).

The **Action Plan against Forced, Arranged and Premature Marriages**, which was initiated by the Brussels Region Minister for Social Action and Family, was launched in March last year. It was developed in collaboration with the associations active on the ground. This plan foresees initiatives in three main areas: (i) awareness raising activities among young people and their parents; (ii) training courses for professionals; (iii) the set up of a network of organisations working on the field, in order to foster the sharing of best practices, coordinate action and ensure that social workers' interventions are complimentary. This plan is supported by both the French Community and the Walloon Region. Its effectiveness will be evaluated in September 2010. Other practical measures have been implemented, such as a professional phone line for victims of domestic violence and their families (launched by the Walloon Region last November) and a national website on spousal violence to be launched in 2010 by the Institute for the Equality of Women and Men in collaboration with the French and Flemish Communities (French Community, 2010).

Another component of the fight against gender based violence consists in the elimination of human trafficking. For more than 15 years, Belgium has opted for a multidisciplinary approach integrating a suppression dimension and a humanitarian dimension for fighting against this phenomenon.

The Law of 10 August 2005 (B.M. of 2 September 2005) draws a clear distinction between **human trafficking** and the transport of migrants. These two crimes are clearly defined. It also extends the definition of human trafficking, so that in addition to transnational trafficking, the law also condemns national trafficking, which does not involve crossing the border. In addition, the law condemns abuse and exploitation (sexual exploitation, exploitation through work or begging, illegal trafficking in organs, and the commissioning of

crimes). However, it should be noted that human trafficking is not always accompanied by some form of exploitation. In order to establish an intention to exploit, it is necessary to prove that some form of exploitation was intended at the moment of recruitment, transport or lodging. This law also defines various aggravating circumstances.

The **National Action Plan against Trafficking in Human Beings 2008-2011** was prepared by the federal Ministry of Justice and adopted in July 2008. It defines objectives to be achieved in 5 main areas: (1) the legal realm; (2) in terms of prevention; (3) assistance to victims; (4) investigation and prosecution; and (5) with regard to the collecting and coordination of information. In the short term (2008-2011), this plan aims to: (i) develop a common approach of human trafficking; (ii) collect interdisciplinary information on what is done by all the departments, services and institutions involved in the fight against human trafficking; (iii) develop a coordinated strategic approach of human trafficking, based on prevention, the protection of victims, and the search for, prosecution and condemnation of trafficking individuals. Other short-term objectives include the mobilisation of public authorities at all levels around this issue and the support of new initiatives and new projects in the short run. Medium-term (2012-2016) measures include offering quality social assistance to all potential victims of human trafficking; the reduction of the 'social demand' creating some forms of human trafficking; and clear social disapproval of all forms of exploitation. The government also adopted some specific measures assisting victims (FPS Justice, 2008). **Residence permits** are granted to victims of exploitation who escaped, if they cooperate with the judiciary, and accept care from a specialized care centre (Circular of 1 July 1994 and 1997 directives, as amended in 2003). Legal protection is granted both to citizens of the European Union and third country nationals (IEFH, 2007).

2.4. The promotion of gender equality in third countries

The Law of 25 May 1999 on international cooperation sets forth the Belgian priorities in terms of development aid and insists on the importance of gender equality as one of the four dimensions that have to be mainstreamed in all development programs, irrespective of the sector covered (B.M. of 1st July 1999). The four priority areas of the Belgian development cooperation with regard gender equality are the following: health and sexual and reproductive rights; the implementation of the UN Security Council Resolution 1325 (2000) on 'Women, peace and security', including the fight against gender-based sexual violence; education, elimination of illiteracy, and professional training, and women's economic emancipation (FPS Foreign Affairs, 2002).

The **Belgian Action Plan for the implementation of UN Security Council Resolution 1325** is the results of a collaboration between the Foreign Affairs, Defense, Internal Affairs and Justice Ministries, together with the Institute for Equality Between Women and Men and the 'Women and Development' Committee (see below). The effectiveness of this plan, which was adopted in 2008, will be assessed by the civil society during the 2010 Belgian Presidency of the European Union. A second assessment has been scheduled for 2012. This plan aims at advancing gender equality through development cooperation, in particular through ensuring women's security and fostering empowerment in and outside Belgium. The plan reviews Belgian development policies, but focuses only on the aspects pertaining to gender equality. This plan underscores the importance of the fight against all forms of violence directed at women and children (in particular sexual violence), as well as the importance of conflict prevention and peace-building (FPS Foreign Affairs, 2009).

The '**Women and Development' Committee** was created in 1993 to issue advice to the Belgian Minister for Development Cooperation on gender equality issues. It can question the executive and the administration on the modalities and implications for gender equality of the Belgian development policies.

2.5. The reconciliation of private and professional life

One of the main arguments for developing **childcare** is the promotion of female employment. The provision of childcare is a key factor allowing mothers to remain on the labour market. The lack of adequate structures induces them to quit the market or to take on part-time work (causing negative effects on their life-cycle income).

In Belgium the responsibility for childcare falls within the competences of the Communities. The Federal Government intervenes with regard to minimum requirements for diplomas, beginning and end of compulsory education, pensions, tax benefits for child care costs, parental leave and career breaks. Employment policy falls under the competences of the regions. A distinction is made between care (from 2,5 years of age) and early childhood education (children from 2,5 or 3 years of age until 6 years of age) in both Communities.

In the Flemish Community, parental fees for children aged 0-2 are income-related. In exceptional cases reduced fees or attendance free of charge is possible. Childcare costs are tax deductible until the child reaches 12 years of age. In the French Community, parental fees are computed on the basis of the parents' net monthly income, taking into account reductions to which they may be entitled and effective frequentation (full day/half day).

For children aged between 2,5-3 years and 6, access to school is free during the opening hours and during school days. The enrolment rate is 90% at 2.5 years and almost 100% of the children aged 3 years. As highlighted by Meulders, the main difficulty for this age category is access to care outside of school hours and school days (Meulders et alii, 2008b).

Both Communities have developed action plans to improve the supply of child care. In the Flemish Community, an action plan was launched in 2007 to develop flexible and occasional child care by the permanent recruitment of additional staff and by increasing staff's flexibility (pooling, service vouchers, and so forth). It is believed that this action plan will create 750 full-time jobs and allow flexible or occasional care for more than 49.000 children per year. The French Community puts into practice the so-called Plan Cigogne II which is supposed to create 8.000 additional child care places for 0-2 year olds by 2010 (FPS Social Integration, 2008).

In Belgium, **provisions for leave** are relatively generous and time out of the labour market is in most cases compensated directly by the employer or by the social security institute. These are strongly regulated. We mainly distinguish maternity and paternity leave, parental leave and career break/time credit.

As to the **protection of pregnancy and maternity**, the Working Conditions Act of 16 March 1971 (which is applicable to all private and public employers and employees in the country) provides for 15 weeks of maternity leave. Maternity leave is paid at 82% of earnings during the first month of leave by the employer. The remainder of the leave is paid by the mutual insurance scheme at 75% of previous earnings. Tenured staff members in the public services remain entitled to their normal remuneration. An employee who is pregnant or has given birth may only be dismissed on grounds which are unrelated to her physical condition. The right to return to the same job is not formally guaranteed, but the

employer's failure to reinstate the employee would be seen as being equivalent to her dismissal. Self-employed mothers have a right to 6 weeks of paid maternity leave.

According to the 2001 law on employment and quality of life, Belgian employers are also obliged to grant **paternity leave**. The length of paternity leave is 10 working days to be taken during the month that follows the birth. These ten days can be taken all at once or in parts. The first 3 days are paid by the employer at a 100% of earnings. The remaining 7 days are paid by the social security agency at 82% of the employee's gross wage. This is a personal right which is non transferable. No protection against dismissal has been foreseen, which does not comply with Directive 2002/73/EC.

Full-time salaried workers in the private sector who have worked for the same employer for at least 12 months have a right to **parental leave**¹⁰ in case they are parent of a child under 12 years of age (since 2009). Parental leave can be taken at a full-time rate during 3 months, at a half-time rate during 6 months or at a 1/5-rate during 15 months. The worker is protected against dismissal during the leave.

Career breaks/time-credits were introduced by the federal government in 1985. Every employee can stop working or can reduce his or her working time for a certain period of time. The employee needs the consent of his or her employer. He/she receives a compensatory allowance from the government on condition that he or she is replaced by a fully unemployed person. This measure had a double purpose: in a period of high unemployment, the obligation to replace a worker during a career break was meant to create a redistributive labour effect. Moreover the career break aimed to improve the balance between work, family and personal life. In 1994, the Flemish government decided to grant an extra 'incentive premium' to Flemish workers taking a career break.

In 2002, the obligation to replace the worker taking a career break was cancelled and the social partners elaborated in a collective agreement a new career break for the employees working in the private sector. This new system was called "time credit" and replaced the basic federal system (still applying in the public sector)¹¹.

The career break system in the private sector gives employees the following possibilities: (i) a complete suspension or a half-time reduction with a duration of one year over the whole career (an extension is possible by a collective labour agreement but with a maximum of five years); (ii) a 1/5th working-time career reduction with a duration of five years over the whole career; (iii) a half-time or 1/5th reduction without maximum duration (available up to retirement age) for employees aged 50 and over who have been employed for 20 years or more.

In the public sector there are similar rights available in most services, where the same provisions are available, but for a longer duration than in the private sector: six years of complete suspension and six years of work-time reduction. There is no threshold with respect to the amount of people taking a career break at the same time. The statutes can however provide for certain limitations in order to avoid organisational problems (Meulders et alii, 2008b).

¹⁰ Collective agreement 64 of 29 April 1997 of the National Work Council creating a right to parental leave; Royal Decree of 29 October 1997 introducing a right to parental leave in the framework of a career break (M.B. of 7 November 1977).

¹¹ Collective agreement 77bis of 19 December 2001 replacing the collective agreement 77 of 14 February 2001 introducing time credit, career reduction and reduction of working time.

2.6. Breaking down gender stereotypes

The Communities actively fight against gender stereotyping, in particular through innovative text books and raising awareness of the issue among **teachers**, both in the course of initial training and during continuing **courses**.

Flanders worked primarily on improving women's access to vocational training, training on science and technology and continuing education, and have implemented an online database of available courses and training programmes (www.wordwatjewil.be). Other initiatives include the publication of the *Gen-BaSec* manual for schools willing to implement a gender policy covering a wide array of educational aspects, with suggestions for further steps and good practices. Gender-sensitive instruments for human resources planning and management have also been developed by/for universities in order to increase the number of female academics/professors (Flemish Community, 2010).

In 2005, the French Community adopted an action plan fostering equality and gender diversity at all educational levels, with strategic objectives including more gender equality in access to education and in performance levels. Primary and secondary school teachers' education now includes 30 hours of theoretical and practical training 'on cultural diversity and the gender dimension'. Since 2006, school text books are tested for gender stereotypical content and schools can obtain subsidies when purchasing manuals declared free from gender stereotypes (French Community, 2008).

Both the federal government and the Communities have adopted measures promoting non-stereotypical depictions of men and women **in the media**, encouraging the latter to take part in breaking down gender discriminations and stimulating public debate on the role that mass communication can play in the fight against sexism (Van den Bulck, 2009). The 2003 Law on the fight against discrimination forbids the dissemination of all discriminatory content.

In the French Community, the broadcasting of illegal content, content that is contrary to the general interest, violates human dignity or inspires discrimination, hatred or violence is forbidden. Public authorities have also sponsored studies (« Jeunes, sexisme et Médias ») and public awareness campaigns (« Stéréotype toi-même ») on sexist content, gender stereotypes and the media. In the Flemish Community, a 1995 University of Antwerp study financed by the Flemish Equal Opportunities Minister set up a theoretical framework and elaborated tools raising gender awareness among media and advertisement professionals. The Flemish public broadcaster continues to use this study today.

In 2006, the Senate also adopted a resolution on the depictions of women and men in advertisement, asking the government to reinforce the profession's disciplinary code, notably by inviting the JEP to commit to 'be particularly vigilant' with regard to advertisements that could potentially inspire sex discrimination.

3. CONCLUDING REMARKS

Belgium has a wide arsenal of laws and policies aimed at promoting gender equality. Nevertheless, gender gaps are still important and women remain disadvantaged in comparison with their male counterparts. The complex institutional structure of the Belgian State contributes also to a certain fragmentation of gender equality policies through the different levels of powers. However, some positive signs have been observed in the long road to gender equality. Political will, both at the national and sub-national levels, is higher

now than in previous years as demonstrated by the intensity of the legislative activity in this field. The legal framework has been clarified and unified since the introduction of the "Gender Act" in 2007. Gender mainstreaming is now part of the Belgian political landscape, thanks to the so-called "mainstreaming law" of 2007 and the generalisation of specific mainstreaming units in nearly all political institutions. The creation of the Federal Institute for Equality between Women and Men is also a significant progress for gender equality in Belgium. However, it seems that there are still cultural and policy barriers to the incorporation of a genuinely mainstreamed approach of gender equality.

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