



Quality in Gender+ Equality Policies

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1) Review of equality policies and responsible institutional structures

1a) History of equality law and policy

Legislation as regards the equality between men and women has been passed in Belgium since the 1850s. However, initially these laws did not aim at or stem from actual gender policy structures or machineries, only towards the 1970s did gender equality gradually become an actual policy area. Throughout this process, the European Union and the United Nations as well as civil society with its numerous (women's) organizations have played an important part. Today they still are important actors.

Timing, content, controversy and shifts

In Belgium, equality between men and women became integrated into law from the 1850s and initially addressed issues such as education, employment, civil rights, and political rights. In 1851, for example, husband's obligation to share money with their wives was stipulated. In 1876 women were granted the right to practice some branches of medicine and in 1890 academic degrees became open to all women, by law. Next to these specific laws, there were several other legal proceedings relating to equality of men and women during the nineteenth century. In the twentieth century many laws in relation to the equality between men and women continued to be adopted. In 1900, for example, married women were granted the right to save money. Between that moment and the beginning of the 1970s, when gender equality as such became a Belgian policy area, several other important laws as regards the equality between men and women were passed. Significantly, these laws mainly addressed two issues, namely equal pay for men and women and women's right to vote. The law of April 1920 entitled women to vote locally, and in 1948 women finally acquired universal suffrage. In 1921 equal pay for male and female teachers was stipulated, and in 1957 Belgium ratified the Treaty of Rome, containing article 119 on wage equality between men and women. Moreover, an important incident startled the country in 1966 when the female workers of Fabrique National (FN¹) in Herstal decided to strike for three months in order to actually obtain equal wages.

In the late 1960s and early 1970s women's status on the labour market became a specific legal issue. In 1969 dismissal in the case of pregnancy or marriage was legally forbidden. Two years later, in 1971, the principle of equality between men and women was introduced in the pension system. Other matters such as contraception were addressed in the same period. In 1973 a Royal decree on contraceptives was adopted, liberalizing them. A year later, in 1974, a law was

¹ A list of all the abbreviations used is added at the back of this report.

passed which stipulates the equality between men and women or fathers and mothers in connection with parenting.

Even though a considerable initial impetus was given throughout the nineteenth and twentieth century, most acts and laws on gender equality originated between the 1990s and now. In 1990 abortion was no longer considered a criminal offence. In 1994 the law Smet-Tobback was voted, improving women's political participation. 2002 was an important year because the *quotawetten* or laws on quota were adopted. As a result of the introduction of parity, it was stipulated that executive bodies should include men and women.

A crucial and recent moment in (gender) equality law in Belgium was the passing of the discrimination law of February 2003. This law stipulates that one should not discriminate people on the basis of sex, race, colour of skin, origin, sexual orientation, registry of birth, marriage, birth, wealth, belief or religion, disability, or physical characteristic. In this law not only gender equality but other axes of inequality were addressed as well. As to gender equality, in 2002, parity was added to the Belgian constitution by the following sentence: 'The equality between men and women is guaranteed'. In November 2006 an important bill on gender mainstreaming was adopted: from that moment on, gender will be considered throughout the decision-making process and the operational process. On 10 May 2007, the federal Minister of Equal Opportunities, Christian Dupont, and the Minister of Justice, Laurette Onkelinx, introduced a set of new anti-discrimination laws. These laws deal with the battle against certain forms of discrimination, and the battle against discrimination on the basis of sex. One of the laws concerns the modification of the Legal Code on grounds of the battle against discrimination and to penalize certain actions based on racism or xenophobia.

Gender equality has been a main focus in politics, but over recent years equality policies were not exclusively aimed at men and women and new target groups were added. Kathleen Van Brempt, the current Flemish Minister of Equal Opportunities for example, does not only address women and men, Her policy also considers allochthonous persons, homosexuals, disabled persons, and age. The federal Minister of Equal Opportunities addresses both women and the multicultural society. The emphasis shifted from equality policy as regards men and women towards diversity policy.

Relationship of (gender) equality policies to EU and UN

Belgium was a founding member of the European Economic Community, the precursor of the European Union. Together with the neighbouring countries of the Netherlands and Luxembourg it already formed the Benelux as of 1944. The influence of Europe as regards equality policies started in 1957 with the Treaty of Rome which laid down equal pay for men and women ([article 119](#)). Belgium ratified the Treaty in the same year. Because not all member states did immediately ratify the Treaty, several directives were added up until the 1970s. In the mid 1970s the

Consultative Committee for the Status of Women, which was linked to the Ministry of Foreign Affairs (also see 'History of equality mechanisms'), was assigned to guard the implementation of international guidelines for women's emancipation in Belgium. In August 1978, for example, a law was adopted in Belgium which was based on European directives as regards equal pay for equal work (1975) and equal treatment when entering the labour market, professional training, chances of promotion and terms of employment.

As Oliver Treib and Gerda Falkner point out in their studies on the four worlds of compliance, in implementing policies of the EU-level Belgium is one of a group of countries denoted 'world of domestic politics'. This means that Belgium timely and correctly transposes EU-directives, if no domestic concerns dominate. The main obstacle thus is the political resistance at the transposition stage (Treib and Falkner 2007, p. 13).

The European directive 2000/43/EC implements equal treatment of persons, irrespective of their racial or ethnic origin as regards employment and access to goods and services. This Racial Equality Directive defines both direct and indirect discrimination. In a communication of the Commission of the European Communities to the Council and the European Parliament, Belgium is said to 'have gone beyond the requirements of Directive 2000/43/EC in setting up equality bodies that deal with *all* the grounds of discrimination covered by EU anti-discrimination law and/or more general human rights instruments' (Commission of the European Communities 2006, p. 5).

The European Employment Equality Directive 2000/78/EC was transposed into national Belgian legislation as well, but not entirely. A group of four countries, including Belgium, notified the European Commission that they would use the optional three years for the matter of age. Belgium belongs to the minority of European member states that have transposed the Racial Equality and Employment Equality Directive into domestic (federal, regional and communal) legislation as well as the criminal code. The two directives diverge in the federal discrimination law of 25 February 2003 which aims at more inequalities than those stipulated by Europe. The Belgian law stipulates that one should not discriminate people on the grounds of sex, race, colour of skin, origin, sexual orientation, registry of birth, marriage, birth, wealth, belief or religion, disability, or physical characteristic. This law also amends the law of 15 February 1993 on the establishment of the Centre for Equal Opportunities and combating Racism. The recent law, of 10 May 2007 on the battle against certain forms of discrimination now fully transposes the Employment Equality Directive.

The amendment to gender equality, named the Directive 2002/73/EC amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions was only recently transposed into Belgian legislation. The law of 10 May 2007 on the battle against discrimination on the grounds of sex was transposed together with the Directive 2004/113/EG implementing the principle of equal treatment between men and women in the

access to and supply of goods and services. The Institute for equality between women and men (*Instituut voor de Gelijkheid van Vrouwen en Mannen*, abbreviated to IGVM) played an active role in raising this matter with the Belgian government.

As these transpositions show, the European Union but also the United Nations – especially the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Beijing Women's Conference – have always been of great influence as regards the implementation of (gender) equality policy in Belgium. In 1980 Belgium signed CEDAW and in 1985 it ratified the convention. Furthermore, children's rights – as laid down by the UN – are adopted by the Flemish Minister of Equal Opportunities, who considers 'age' to be one of her policy's target groups.

In March 1996 a federal law was passed on monitoring enforcement of the resolutions of the Fourth World Conference, held in Beijing. A year later, on 13 May 1997, this was followed by a Flemish decree. Moreover, around 1999, Beijing was the main trigger to introduce gender mainstreaming within Belgium's federal policy. Recently, on 12 February 2007 a law was passed to integrate a gender dimension in all federal policy competencies and to revise the monitoring of the implementation of the resolutions of the Women's World Conference in Beijing (1995). From this moment on, the yearly reports on Beijing were replaced by reports every two years.

Women's organizations and unions

Even though the women's movement was a key actor in pressing home the demand for gender equality structures within government in the 1980s (see 'History of equality mechanisms'), Robert Plasman and Salimata Sissoko point out that 'the policy on equality between women and men is mainly conducted by government. There seems to be a lack of participation of non-governmental organisations in efforts aimed at gender equality. They have mainly an advisory role and are consulted on certain points' (Plasman, and Sissoko 2001, p. 13). In this respect, Magda Michielsens points out that currently feminist matters have entered politics and organizations, but have lost their broad foundation and are no longer restricted to a radical life on the streets as they were in for example the 1970s (Michielsens 2005, p. 132). However, some new kinds of women's organizations – e.g. FC Poppensnor and NextGeneration – have been established and are connected to the environmental and anti-globalisation movement.

Joke Wiercx went on a quest for the women's movement in Flanders, asking which themes does it address? How do they organize themselves and which methods do they utilize? Her starting point proves that there are a lot (about 900, based on documentation by Amazone) of organizations that address women or aspire to the equality between men and women in a broad sense (Wiercx 2005, p. 63). Several of those organizations are financially supported by government. Others do not receive grants, and as Wiercx points out, are looking for means to operate more smoothly (Wiercx 2005, p. 64). Next to this obstacle, women's organizations do

not engage in spectacular actions anymore, but nevertheless succeed in pressing home important changes as was clearly shown during the abortion debates which resulted in the adoption of the abortion law in 1990 (Wiercx 2005, 71).

The initial grouping of women in women's organizations was both autonomous and connected to political standpoints. From the end of the 19th century on, there were socialist, Christian and liberal women's organizations such as the *Nationale Federatie van Socialistische Vrouwen* (the National Federation of Socialist Women) and the *Katholieke Arbeiders Vrouwen* (Catholic Workers' Wives, abbreviated to KAV). In 1892 Marie Popelin, Isala Van Diest and Louis Frank established *la Ligue Belge du Droit des Femmes* (the Belgian League of Women's Rights). This women's organization aimed at legal equality between men and women.

The 1970s was an important era for the Belgian women's movement. In this period the most eye-catching movements were the *Dolle Mina's* (in Flanders) and the *Marie Mineurs* (in Wallonia) who organized playful events such as 'the right to lung cancer'. But in the same period other organizations existed, such as the *Pluralistische Actie Groepen* (pluralistic action groups, abbreviated to PAG). The PAG aimed at the improvement of women's position and situation and united members of all (political) convictions. In 1974 a feminist political party was established, but it did not do well during the elections.

Political convictions have always been of great importance, but today several important pluralistic women's organizations still exist. The *Conseil des Femmes Francophones de Belgique* (Council of Francophone Belgian Women, abbreviated to CFFB) is a non-profit organisation which groups and represents over fifty organizations and individuals, and collaborates with other organizations on federal, communal, regional and international level. Comparably, Flanders has the *Nederlandstalige Vrouwenraad* (Dutch-speaking Women's Council, abbreviated to NVR). It is a non-profit umbrella organization for all associations working for equal opportunities as regards gender, age, origin, sexual orientation, conviction and so on. The Women's Council informs the public, consults politicians, and exerts pressure. Moreover, the organization guards the implementation of the resolutions of UN conferences and the UN Convention. Both the CFFB and NVR were established as one party in 1905, the *Nationale Vrouwenraad van België* (the National Women's Council of Belgium). In 1974 the current division emerged. Other important pluralistic women's organizations are the *Vrouwen Overleg Komitee* (Women's Consultation Committee, abbreviated to VOK) and the *Comité de Liaison des Femmes* (the Committee of Women's Collaboration).

Amazone is a non-profit organization which was founded in 1995 by the federal Minister of Equal Opportunities Miet Smet. Until now, Amazone has been granted a subsidy by the federal government. It is a meeting point for women and women's organizations, and a resource centre for the equality between women and men. The centre provides a meeting place, congress centre, restaurant and a documentation centre. Many women's organizations hold office in the Amazone building (e.g. Sophia, *Nederlandstalige Vrouwenraad*, *Comité de Liaison des*

Femmes and VOK). Amazone aims to support NGOs and women's organizations which aim at improving the equality between men and women.

The non-profit organization Sophia was founded in 1989 and is a Belgian coordinating network for women's studies. Through its website and activities Sophia establishes a network between Flemish and Francophone researchers, policy makers and the women's movement. The most important activity of Sophia consists of a website that provides information on women and gender studies (e.g. research, publication, teaching, training, conferences) in Belgium. Sophia is subsidized by the Institute for the equality between women and men. Towards the end of 2006 for example they organized a petition because the Flemish university education women's study no longer receives grants and will end in 2007. The petition was signed by over one thousand people, but did not bring about change.

Next to women's organizations within Belgian political parties, the Belgian unions also have women's organizations. In 2004, ACLVB-CGSLB (liberal trade union), ABVV-FGTB (socialist trade union) and ACV-CSC (Christian trade union) signed a gender charter. This charter stipulates that the trade unions will work at equal opportunities between men and women and that they will deal with the underrepresentation of women in the trade unions as well.

1b) History of equality mechanisms

Belgium, federal state since 1993

Federal Belgian government (1)	
3 Regions:	3 Communities:
Flemish region	+ Flemish community = 1 government (2)
Walloon region government (3)	Francophone community government (4)*
Brussels, the capital city, region government (5)	German-speaking community government (6)*

* No specific (gender) equality policies or structures in these governments

(1) Federal Ministers of Gender Equality

- 1985-1992 Government Wilfried Martens VI, VII, VIII, IX (CVP):
Miet Smet (CVP): State Secretary of (Environment and) Social Emancipation
- 1992 -1999 Government Jean-Luc Dehaene I and II (CVP):
Miet Smet (CVP): Federal Minister of Employment, Labour and Equal Opportunities
- 1999-2003 Government Guy Verhofstadt I (VLD):
Laurette Onkelinx (PS): Federal Minister of Employment, Labour and Equal Opportunities (+ vice Minister)
- 2003-2007 Government Guy Verhofstadt II (VLD):
Marie Arena (PS): 2003-2004, Christian Dupont (PS): 2004-2007
Federal Minister of Civil Services, Social Integration, Metropolitan Policy and Equal Opportunities
- 2007-2011 Elections 10 June 2007: new government has not been formed yet

(2) Flemish Ministers of Equal Opportunities

- 1995-1999 Government Van den Brande (SP)
Anne Van Asbroeck (SP) 1995, Brigitte Grouwels (CVP) 1997
Flemish Minister of Equal Opportunities and Brussels
- 1999-2003 Government Patrick Dewael (VLD) 1999 and Government Somers (VLD) 2003
Mieke Vogels (Agalev) 1999, Adelheid Byttebier (Agalev) 2001
Flemish Minister of Welfare, Health and Equal Opportunities
- 2004-now Government Yves Leterme (CD&V) 2004 and Government Kris Peeters (CD&V) 2007
Kathleen Van Brempt (SP.A)
Flemish Minister of Transport, Social Economy and Equal Opportunities.

(3) Walloon Ministers of Equal Opportunities

- 2004-now Government Jean-Claude Van Cauwenberghe (PS) 2004, Government Elio di Rupo (PS) 2005 and Government Rudy Demotte (PS) 2007

Christiane Vienne (PS)

Walloon Minister of Welfare, Social Action and Equal Opportunities

(5) Brussels' State Secretary of Equal Opportunities

2004-now Government Charles Picqué (PS)

Brigitte Grouwels (CD&V)

State Secretary of Equal Opportunities, Civil Services and the Port of
Brussels

België is goed voorzien van gelijke-kansenstructuren, althans kwantitatief gesproken.

Quantitatively spoken, Belgium is well sorted in equal opportunities machineries.
(Celis and Meier 2006, 87)

As this quote by Karen Celis and Petra Meier and the scheme stated above indicates, Belgium has a complex federal structure with six governments on federal, regional and communal levels. Since 1993, Belgium is a federal state with a federal government, comprising the country as a whole (1). Next to this federal government, the regions – based on language – on the one hand, and communities – Flanders, Wallonia and Brussels, the capital region – on the other, have different governments. In Flanders for that matter, the Flemish region and Flemish community have joined in one Flemish government (2). The third government is that of the Walloon region (3), the fourth is the Francophone community (4). Brussels, the capital Belgian city has a region government as well (5). And finally, the German-speaking Belgians are represented in their own community government (6). On the federal and regional level, gender equality structures have been embedded. With the exception of the Flemish community (which has joined with the region as mentioned above), the Belgium communities do not have gender equality machinery or structures.

Federal (1)

In 1974 a Royal decree laid down the foundation of a *Commissie Vrouwenarbeid* (Women's Labour Committee)². The Committee was actually founded during 1975 and was attached to the Ministry of Labour and Employment. Its assignment was to give advice, research and propose legal or regulative measures concerning everything that is (in)directly connected to the issue of labour by women. Moreover a Consultative Committee on the Status of Women was founded within and attached to the Ministry of Foreign Affairs. This Committee was only founded after the UN's World Conference on Women in Mexico (1975), which was an important impetus as regards the foundation of the initial structures on equal opportunities. The Committee was assigned to assure and monitor the implementation of international guidelines for women's emancipation in Belgium. It was attached to the Ministry of Foreign Affairs. These two committees or advisory boards can be seen as trendsetters, but they cannot be considered as independent policy-makers. Notwithstanding, they actually placed the gender issue on the political agenda.

1985 is often considered the start of official equality policy in Belgium since a State Secretary of (Environment and) Social Emancipation was appointed. Miet Smet, of the Flemish Christian Democratic Party (*Christelijke Volkspartij* –

² An overview of the functioning and composition of all committees and boards within Belgian policy-making can be found on the following websites: www.dekamer.be, www.senate.be and www.raadvandegelijkekansen.be.

abbreviated to CVP) had founded *Vrouw en Maatschappij* (Woman and Society), the women's organization of the CVP. She was a key figure in the majority party of that moment and was appointed State Secretary of Environment. She asked for and added the policy area of Social Emancipation. This demand was pressed home by the Belgian women's movement and was denoted in the slogan *Een ministerie voor vrouwenzaken of we gaan de wetstraat kraken!* (A Ministry for Women or we will break down the Wetstraat³). The function of State Secretary remained until 1992, when the first government of Jean-Luc Dehaene was formed. Miet Smet got a promotion within government and now became minister. Therefore the shift of State Secretary towards Federal Minister of Equal Opportunities was brought about by the promotion of the person who held the post, not by a promotion of the policy area as such. From this moment on, Miet Smet was Minister of Employment, Labour and Equal Opportunities until 1999.

In 1999 the agenda was passed on to Laurette Onkelinx of the Walloon socialist party (*Parti Socialiste* – abbreviated to PS). However, this did not happen without a striking blow. During the coalition negotiations and government formation of that year, the Minister of Equal Opportunities was 'forgotten' in the appointments. Laurette Onkelinx added the equal opportunities agenda to her function as Minister of Employment and Labour. Since Onkelinx was vice Minister, Equal Opportunities now became a part of the inner cabinet. Ever since 1999, the federal Minister has remained socialist and Walloon (1999-2003 Laurette Onkelinx, 2003-2004 Marie Arena, 2004-2007 Christian Dupont). The elections of 2003 caused a stir again because the ministerial post of Equal Opportunities was forgotten for a second time. In June 2007 elections were held. Towards the end of July 2007, the new government had not yet been formed and consequently the new federal Minister of Equal Opportunities was not yet appointed.

The current federal equal opportunities policy of Christian Dupont is divided in four sub-issues: asylum, equality between men and women, anti-discrimination and interculturality. In the first part of his policy, refugees and migrants are addressed. The second part – on the equality between men and women – mainly focuses on gender mainstreaming. The Ministry however, also pays attention to violence between partners. Concerning anti-discrimination, Christian Dupont does not only address the gender aspect of discrimination. His policy refers to the anti-discrimination law of 2003. This law stipulates that one should not discriminate against people on the basis of sex, race, colour of skin, origin, sexual orientation, registry of birth, marriage, birth, wealth, belief or religion, disability, or physical characteristic. The last sub-issue within equal opportunities concerns interculturality. A part of Dupont's policy is aimed at migrant women, but the main focus is on interculturality in general. Interculturality is described by the coalition agreement as connected to the dialogue between people of different cultures and cooperation in an atmosphere of sincerity, tolerance, meeting and mutual respect. Society should be convinced of diverse sensitivities, origins and cultures that are continually

³ The Wetstraat (Brussels, Belgium) is the street of the Belgian parliament and is often used to refer to the Belgian (from 1995: federal) government.

developing, and adhere to mutual, fundamental values of the constitution and human rights (www.christiandupont.be, accessed in May 2007).

While at the Flemish level gender mainstreaming was an instrument used from the beginning, at the federal level it was only introduced in 1999 (Decat and Hondeghem 2006, 30). The first Minister of Equal Opportunities had not been an advocate of gender mainstreaming. Her successors however were influenced by Beijing. In 1997 a law was passed in Belgium on the compliance with the Beijing action platform. Until 2003, gender equality was the main theme of federal gender equality policies. Since the elections of that year, a diversity policy was introduced. Men and women were no longer the only focus of the federal minister. From this moment on, during the term of Marie Arena, migrants and disabled persons were introduced in the policy area.

Between 1985 and 1999 three issues were addressed: women on the labour market, fighting violence against women and the participation of women in decision-making. The policy most often had a broad and paradigmatic shape (Nelen 2001, 16). The State Secretary had two tasks. The first one was to improve activities which address the equality between men and women. The second was to focus attention amongst other ministries and state secretaries to the equal opportunities principle within their policies. This sounds like gender mainstreaming, but this remains a rather theoretical given. In real terms, Miet Smet focused on the first task (Nelen 2001).

In 1993, the former Women's Labour Committee joined with the *Emancipatieraad* (Emancipation Board) under the name *Raad van de Gelijke Kansen voor Mannen en Vrouwen* (Board of Equal Opportunities between men and women). This federal advising board was founded in 1993 by a Royal decree and is a policy instrument to actually realize equality between men and women. Ten years later, Laurette Onkelinx established, next to the Board of Equal Opportunities between men and women, the *Instituut voor de Gelijkheid van Vrouwen en Mannen* (Institute for equality between women and men, abbreviated to IGVM). The Institute started in 2003 and monitors equality between women and men. It replaces the former federal administration, but does not have the classic structure of a government's administration since it has other competences as well. However, it remains dependent of the cabinet within several areas.

Since the state reform of 1993, Belgium is a federal state. In 1995 the regional parliaments were elected directly for the first time. From this moment on Flanders had a Minister of Equal Opportunities. The other regions and communities followed this example later or not at all. Within the Francophone Community, the Prime Minister deals with equal opportunities. The German-speaking Community does not have a Minister of Equal Opportunities. Moreover, most of the Belgian parliaments (except the parliament of the German-speaking Community) have a Commission on Equal Opportunities. In 1987, on the federal level, the Advisory Committee for Social Emancipation was founded, which was replaced in 1995 by an Advisory Committee for Equal Opportunities between Men and Women.

Flemish (2)

In 1995 Anne Van Asbroeck of the Flemish Social Democrats was appointed as the first Flemish Minister of Equal Opportunities. At the same time a *Cel Gelijke Kansen* (Equal Opportunities unit) was installed in the Flemish administration. Van Asbroeck shared her function as Minister of Equal Opportunities and Matters as regards Brussels with Brigitte Grouwels (CVP). Between 1999 and 2004 respectively Mieke Vogels and Adelheid Byttebier of Agalev were Ministers of (Welfare, Health and) Equal Opportunities. Since 2004 Kathleen Van Brempt of the socialist party (*Socialistische Partij Anders, with subtitle Sociaal Progressief Alternatief* – abbreviated to SP-A) is Minister of (Transport, Social Economy and) Equal Opportunities.

The strategies and target groups of the different Flemish Ministers have changed and evolved quite a lot throughout the years. The policy of Anne Van Asbroeck still aimed at women and men, but the target group of 'equal opportunities' slowly enlarged with other inequalities such as migrants, LGBT people, disabled persons, and age. As regards strategies and instruments, the different Ministers have had different opinions. Mieke Vogels was an advocate of for example quotas, whereas the current Minister, Kathleen Van Brempt, opposes them and opts for soft strategies. However, certain issues, such as the position of women in the labour market and in politics, have been focused on throughout the years. Furthermore, as Karen Celis and Petra Meier point out in their study, the budget for Equal Opportunities in Flanders has increased, in fact tripled, but it is fairly limited in comparison to the federal level or other policy areas. (Celis and Meier 2006, p. 90)

The current Flemish equal opportunities policy believes in actions in order to promote equal opportunities, and aims at five specific groups: men and women, migrants, LGBT people, disabled persons and age (www.gelijkekansen.vlaanderen.be, accessed in May 2007). Legally, according to the Ministry, men and women are equal, but in real terms women are often confronted with prejudices and role patterns. The Ministry points out that women only earn one third of men's earnings, they are underrepresented in management functions, and they work part-time to reconcile their care work with paid work. Flemish equality policy addresses women's engagement in the decision-making process and cooperates with NGOs. As regards migrants, the Ministry works at a positive representation/image of migrants, and especially cooperates with migrant women's organizations. Migrants are encouraged to participate in society and Flemish policy wants to raise their consciousness. Moreover, structures are supplied to draw migrants into the preparation and realization of policies. In connection with the target group LGBT people, the Flemish Ministry believes it is crucial to address prejudices and ignorance. 'Coming out' is considered important, since it not only liberates the individual, it is also a means to increase the awareness and acceptance in society. Equal opportunities policy wants to gain a deeper insight into the problem in order to address it. Disabled persons are almost an 'invisible' target group of Flemish equal opportunities policy since this minority group is often banned from ('mainstream')

education, the labour market, public transportation and leisure, and does not interact with society. The Ministry wants to improve the image of disabled persons and aims to improve accessibility. The last target group is age, including both children and older people. The starting point of policy concerns the equality of people of all ages. Older people are not only people to be cared for, they have a life of their own. As regards to children, the Flemish equal opportunities policy ratifies the UN's children's rights and aims to reduce fundamental legal inequality of children.

Belgian Communities and Regions

In the other communities and regions in Belgium, little attention is paid to equal opportunities. Since 2004, the Walloon government (3) has a Minister of (Welfare, Social Action and) Equal Opportunities (Christiane Vienne, of the socialist party PS). She only has one advisor and does not have administrative support. Wallonia has an advisory body, which can be compared to the *Raad van de Gelijke Kansen voor Mannen en Vrouwen*: the *Conseil Wallon de l'Égalité entre Hommes et Femmes* (The Walloon council of equality between men and women). In 1996 the Walloon parliament installed an Advisory Committee for Equal Opportunities.

As regards Brussels, the Capital Region (Brussels Hoofdstedelijk Gewest)(5), in 2001 the Ministry of Brussels, the Capital Region, appointed a service concerning the equality between men and women. In 2004, the government of the Capital Region appointed former Flemish Minister of Equal Opportunities Brigitte Grouwels as the State Secretary of Equal Opportunities (, Civil Services and the Port of Brussels). She has a staff of three persons, but does not have administrative support. Moreover in 2002 the Capital Region installed an Advisory Committee for Equal Opportunities. The State Secretary however has an Equal Opportunities Action Plan. It consists of nine action items within four categories: women and decision-making, women and employment, women and safety, and mutual respect between men and women.

The Francophone Community (4) does not have a Minister or State Secretary of Equal Opportunities rather the Minister-President is responsible for the matter. However, in the cabinet, nobody deals with the matter. The administration of the Francophone Community however has a department for equal opportunities which can be compared to the Flemish 'sister'. Its budget and tasks, however, are more restricted. In 1997 an Advisory Committee for Equal Opportunities was installed. The German-speaking Community (6) does not have a structure as regards equal opportunities.

Assessment tools

Gender budgeting, a technique which was originally used for international development cooperation, has been implemented in Belgium as well. It is applied as a tool to sensitize government concerning the impact of the budget on women (and

men), to raise civil awareness concerning the budget, and to improve the spending of public money in order to work towards equality between men and women. As Magda Michielsens points out in her book *Gelijkheid en ongelijkheid in België*, 'many demands remain within this domain, but gender budgeting is an important scientific and political development' (Michielsens 2005, p. 143). Between 2002 and 2003, Annie Cornet of the University of Liège (Wallonia) and Nathalie Holvoet of the University of Antwerp (Flanders) have supervised a gender budgeting project at the federal government. All cabinets and administrations have taken part in professional trainings, an inventory has been made of the data to make gender analyses and several cases have been elaborated upon. The Institute for the equality between women and men is responsible for the follow-up. No results have yet been reported.

Not only gender budgeting – which can be seen as a variant of gender mainstreaming (Celis and Meier 2006, p. 150) – is implemented as a tool to evaluate (gender equality) policy. On the Flemish level, the *Emancipatie Effect Rapportage* (Emancipation Effect Report, abbreviated to: EER) was introduced in order to test policies for compatibility with gender effectiveness. The EER consists of a questionnaire which goes through the process of policy and aims to raise decision-makers' awareness on the consequences of their policy for several groups of people in society. The website on Equal Opportunities in Flanders states that 'decision-makers do not intend to discriminate, but it is striking that policies are often oriented towards forty-year old married, heterosexual, white male citizens with two children' (www.gelijkekansen.vlaanderen.be, accessed in May 2007). The EER aims to adjust this. However, the actual use of the Emancipation Effect Report is not evident and encounters resistance. The brochure *De EER van ons beleid. Emancipatie-Effect-Rapport. Meer kans op Gelijke Kansen* (The honour of our policy. Emancipation Effect report. More chances at equal opportunities) of 2001 attempts to break the ice.

The EER was introduced by the Flemish Minister of Equal Opportunities Anne Van Asbroeck in 1996. During the Beijing UN's Women's World Conference a year before, in 1995, gender impact assessments were highly recommended and this impulse had triggered the introduction of a Flemish instrument. The EER was based on an example used in the Netherlands, which had been implemented in the neighbouring country in 1994. The idea of a gender impact assessment was compatible with the new Flemish logic of creating a modern government (the Flemish *Beter Bestuurlijk Beleid* (BBB) or Improved Government Policy, a modern way of managing policy problems in a rational and efficient way). Van Asbroeck's successor, Brigitte Grouwels, based the Local Emancipation Effect Report (abbreviated to LEER) on the initial EER and decided to implement this during her term. The EER was originally intended for Flanders, but since equal opportunities is a matter of all levels and domains, local policy was addressed in the LEER. The instrument was produced by both the non-profit training organization Impuls and the *Vereniging van Vlaamse Steden en Gemeenten* (Association of Flemish Cities and Municipalities, abbreviated to: VVSG). In 2000 an implementation plan was added and Equal Opportunities in Flanders subsidizes local governments to organize LEER-trainings. The LEER can be seen as the elaboration of the first stage of the EER, with the

stress on a discourse of difference. The LEER received a new impulse when Mieke Vogels became the new Flemish Minister of Equal Opportunities, which resulted in the revision of the original EER which now became more accessible. The instruments are to be used on a voluntary basis. In terms of impact on policy, no results have yet been described.

On 20 April 2006, an ordinance was issued, on a yearly evaluation report. Starting in 2006, every year, the government has to formulate an evaluation report on its policy as regards equality between men and women.

2) Issue histories / policy timelines

2a) Non-Employment

Introduction

In 1974 a Royal decree (*Koninklijk besluit⁴ van 2 december 1974 houdende oprichting van de Commissie Vrouwenarbeid*) stipulated the foundation of a Belgian *Commissie Vrouwenarbeid* (Women's Labour Committee). The Committee was attached to the Ministry of Labour and Employment and was assigned to give advice, research and propose legal or regulative measures concerning matters which are (in)directly connected to women's employment. The establishment of this Committee can be interpreted as the onset of gender equality machinery or gender-based institutional structures in Belgium (see part 1b of this issue history). Consequently, labour or employment has been closely connected to gender policy in Belgium throughout the Quing-period. Miet Smet for example, who was Minister of Equal Opportunities between 1992 and 1999, was also Minister of Labour, and employment therefore comprised an important part of her gender policy.

Issues such as the equal treatment of women and men, and the protection of mothers or married women as regards employment had already been addressed before the establishment of gender equality machinery within Belgian government. In the 1960s and 1970s two major laws were adopted with respect to women and employment. Dismissal of a pregnant or married woman or a woman who is going to marry had already been legally forbidden in 1969. Two years later, in 1971, the principle of equality was introduced in the system of unemployment benefits.

The issues involving (non-)employment are manifold and diverse, concerning among other things different kinds of leave, benefits, and the equal treatment of men and women in the (access to) the labour market. However, an issue that has not been translated into legislation yet, but is debated, is lactation leave. Currently, this kind of leave is simply a favour of the employer: employees who want to breastfeed their children are allowed to take unpaid lactation leave if their employer permits this. No statutory regulations have been made yet. However, when the employee's work is damaging to the child's health, lactation leave is legally permitted. In this case, the national health service provides a benefit of 60 percent of the mother's monthly wages (which is limited to 2529,39 euros gross a month).

In Belgium, the topics within non-employment most relevant for the QUING-project comprise:

- Benefit policies: the law and Royal Decree of July 1996 are of relative importance within this topic, since they equalize the pensionable age for men and women.
- Care work: the most important laws as regards care work are dealt with in the part on reconciliation of work and family or private life.
- Reconciliation of work and family or private life: the Royal Decrees introducing parental leave in the private sector (1997) and modifying this (2005), and the law (1999) on parental leave in the public sector, together with the laws introducing

⁴ A *Koninklijk Besluit* or Royal Decree provides a federal law with measures to realize or implement a law.

loopbaanonderbreking (career break 1998) and *tijdskrediet* (time credit 2001) are the most important texts of law on reconciling work and family or private life. Lacking is legislation providing part-time workers (especially women) a better status.

- Equal treatment and access to employment: Miet Smet's law of May 1999 and the anti-discrimination laws of February 2003 and May 2007 are of great importance since they aim, among other things, to guarantee equal treatment and access to employment.
- Equal pay / wage gap: the aforementioned law of May 1999 addresses the topic, but better legislation on this topic is demanded by women's organizations and certain politicians.

Benefit policies

Before 1996, women and men were treated differently by the Belgian pension laws on the basis of age. The law of June 1996 to interpret the law of 20 July 1990 to implement a flexible pensionable age for employees and to adapt the employee pensions to the evolution of the common good (*Wetsontwerp tot interpretatie van de wet van 20 juli 1990 tot instelling van een flexibele pensioenleeftijd voor werknemers en tot aanpassing van de werknemerspensioenen aan de evolutie van het algemeen welzijn*) still clearly indicated this, since this interpretative law denotes that women and men have different pensionable ages: men can retire at the age of 65, and women at the age of 60. The legislation following in the same year however aimed at equalizing the pensionable age of women and men. The law of 26 July 1996 in order to modernize social security and to guard the sustainability of the legal pension system (*Wet van 26 juli 1996 tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels*) stipulates that men and women should be treated in an equal manner and consequently the pensionable age of women should become 65 years, comparable to the male pensionable age. The Royal Decree of December 1996 following this law considers the implementation of articles 15, 16 and 17 of the law of 26 July 1996 (*Koninklijk besluit tot uitvoering van de artikelen 15, 16 en 17 van de wet van 26 juli 1996 tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels*). This Royal Decree indicates that the pensionable age for all Belgians is 65 years. Women's age of retirement, between that moment and 2009, will gradually become 65: in 1997 the pensionable age was 61, in 2000 it became 62, in 2003 63 and currently, since 2006 and until 2009 when it becomes 65, it is 64. The Royal Decree also stipulates that women's rights in other branches of social security should be developed.

Even though the age of retirement is gradually becoming equal for both sexes, another, far greater inequality remains in the field of pensions. Voluntary unemployment or non-employment often entails a great risk for women. Parental leave, time credit and other measures in order to reconcile family life and employment do not count as regards the pension build-up and lead to inequalities between older men and women. This topic which intertwines gender and age is addressed by many women's organizations and is the theme of many studies by e.g. the *Steunpunt Gelijkekansenbeleid* (Centre of Equal Opportunities

policies) and the *Instituut voor de gelijkheid van vrouwen en mannen*. As Guy Tegenbos states in his article in the Flemish newspaper *De Standaard*, the socialist party (first SP, later on SP.A) has always been an important political player in the field of pensions (Tegenbos 2005, p. 1). The last (2003-2007) socialist, federal Minister of Pensions, Bruno Tobback, was aware of the problem and initiated four conferences *Vrouw en Pensioen* (Woman and pension) starting in 2006. During the negotiations on the *Generatiepact* (Generation Pact) the subject was debated upon as well and resulted in specific measures to address the issue on women and pensions. 10 million Euro was reserved, an amount which will increase to 100 million Euro in the next couple of years. Minister Tobback involves trade unions, employer's organizations, women's organizations and experts within the field during these conferences (Tobback 2006, p. 1-2).

Currently therefore, women with career interruptions are not yet granted full pensions. The current period of transition from the government Verhofstadt II to a new, Christian-Democratic government is an ideal moment for women's organizations to point out the importance of a better pension system for women once again. That is why the *Vrouwen Overleg Komitee* (Women's Consultation Committee) has added the following article in its *Memorandum Vrouwen Overleg Komitee. Federale Regering 2007* (Note VOK. Federal Government 2007)

4.2. Er moeten maatregelen genomen worden om te garanderen dat vrouwen, ook na een onvolledige loopbaan, recht hebben op een volwaardig pensioen.

4.2 There should be measures as to guarantee that women, even after an incomplete career, have the right to a full pension.

(VOK 2007, p. 2)

Not only the VOK, but the *Vrouwenraad* (Women's Council) as well wrote a memorandum for the new government. One of the themes addressed is the pension system. The *Vrouwenraad* demands a pension system which approaches the female career in realistic manner (*Vrouwenraad* 2007, p. 40). In the Francophone region, the *Conseil des femmes francophones de Belgique* (Council of Francophone Belgian Women) also addresses the theme in its propositions for the next government.

As the 2002 law on the principle of non-discrimination in favour of part-time workers stipulates, part-time workers should not be treated differently (*Wet betreffende het beginsel van non-discriminatie ten gunste van deeltijdwerkers*). However, part-time working does not immediately guarantee the same social benefit rights (pension, unemployment benefits) as full-time workers (*Algemene directie individuele arbeidsbetrekkingen, Algemene directie werkgelegenheid en arbeidsmarkt* 2006, p. 25-30). Pensions for example are based on the hours the employee works. Some restricted periods of the employment however will be counted as full-time, but this does not guarantee a pension based on full-time rights. As regards unemployment benefits several statutes exist: the employee can be a part-time employee who is equated with a full-time statute or not. In the former case, and in case of unemployment, the person receives 'full' unemployment benefits based on his or her former wage.

Care work

The notions of care work and the reconciliation of work and family are closely connected in Belgian legislation. This is shown in several Royal Decrees which include both the options to care for a seriously ill family member and parental leave. The Royal Decree of 4 June 1999 for example introduces the right to a career break for temporary employees of the federal government departments both for parental leave and to provide time for the care of a seriously ill family member (*Koninklijk besluit tot invoering van een recht op loopbaanonderbreking voor de contractuele personeelsleden tewerkgesteld in de federale overheidsdiensten wegens ouderschapsverlof of verzorging van een zwaar ziek gezins- of familielid*). The Royal Decree of 25 April 2004 concerns the request and attribution procedure of paternal security leave and leave to care for a seriously ill relative, thereby intertwining the reconciliation of work and family life on the one hand, and work and caring on the other (*Koninklijk besluit betreffende de aanvraag- en toekenningsprocedures van het verlof voor ouderschapsbescherming en het verlof voor verzorging van een zwaar zieke verwant*). Moreover the Royal Decree of 2004 on preserving normal wages during the first three days of adoption leave can both refer to the reconciliation of work and family (you stay at home with the new family member because you want to spend time together) or care (you take care of the new family member because she or he needs to be attended to, comparable to a newborn baby). (*Koninklijk besluit betreffende het behoud van het normaal loon ten laste van de werkgever gedurende de eerste drie dagen van het adoptieverlof*).

The Royal Decree of 22 March 1995 concerning palliative leave stipulates that one can take time off work to care for a relative who is on his deathbed (*Koninklijk besluit van 22 maart 1995 inzake palliatief verlof en houdende uitvoering van artikel 100bis, § 4 van de herstellwet van 22 januari 1985 houdende sociale bepalingen en tot wijziging van het koninklijk besluit van 2 januari 1991 betreffende de toekenning van onderbrekingsuitkeringen*). The provisions of that Royal Decree can be compared to the Royal Decree on the introduction of the right to a career break in order to care for a seriously ill family member of 10 August 1998 (*Koninklijk besluit tot invoering van een recht op loopbaanonderbreking voor bijstand of verzorging van een zwaar ziek gezins- of familielid*).

Next to general maternity leave for employees, several Royal Decrees and laws were adopted in Belgium to provide for self-employed women to care for their babies. The Royal Decree to modify the Royal Decree of 20 July 1971 concerning the implementation of a benefit insurance and a motherhood insurance in favour of self-employed persons and assisting spouses (*Koninklijk besluit tot wijziging van het koninklijk besluit van 20 juli 1971 houdende instelling van een uitkeringsverzekering en een moederschapsverzekering ten voordele van de zelfstandigen en de meewerkende echtgenoten*) of 11 July 2003 is an example. The recent (17 January 2007) Royal Decree on the introduction of a benefit system for aid as regards motherhood aimed at self-employed women (*Koninklijk besluit tot invoering van een stelsel van uitkeringen voor moederschapshulp ten gunste van vrouwelijke zelfstandigen en tot wijziging van het koninklijk besluit van 12 december 2001 betreffende de dienstencheques*) provides self-employed mothers with service cheques (*dienstencheques*)

which can be used to outsource and pay for household chores such as ironing and cleaning the house and as such facilitating care work for the newborn.

Reconciliation of work and family or private life

It is important to note within this subissue that leave in Belgium does not only address or aim at the reconciliation of work and family life, but also aims at employees who want to take a career break to study or reconcile their working time with their private life outside their family. This can be seen in the legislation on educational leave of 1 September 2006 (*KB tot wijziging van sommige bepalingen inzake toestemming van betaald educatief verlof*), the Royal Decree on youth leave of 13 June 2001 (*Koninklijk besluit van 13 juni 2001 tot wijziging van het koninklijk besluit van 25 november 1991 houdende de werkloosheidsreglementering in het kader van de jeugdvakantie*), and finally the current (January 2007) legislation on senior leave (*Koninklijk besluit tot wijziging van de artikelen 36bis, 78bis, 131ter, 133 en 137 van het koninklijk besluit van 25 november 1991 houdende de werkloosheidsreglementering in het kader van de seniorvakantie-uitkering*). Therefore, the umbrella term of this subissue was changed into the reconciliation of work and family or private life.

The most important shift in the reconciliation between work and family life came about in the private sector with the Royal Decree of 29 October 1997 concerning the introduction of the right to parental leave within the framework of a career break (*Koninklijk besluit tot invoering van een recht op ouderschapsverlof in het kader van de onderbreking van de beroepsloopbaan*). This Royal Decree was modified several times and resulted in the provisions that were made in the Royal Decree of 15 July 2005 to modify some stipulations as regards career breaks (*Koninklijk besluit tot wijziging van sommige bepalingen inzake loopbaanonderbreking*). This 2005 adaptation marked a shift in legislation on parental leave. From this moment on, next to maternity (fifteen weeks) and paternity (ten days) leave, parents are granted the right to take up parental leave until the child turns six years, or eight years in case of adoption or disability. This leave consists of three full-time months of leave, which can be divided into separate months, six part-time months or of fifteen months of working 4/5ths instead of full-time. The employee is secure that he or she will not be dismissed, unless urgent reasons occur. During parental leave, the parents are granted benefits by the *Rijksdienst voor Sociale Voorzieningen* (Employment Service Agency, abbreviated to RVA). Next to this law, the law of 7 May 1999 is applied to employees of the public sector. The provisions made in this case differ, since employees in the public sector are dependent on the government they work for and the measures they have taken and forms of parental leave they grant. For example, the website www.socialesecurity.be points out that in the educational sector of the Francophone community, employees can only apply for working 6 months in a 4/5ths regime instead of fifteen months (https://www.socialesecurity.be/site_nl/citizen/Infos/general/02_01/index.htm?lang=nl&action=home&id=4092, accessed on 22 July 2007).

Before the shift in 2005, the *Gezinsbond* (Union for the Family) played an important role. It demanded parental leave of a year for every parent, up until the child's age of

eighteen years. Moreover, the *Gezinsbond* asked for a higher benefit amount for employees on parental leave. In 2005 the organization organized a petition and collected 5000 signatures. UNIZO, the Union of Self-employed Enterprises disapproved of this petition and the point of view of the *Gezinsbond*, since the costs of such a parental leave structure would be too high. The petition was sent to federal Minister of Work Freya Van den Bossche (SP.A) and was taken into consideration during the parliamentary process. As the law of 15 July 2005 clearly shows, the period of parental leave remained three months on a full-time basis. The age of the child however now became six instead of four years and the amount of the benefit was increased by 100 Euro. The government took extra measures for parents with ill children. They are currently granted two years parental leave (politics.be 2005 2, p. 1).

The *Gezinsbond* however keeps repeating its demands. Recently, in a press release on its meeting with *informateur*⁵ Didier Reynders of 21 June 2007, the organization asked for one year of parental leave per child, accompanied by an allowance which would guarantee the affordability of parental leave for all parents, including single parents. The Flemish organization joined forces with the Francophone *Ligue des Familles* (League of Families) and the German-speaking branch *Bund der Familien* (Union of Families) and formulated a plan with ten points of which parental leave is an urgent and important matter. In general, the family organizations demand a substantial reassessment of the parental leave system, as regards time, benefits and accessibility (Gezinsbond 2007, p. 6). Within the framework of the elections of June 2007, many political parties were in favour of the extension of parental leave as well. The green party *Groen!*, and the socialist parties SP.A (Flemish) and PS (Walloon) for example agree with the unions for families on the length of parental leave.

Compared to the debates in 2004, before the passing of the new law on parental leave, the employers' organizations are opposed to extending parental leave. In a press release of May 2007, UNIZO states that such an extension would imply serious costs for employers and a serious obstacle for mothers to return to the labour market (UNIZO 2007, p. 1).

In August 1998 a Royal Decree on the introduction of the right to a career break (*loopbaanonderbreking*) was passed, now enabling all employees to take time off (*Koninklijk besluit tot instelling van een recht op loopbaanonderbreking*). A couple of months later on the 25 November 1998, a Royal Decree concerning the right to part-time working when the reduction of work within the scope of the legislation as regards career breaks has come to an end was adopted (*Koninklijk besluit betreffende het recht op deeltijdse arbeid nadat een einde is gekomen aan de vermindering van de arbeidsprestaties in het kader van de wetgeving op de loopbaanonderbreking*).

The Royal Decree of 12 December 2001 on the reconciliation of employment and quality of life implemented chapter IV of the law of 10 August 2001 and stipulated means to come to this reconciliation (*Koninklijk besluit van 12 december 2001 tot uitvoering van hoofdstuk IV van de wet van 10 augustus 2001 betreffende verzoening van werkgelegenheid en kwaliteit van het leven betreffende het stelsel van tijdskrediet, loopbaanvermindering en*

⁵ According to Van Dale dictionary Dutch-English, an '*informateur*' is a politician who investigates on behalf of the crown, whether a proposed cabinet formation will succeed. Didier Reynders of the Walloon liberal party MR started as *informateur* following the elections of 10 June 2007 and was succeeded by Jean-Luc Dehaene of the Flemish Christian-democratic party CD&V.

vermindering van de arbeidsprestaties tot een halftijdse betrekking). These means are *tijdskrediet* (time credit), part-time working and reducing the career. In the private sector, the former legislation on *loopbaanonderbreking* (career break) was replaced by 'time credit' starting from 1 January 2002. Anyone in the private sector has a right to this kind of leave and it can be taken up full-time during a year and should at least be three months. In certain cases, it is possible to extend the period of the time credit. At the same time it is possible to take up time credit part-time or by means of working 4/5ths instead of full-time (https://www.socialsecurity.be/site_nl/citizen/Infos/general/02_01/index.htm?lang=nl&action=home&id=4075, accessed on 23 July 2007). Employees in the public sector have a right to *loopbaanonderbreking* and depend on different laws aiming at different sectors and governments.

The last and probably most important means of reconciling work and family or private life is working part-time. In 2004 in Belgium, 652,554 women and 135,662 men worked part-time, meaning they did not work full-time but anything between 50% and 100%. In comparison to the total number of Belgian wage-earners this is 41,5% of all women and 7% of all men (Instituut voor de gelijkheid van vrouwen en mannen, p. 47). These numbers clearly indicate the gap between women and men as regards length of employment. Moreover, when women are asked why they work part-time, the top three answers consists of: 'child care' (28,4%), 'other private reasons and family business' (25,6) and 'did not find full-time employment' (18%). In comparison, men's top three sound familiar but actually turn out different: 'did not find full-time employment' (25,5%), 'other private reasons and family business' (22,8%) and 'other reasons' (15,7%). Since only 3,9% of men work part-time because of caring for children, the difference between men and women as regards part-time employment is clear (Instituut voor de gelijkheid van vrouwen en mannen 2006, p. 48).

The *Vrouwen Overleg Komitee* (VOK) believes that due to horizontal and vertical segregation, part-time work turns out to be a new discriminatory category on the labour market. Women with part-time jobs earn less and remain in typical female sectors. Consequently, the VOK does not approve of interpreting part-time working as an emancipatory policy measure (VOK 2007, p. 1). A strong demand, coming from civil society in general and women's organizations specifically is more childcare services.

Equal treatment and access to employment

An important notion as regards non-employment is the equal treatment of men and women on the labour market. Even more important to leave unemployment behind is equal access to work. In this respect, the federal Belgian government and its regions and communities governments have passed several laws and decrees. The law on the equal treatment of men and women as regards the labour conditions, access to employment and the chances of promotion, the access to self-employment and the additional measures of social security of 7 May 1999 is federal and therefore aims at all Belgians (*Wet op de gelijke behandeling van mannen en vrouwen ten aanzien van de arbeidsvoorwaarden, de toegang tot het arbeidsproces en de promotiekansen, de toegang tot een zelfstandig beroep en de aanvullende regelingen voor sociale zekerheid*). This law by federal Minister of Equal

Opportunities Miet Smet led to another one on the modification of the Legal Code. The law transposed the European Directive of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes (86/378/EEC) and the amending European Directive 96/97/EC of 20 December 1996 into Belgian legislation, as well as the Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex. Belgium was late in the transposition of the first two directives, of which the deadline of transposition was July 1997, but introduced the 97/80/EC timely (Degraef, Zaïd and Kemajou 2000, p. 212).

Europe again provided a stimulus in 2003, when the Racial Equality Directive (2000/43/EC) and the European Employment Equality Directive (2000/78/EC) were transposed together into the federal discrimination law of 25 February 2003. This Belgian law stipulates that one should not discriminate people on the basis of sex, race, colour of skin, origin, sexual orientation, registry of birth, marriage, birth, wealth, belief or religion, disability, or physical characteristic.

In May 2007 the law on the battle against sex discrimination fully transposed the Employment Equality Directive and implemented the amendment to gender equality (Directive 2002/73/EC) as well as Directive 2004/113/EG implementing the principle of equal treatment between men and women in access to and supply of goods and services (also see: 'History of equality law and policy: Relationship of (gender) equality policies to EU and UN').

On the Flemish level, the yearly orders on the VESOC action plans on 'diversity and equal participation at the labour market' aim to guarantee equal access. VESOC is the *Vlaams Economisch Sociaal Overlegcomité* (Flemish Economic Social Board). The Flemish decree on the equal participation to employment (Decreet houdende evenredige participatie op de arbeidsmarkt) which was modified in 2007 and the decree concerning the guarantee of equal treatment in employment (Decreet betreffende de garantie van een gelijke behandeling op de arbeidsmarkt (1) (vertaling)) of the German speaking Community guarantees equal treatment on a communal and regional level.

Equal pay / wage gap

Even though Belgium almost immediately ratified the Treaty of Rome containing article 119 on wage equality between men and women, and has taken legal measures to improve the equality of men and women since, the pay gap remains and men and women earn unequal wages. Two important pieces of legislation which refer to equal pay for equal work are Miet Smet's law of 7 May 1999 on the equal treatment of men and women as regards the labour conditions, the access to employment and the chances of promotion, the access to self-employment and the additional measures of social security, and the Royal decree of February 2002 on the collective labour agreement 25bis of 19 December 2001 on equal pay for male and female employees.

Not only legislation as such addresses the gender pay gap. The different Belgian governments, women's organizations and social partners work at campaigns and studies to raise the awareness of and eliminate wage inequality. In 2000, the federal Minister of Labour

and Employment and the Direction Equal Opportunities started the project EVA (*Evaluatie en classificatie van functies. Instrumenten voor gelijk loon* - Evaluation and classification of functions. Tools for equal wages). Later, the *Instituut voor de gelijkheid van vrouwen en mannen* took over the project. EVA provides an information file on the classification of functions and equal pay aimed at social partners, trade unions, human resources managers and so on. It shows obstacles and informs on good practices in the classification of functions, which will lead to equalizing men and women's wages. Towards the end of 2006 a concluding seminar was held. The EVA-project has made clear that analytical function classification is the basis for gender neutral wages and human resources policy. (Vrouwenraad 2007, p. 3)

In 2005, the women's branches of the socialist party SP.A and the socialist trade unions on the Flemish (ABVV) and Walloon (FGBT) sides started with the action Equal Pay Day (www.equalpayday.be) on 31 March. Equal Pay Day organizes campaigns and advises policy makers on the issue of wage equality. The federal Minister of Labour and Employment Peter Vanvelthoven, the federal Minister of Equal Opportunities Christian Dupont and the Flemish Minister of Equal Opportunities, Kathleen van Brempt have all taken steps. Kathleen Van Brempt, for example, introduced the campaign M/V United. This Flemish project consists of a collaboration between the Flemish Minister, the radio and television channel VRT, the European Social Fund, Sanoma Magazines, SEIN and the Overmolen and is organized within the scope of 2007 European Year of Equal Opportunities for Everyone. At the same time, socialist politicians (e.g. Inga Verhaert, Olga Zihren, Fatma Pehlivan and Peter Vanvelthoven) are introducing bills on wage equality, and the subject seems to be an issue for the next government.

Not only civil society and politicians are dealing with equal pay. Towards the end of January 2007, the trade unions and the employers' organizations reached an agreement on the *Interprofessioneel Akkoord voor 2007-2008* (Interprofessional agreement 2007-2008, abbreviated to IPA). This IPA contains a paragraph on equal pay for equal work. The trade unions, as well as the Belgian employment agencies, also help in gathering information on the gender pay gap and provide information via websites such as www.vrouwenloonwijzer.be, and www.mijnloon.be.

The recent analyses of a European comparative study have shown that Belgium is doing very well with a pay gap of only 7% (Spidla 2007, p. 19). However, national statistics of the *Instituut voor gelijkheid van vrouwen en mannen* do not agree with this percentage and result in a pay gap of 13% (Decoo 2007, p. 1). Comparatively interpreted, this is a relatively good figure, but remains a gap nevertheless.

Actors

An important actor on the theme of non-employment was the first State Secretary on Emancipation, Miet Smet. She placed gender related (non-)employment issues on the agenda, such as positive actions, the battle against wage inequality, and sexual harassment at work (Degraef, Zaïd and Kemajou 2000, p. 192). The latter is discussed in this report under the heading gender based violence, but is closely connected to employment.

Other actors in the field of employment and non-employment are:

Civil society and social partners

Lactation leave:

vzw Borstvoeding, a non profit organization on lactation for young mothers

Pension:

Rijksdienst voor Pensioenen (RVA)

Steunpunt gelijkekansenbeleid

Instituut voor gelijkheid van vrouwen en mannen

SP and SP.A have played an important role with Louis Tobback (elections 1995) and his son Bruno Tobback, Minister of Pensions during the last government term

Trade unions: ACV, ABVV, ACLVB

Employer's organizations: UNIZO, VBO

Experts within the field of pensions

Women's organizations among which the Nederlandstalige Vrouwenraad (NVR), the Vrouwen Overleg Komitee (VOK) and the Conseil des femmes Francophones de Belgique (CFFB)

Parental leave:

Trade unions: ACV, ABVV, ACLVB

Rijksdienst voor Arbeidsvoorziening (RVA)

Kind & Gezin informs young parents on parental, paternal and maternal leave

Gezinsbond

Ligue des Familles

Bund der Familien

Employer's organizations : UNIZO and VBO

Political parties considered parental leave an important issue during the federal elections of 2007.

Part-time working:

Women's organizations, including the VOK

Equal access and treatment and gender pay gap:

VESOC

Trade Unions: ACV, ABVV, ACLVB

Employer's Organizations: UNIZO and VBO

Women's organizations such as the Women's Councils

Equal pay day, which consists of the women's branches of the political party SP.A, and the socialist trade unions ABVV, and FGVB.

M/V United: governmental and non-governmental partners

International

The Directives of the European Council are a significant influence on Belgian legislation in the field of employment and labour, especially within the topic of equal access to and treatment in the labour market.

Timeline

This list provides a chronological overview of bills, laws, decrees and Royal decrees on the subissues within the non-employment theme. For every bill, law, and (Royal) decree a link is provided to the original text. Next to legislation, important actions and events are placed in italics.

1995:

Royal Decree concerning palliative leave and regarding the implementation of article 100bis, paragraph 4 of the reconstruction law of 22 January 1985 concerning social regulations and regarding the modification of the Royal Decree of 2 January 1991 as regards stoppage benefits. (Koninklijk besluit van 22 maart 1995 inzake palliatief verlof en houdende uitvoering van artikel 100bis, § 4 van de herstellwet van 22 januari 1985 houdende sociale bepalingen en tot wijziging van het koninklijk besluit van 2 januari 1991 betreffende de toekenning van onderbrekingsuitkeringen.) 22 March 1995.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=7163&lang=nl>

1996:

Law to interpret the law of 20 July 1990 to implement a flexible pensionable age for employees and to adapt the employee pensions to the evolution of the common good. (Wetsontwerp tot interpretatie van de wet van 20 juli 1990 tot instelling van een flexibele pensioenleeftijd voor werknemers en tot aanpassing van de werknemerspensioenen aan de evolutie van het algemeen welzijn.) 19 June 1996.

Primary

- Belgische Kamer van Volksvertegenwoordigers. *Wetsontwerp tot interpretatie van de wet van 20 juli 1990 tot instelling van een flexibele pensioenleeftijd voor werknemers en tot aanpassing van de werknemerspensioenen aan de evolutie van het algemeen welzijn. (Bill to interpret the law of 20 July 1990 to implement a flexible pensionable age for employees and to adapt the employee pensions to the evolution of the common good.)* 26 February 2006.
<http://www.senate.be/www/?Mlval=/publications/viewPub.html&COLL=S&LEG=1&NR=319&VOLGNR=3&LANG=nl>
- *Wet tot interpretatie van de wet van 20 juli 1990 tot instelling van een flexibele pensioenleeftijd voor werknemers en tot aanpassing van de werknemerspensioenen aan de evolutie van het algemeen welzijn. (Law to interpret the law of 20 July 1990 to implement a flexible pensionable age for employees and to adapt the employee pensions to the evolution of the common good.)* 19 June 1996.

Secondary

- Belgische Kamer van Volksvertegenwoordigers. *Wetsontwerp tot interpretatie van de wet van 20 juli 1990 tot instelling van een flexibele pensioenleeftijd voor werknemers en tot aanpassing van de werknemerspensioenen aan de evolutie van het algemeen welzijn. Verslag namens de Commissie voor de Sociale Zaken. Uitgebracht door de Heer Luc Goutry. (Bill to interpret the law of 20 July 1990 to implement a flexible pensionable age for employees and to adapt the employee pensions to the evolution of the common good. Report by the Commission for Social Affairs. Reported by Luc Goutry.)* 15 April 1996.
<http://www.dekamer.be/FLWB/pdf/49/0449/49K0449002.pdf>
- Belgische Kamer van Volksvertegenwoordigers. *Wetsontwerp tot interpretatie van de wet van 20 juli 1990 tot instelling van een flexibele pensioenleeftijd voor werknemers en tot aanpassing van de werknemerspensioenen aan de evolutie van het algemeen welzijn. Verslag namens de Commissie voor de Sociale Zaken. Uitgebracht door Mevrouw Bibrosia-Picard. (Bill to interpret the law of 20 July 1990 to implement a flexible pensionable age for employees and to adapt the employee pensions to the evolution of the common good. Report by the Commission for Social Affairs. Reported by Madam Bibrosia-Picard.)* 30 May 1996.
<http://www.senate.be/www/?Mlval=/publications/viewPub.html&COLL=S&LEG=1&NR=319&VOLGNR=3&LANG=nl>
- Links to the texts of all parliamentary debates, advice and amendments, both primary and secondary via this link:
Dossierfiche - Wetsontwerp tot interpretatie van de wet van 20 juli 1990 tot instelling van een flexibele pensioenleeftijd voor werknemers en tot aanpassing van de werknemerspensioenen aan de evolutie van het algemeen welzijn. (Bill to interpret the law of 20 July 1990 to implement a flexible pension age for employees and to adapt the employee pensions to the evolution of the common good.) S1-319 / K 49-449
<http://www.senate.be/www/?Mlval=/dossier&LEG=1&NR=319&LANG=nl>

Law of 26 July 1996 in order to modernize social security and to guard the sustainability of the legal pension system. (Wet van 26 juli 1996 tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels.) 26 July 1996.

Primary

- Belgische Kamer van Volksvertegenwoordigers. *Wetsontwerp tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels. (Bill in order to modernize social security and to guard the sustainability of the legal pension system.)* 7 June 1996.
<http://www.dekamer.be/FLWB/pdf/49/0607/49K0607001.pdf>
- Belgische Kamer van Volksvertegenwoordigers. *Wet tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels. (Law in order to modernize social security and to guard the sustainability of the legal pension system.)* 26 July 1996.

- *Koninklijk besluit tot uitvoering van de artikelen 15, 16 en 17 van de wet van 26 juli 1996 tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels. (Royal Decree as regards the implementation of articles 15, 16 and 17 of the law of 26 July 1996 in order to modernize social security and to guard the sustainability of the legal pension system.)* 23 December 1996.
http://reflex.raadvstconsetat.be/reflex/?page=chrono&c=detail_get&d=detail&docid=24753&tab=articles&lang=nl

Secondary

- Belgische Kamer van Volksvertegenwoordigers. *Wetsontwerp tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels. Verslag namens de tijdelijke Commissie belast met het onderzoek tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels. Uitgebracht door Mevrouw Greta D'Hondt en de Heer Thierry Detienne. (Bill in order to modernize social security and to guard the sustainability of the legal pension system. Report by the temporary Commission with the task to research the modernization of social security and to guard the sustainability of the legal pension system. Reported by Greta D'Hondt and Thierry Detienne.)* 1 July 1996.
<http://www.dekamer.be/FLWB/pdf/49/0607/49K0607009.pdf>
- Belgische Kamer van Volksvertegenwoordigers. *Wetsontwerp tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels. Advies van de Raad van State. (Bill in order to modernize social security and to guard the sustainability of the legal pension system. Advice by the Council of State.)* 10 July 1996.
<http://www.dekamer.be/FLWB/pdf/49/0607/49K0607016.pdf>
- Links to the texts of all parliamentary debates, advice and amendments, both primary and secondary via this link:
Dossierfiche - Wetsontwerp tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels. (Bill in order to modernize social security and to guard the sustainability of the legal pension system.)
S 1-384 / K 49-607
<http://www.senate.be/www/?Mlval=dossier&LEG=1&NR=384&LANG=nl>

Royal Decree as regards the implementation of articles 15, 16 and 17 of the law of 26 July 1996 in order to modernize social security and to guard the sustainability of the legal pension system. (Koninklijk besluit tot uitvoering van de artikelen 15, 16 en 17 van de wet van 26 juli 1996 tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels.) 23 December 1996.

http://reflex.raadvstconsetat.be/reflex/?page=chrono&c=detail_get&d=detail&docid=24753&tab=articles&lang=nl

1997:

Royal Decree concerning the introduction of the right to parental leave within the framework of a career break. (Koninklijk besluit tot invoering van een recht op ouderschapsverlof in het kader van de onderbreking van de beroepsloopbaan.) 29 October 1997

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=37551&lang=nl>

Primary

- *Koninklijk besluit tot invoering van een recht op ouderschapsverlof in het kader van de onderbreking van de beroepsloopbaan. (Royal Decree concerning the introduction of the right to parental leave within the framework of a career break).* 29 October 1997.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=37551&lang=nl>

- *Koninklijk besluit tot wijziging van het koninklijk besluit van 29 oktober 1997 tot invoering van een recht op ouderschapsverlof in het kader van de onderbreking van de beroepsloopbaan. (Royal Decree to modify the Royal Decree of 29 October 1997 concerning the introduction of the right to parental leave within the framework of a career break.)* 20 January 1998.

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lq=nl&pd=1998-03-27&numac=1998012912>

- *Koninklijk besluit tot wijziging van het koninklijk besluit van 29 oktober 1997 tot invoering van een recht op ouderschapsverlof in het kader van de onderbreking van de beroepsloopbaan. (Royal Decree to modify the Royal Decree of 29 October 1997 concerning the introduction of the right to parental leave within the framework of a career break).* 10 August 1998.

Secondary

- www.gezinsbond.be
- www.liquedesfamilles.be

Royal Decree making the collective labour agreement number 64 of 29 April 1997, negotiated by the National Labour Council, on the introduction of the right to parental leave legally binding. (Koninklijk besluit waarbij algemeen verbindend wordt verklaard de collectieve arbeidsovereenkomst nr. 64 van 29 april 1997, gesloten in de Nationale Arbeidsraad, tot instelling van een recht op ouderschapsverlof.) 29 October 1997.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=37552&lang=nl>

1998:

Royal Decree to modify the Royal Decree of 29 October 1997 concerning the introduction of the right to parental leave within the framework of a career break. (Koninklijk besluit tot wijziging van het koninklijk besluit van 29 oktober 1997 tot invoering van een recht op ouderschapsverlof in het kader van de onderbreking van de beroepsloopbaan.) 20 January 1998.

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lq=nl&pd=1998-03-27&numac=1998012912>

Royal Decree on the introduction of the right to a career break. (Koninklijk besluit tot instelling van een recht op loopbaanonderbreking.) 10 August 1998.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=55959&lang=nl>

Royal Decree on the introduction of the right to a career break in order to care for a seriously ill family member. (Koninklijk besluit tot invoering van een recht op loopbaanonderbreking voor bijstand of verzorging van een zwaar ziek gezins- of familielid.) 10 August 1998.

Royal Decree to modify the Royal Decree of 29 October 1997 concerning the introduction of the right to parental leave within the framework of a career break. (Koninklijk besluit tot wijziging van het koninklijk besluit van 29 oktober 1997 tot invoering van een recht op ouderschapsverlof in het kader van de onderbreking van de beroepsloopbaan.) 10 August 1998.

Royal Decree concerning the right to part-time working when the reduction of work within the scope of the legislation as regards career breaks has come to an end. (Koninklijk besluit betreffende het recht op deeltijdse arbeid nadat een einde is gekomen aan de vermindering van de arbeidsprestaties in het kader van de wetgeving op de loopbaanonderbreking.) 25 November 1998.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=60156&lang=nl>

Royal Decree of 19 November 1998 concerning leaves and absences granted to employers of the public services. (Koninklijk besluit van 19 november 1998 betreffende de verloven en afwezigheden toegestaan aan de personeelsleden van de rijksbesturen.) 19 November 1998.

<http://www.belgium.be/eportal/application?languageParameter=nl&pageid=contentPage&docId=5325>

1999:

Law on the equal treatment of men and women as regards the labour conditions, the access to employment and the chances of promotion, the access to self-employment and the additional measures of social security. (Wet op de gelijke behandeling van mannen en vrouwen ten aanzien van de arbeidsvoorwaarden, de toegang tot het arbeidsproces en de promotiekansen, de toegang tot een zelfstandig beroep en de aanvullende regelingen voor sociale zekerheid.) 7 May 1999.

<http://www.genderwerkt.be/uploads/BijlageMAKN-32b.pdf>

Primary

- Belgische Kamers van Volksvertegenwoordigers. *Wetsontwerp op de gelijke behandeling van mannen en vrouwen ten aanzien van de arbeidsvoorwaarden, de toegang tot het arbeidsproces en de promotiekansen, de toegang tot een zelfstandig beroep en de aanvullende regelingen voor sociale zekerheid. Wetsontwerp tot wijziging van het Gerechtelijk Wetboek ... op de gelijke behandeling van mannen en vrouwen ten aanzien van de arbeidsvoorwaarden, de toegang tot het arbeidsproces en de promotiekansen, de toegang tot een zelfstandig beroep en de aanvullende regelingen voor sociale zekerheid (Bill on the equal treatment of men and women as regards the labour conditions, the access to employment and the chances of*

promotion, the access to self-employment and the additional measures of social security. Bill on the modification of the Legal Code on the equal treatment of men and women as regards the labour conditions, the access to employment and the chances of promotion, the access to self-employment and the additional measures of social security.) 11 March 1999.

<http://www.dekamer.be/FLWB/pdf/49/2057/49K2057001.pdf>

- *Wet op de gelijke behandeling van mannen en vrouwen ten aanzien van de arbeidsvoorwaarden, de toegang tot het arbeidsproces en de promotiekansen, de toegang tot een zelfstandig beroep en de aanvullende regelingen voor sociale zekerheid. (Law on the equal treatment of men and women as regards the labour conditions, the access to employment and the chances of promotion, the access to self-employment and the additional measures of social security.)* 7 May 1999.

<http://www.genderwerkt.be/uploads/BijlageMAKN-32b.pdf>

- *Wet tot wijziging van het Gerechtelijk Wetboek naar aanleiding van de wet van 7 mei op de gelijke behandeling van mannen en vrouwen ten aanzien van de arbeidsvoorwaarden, de toegang tot het arbeidsproces en de promotiekansen, de toegang tot een zelfstandig beroep en de aanvullende regelingen voor sociale zekerheid. (Law on the modification of the Legal Code as a result of the law of 7 May 1999 on the equal treatment of men and women as regards the labour conditions, the access to employment and the chances of promotion, the access to self-employment and the additional measures of social security.)* 7 May 1999.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=62265&lang=nl>

Secondary

- *Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes*
http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=en&numdoc=31986L0378&model=guichett
- *Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes*
http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31996L0097&model=guichett
- *Council Directive 97/80/EC of 15 December 1997 on the burden of proof in discriminations based on sex.*
http://europa.eu.int/eur-lex/pri/en/oj/dat/1998/l_014/l_01419980120en00060008.pdf
- *Belgische Kamers van Volksvertegenwoordigers. Wetsontwerp op de gelijke behandeling van mannen en vrouwen ten aanzien van de arbeidsvoorwaarden, de toegang tot het arbeidsproces en de promotiekansen, de toegang tot een zelfstandig beroep en de aanvullende regelingen voor sociale zekerheid. Wetsontwerp tot wijziging van het Gerechtelijk Wetboek ... op de gelijke behandeling van mannen en vrouwen ten aanzien van de arbeidsvoorwaarden, de toegang tot het arbeidsproces en de promotiekansen, de toegang tot een zelfstandig beroep en de aanvullende*

regelingen voor sociale zekerheid. Verslag namens de Commissie voor Sociale Zaken. Uitgebracht door Mevrouw Colette Burgeon. (Bill on the equal treatment of men and women as regards the labour conditions, the access to employment and the chances of promotion, the access to self-employment and the additional measures of social security. Bill on the modification of the Legal Code on the equal treatment of men and women as regards the labour conditions, the access to employment and the chances of promotion, the access to self-employment and the additional measures of social security. Report by the Commission on Social Affairs. Reported by Colette Burgeon.) 22 March 1999.

<http://www.dekamer.be/FLWB/pdf/49/2057/49K2057003.pdf>

- Links to the texts of all parliamentary debates, advice and amendments, both primary and secondary via this link:

Dossierfiche - Wetsontwerp op de gelijke behandeling van mannen en vrouwen ten aanzien van de arbeidsvoorwaarden, de toegang tot het arbeidsproces en de promotiekansen, de toegang tot een zelfstandig beroep en de aanvullende regelingen voor sociale zekerheid. (Bill on the equal treatment of men and women as regards the labour conditions, the access to employment and the chances of promotion, the access to self-employment and the additional measures of social security.) S 1-1335 / K 49-2057

<http://www.senate.be/www/?Mlval=/dossier&LEG=1&NR=1335&LANG=nl>

- Degraef, Véronique, Lydia Zaïd and Françoise Kemajou. 2000. *Evaluation des politiques, des actions et des recherches menées depuis 1985 en matière d'égalité des chances entre hommes et femmes. Rapport final. [Evaluation of policies, actions and research since 1985 on equal opportunities between men and women. Final report.]* Linkebeek: Altera Vox.

Royal Decree on the introduction of the right to a career break for contractual employers within federal government departments because of parental leave or the care of a seriously ill family member. (Koninklijk besluit tot invoering van een recht op loopbaanonderbreking voor de contractuele personeelsleden tewerkgesteld in de federale overheidsdiensten wegens ouderschapsverlof of verzorging van een zwaar ziek gezins- of familielid.) 4 June 1999.

<http://www.staatsbladclip.be/wetten/1999/06/26/wet-1999012476.html>

Royal Decree on the modification of the Royal decree of 29 October 1997 concerning the introduction of the right to parental leave within the framework of a career break and of the Royal Decree of 10 August 1998 on the introduction of the right to a career break in order to care for a seriously ill family member. (Koninklijk besluit tot wijziging van het koninklijk besluit van 29 oktober 1997 tot invoering van een recht op ouderschapsverlof in het kader van de onderbreking van de beroepsloopbaan en van het koninklijk besluit van 10 augustus 1998 tot invoering van een recht op loopbaanonderbreking voor bijstand of verzorging van een zwaar ziek gezins- of familielid.) 4 June 1999.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=62398&lang=nl>

2000:

Royal Decree on the legally binding status of the collective labour agreement number 74 of 17 November 1999, of the National Labour Council, on the preservation of normal wages of legally cohabitating employers for days of absence on the opportunity of several family affairs. (Koninklijk besluit waarbij algemeen verbindend wordt verklaard de collectieve arbeidsovereenkomst nr. 74 van 17 november 1999, gesloten in de Nationale Arbeidsraad, betreffende het behoud van het normaal loon van de wettelijk samenwonende werknemers voor de afwezigheidsdagen ter gelegenheid van bepaalde familiegebeurtenissen.) 7 February 2000.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=65916&lang=nl>

Royal Decree on the legally binding status of the collective labour agreement number 35bis of 9 February 2000, of the National Labour Council, to modify the collective labour agreement number 35 of 27 February 1981 as regards some stipulations of labour law concerning part-time working. (Koninklijk besluit waarbij algemeen verbindend wordt verklaard de collectieve arbeidsovereenkomst nr. 35bis van 9 februari 2000, gesloten in de Nationale Arbeidsraad, tot wijziging van de collectieve arbeidsovereenkomst nr. 35 van 27 februari 1981 betreffende sommige bepalingen van het arbeidsrecht ten aanzien van de deeltijdse arbeid.) 12 March 2000.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=66329&lang=nl>

Federal Minister of Labour and Employment and the Direction of Equal Opportunities introduce the EVA-project on the classification of functions in order to attain wage equality. Later on the 'Instituut voor de gelijkheid van vrouwen en mannen' takes over the project.

Primary

- All the information on the EVA-project can be found on <http://www.igvm.be/>

Secondary

- Nederlandstalige Vrouwenraad. 2007. *Loongelijkheid v/m. [Wage equality f/m.]* Brussel: NVR.
<http://www.vrouwenraad.be/standpunten/2007/loongelijkheid.pdf>
- Spidla, Vladimir. 2007. *Communication from the Commission to the Council, the European parliament, the European Economic and Social Committee and the Committee of the Regions. Tackling the pay gap between women and men.* Brussels: Commission of the European Communities.
http://ec.europa.eu/employment_social/news/2007/jul/genderpaygap_en.pdf
- *Interprofessioneel akkoord voor de periode 2007-2008. Voor een innovatieve werkgelegenheid en economie. [Interprofessional agreement 2007-2008. For an innovative employment and economy.]* January 2007.
http://www.acv-online.be/Images/ontwerp_ipa_tcm9-108734.PDF
- Equal Pay Day. 2007. *Beleidsaanbevelingen. [Policy recommendations.]*
<http://www.equalpayday.be/NL/index.aspx?Id=Nieuws&Nieuws=12#Aanbevelingen> E-text, accessed on 23 July 2007.

2001:

Law concerning social, budgetary and other stipulations as regards measures concerning the exemption of work and the end of the career. (Wet van 2 januari 2001 houdende sociale, budgettaire en andere bepalingen, wat de maatregelen inzake vrijstelling van arbeidsprestaties en eindeloopbaan betreft.) 2 January 2001.

Order of the Flemish government to determine criteria, conditions and regulations in order to grant a subsidy within the framework of the VESOC-action plan 'diversity and equal employment participation. (Besluit van de Vlaamse Regering tot vaststelling van de criteria, de voorwaarden en de nadere regelen volgens welke subsidies worden verleend met betrekking tot het VESOC-actieplan 'diversiteit en evenredige arbeidsdeelname'.) 18 May 2001.

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=nl&pd=2001-06-30&numac=2001035681>

Royal Decree of 13 July 2001 to modify the Royal Decree of 25 November 1991 concerning the unemployment benefits within the framework of youth leave. (Koninklijk besluit van 13 juni 2001 tot wijziging van het koninklijk besluit van 25 november 1991 houdende de werkloosheidsreglementering in het kader van de jeugdvakantie.) 13 June 2001.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=71637&lang=nl>

Royal Decree on the implementation of article 59 of the law of 2 January 2001 concerning social, budgetary and other stipulations as regards measures concerning the exemption of work and the end of the career. (Koninklijk besluit tot uitvoering van artikel 59 van de wet van 2 januari 2001 houdende sociale, budgettaire en andere bepalingen, wat de maatregelen inzake vrijstelling van arbeidsprestaties en eindeloopbaan betreft.) 27 June 2001.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=71755&lang=nl>

Law of 10 August 2001 concerning the reconciliation of employment and quality of life. (Wet van 10 augustus 2001 betreffende de verzoening van werkgelegenheid en kwaliteit van het leven.) 10 August 2001.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=72654&lang=nl>

Royal Decree of 12 December 2001 to implement chapter IV of the law of 10 August 2001 concerning the reconciliation of employment and quality of life. (Koninklijk besluit van 12 december 2001 tot uitvoering van hoofdstuk IV van de wet van 10 augustus 2001 betreffende verzoening van werkgelegenheid en kwaliteit van het leven betreffende het stelsel van tijdskrediet, loopbaanvermindering en vermindering van de arbeidsprestaties tot een halftijdse betrekking.) 12 December 2001.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=73778&lang=nl>

Primary

- *Koninklijk besluit van 12 december 2001 tot uitvoering van hoofdstuk IV van de wet van 10 augustus 2001 betreffende verzoening van werkgelegenheid en kwaliteit van het leven betreffende het stelsel van tijdskrediet, loopbaanvermindering en vermindering van de arbeidsprestaties tot een halftijdse betrekking. (Royal Decree of*

12 December 2001 to implement chapter IV of the law of 10 August 2001 concerning the reconciliation of employment and quality of life.) 12 December 2001.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=73778&lang=nl>

Secondary

- Vrouwen Overleg Komitee. 2007. *Deeltijds werk. [Part-time work.]* http://www.vrouwendag.be/index.php?option=com_content&task=view&id=16&Itemid=17 E-text.
- Algemene directie individuele arbeidsbetrekkingen, Algemene directie werkgelegenheid en arbeidsmarkt. 2006. *Wegwijs in... de deeltijdse arbeid. [Finding your way... part-time work.]* Brussel: Algemene directie individuele arbeidsbetrekkingen, Algemene directie werkgelegenheid en arbeidsmarkt.

<http://www.genderwerkt.be/uploads/BijlageMAKN-23c.pdf>

Royal Decree of 12 December 2001 concerning service cheques. (Koninklijk besluit van 12 december 2001 betreffende de dienstencheques.) 12 December 2001.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=73949&lang=nl>

2002:

Royal Decree on the legally binding status of the collective labour agreement number 77bis of 19 December 2001, of the National Labour Council, to modify the collective labour agreement number 77 of 14 February 2001 on the implementation of the system of time credit, decreasing the career and decreasing working time to a part-time function. (Koninklijk besluit waarbij algemeen verbindend wordt verklaard de collectieve arbeidsovereenkomst nr. 77bis van 19 december 2001, gesloten in de Nationale Arbeidsraad, tot vervanging van de collectieve arbeidsovereenkomst nr. 77 van 14 februari 2001 tot invoering van een stelsel van tijdskrediet, loopbaanvermindering en vermindering van de arbeidsprestaties tot een halftijdse betrekking.) 25 January 2002.

Royal Decree concerning various measures to transpose the Agreement on the European Economic Space and the directive 97/81/EG of the Council of 15 December 1997 concerning the Agreement of UNICE, CEEP and EVV on part-time working. (Koninklijk besluit houdende diverse maatregelen tot omzetting van het Akkoord over de Europese Economische Ruimte en van de richtlijn 97/81/EG van de Raad van 15 december 1997 betreffende de door de UNICE, het CEEP en de EVV gesloten Raamovereenkomst inzake deeltijdarbeid.) 28 January 2002.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=74606&lang=nl>

Royal Decree of 4 February 2002 making generally binding the collective labour agreement 25bis of 19 December 2001, made in the National Council of Labour to modify the collective labour agreement 25 of 15 October 1975 on the equal pay of male and female employees. (Koninklijk besluit van 4 februari 2002 waarbij algemeen verbindend wordt verklaard de C.A.O. nr. 25bis van 19 december 2001, gesloten in de Nationale Arbeidsraad, tot wijziging van de C.A.O. nr. 25 van 15 oktober 1975 betreffende de gelijke beloning voor mannelijke en vrouwelijke werknemers.) 4 February 2002.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=74971&lang=nl>

Law on the principle of non-discrimination in favour of part-time workers. (Wet betreffende het beginsel van non-discriminatie ten gunste van deeltijdwerkers.) 5 March 2002.

<http://www.werk.belgie.be/WorkArea/showcontent.aspx?id=4980>

Secondary

- Algemene directie individuele arbeidsbetrekkingen, Algemene directie werkgelegenheid en arbeidsmarkt. 2006. *Wegwijs in... de deeltijdse arbeid. [Finding your way... part-time work.]* Brussel: Algemene directie individuele arbeidsbetrekkingen, Algemene directie werkgelegenheid en arbeidsmarkt.

<http://www.genderwerkt.be/uploads/BijlageMAKN-23c.pdf>

Royal Decree to modify articles 1, 5 and 6 of the Royal Decree of 12 December 2001 to implement chapter IV of the law of 10 August 2001 concerning the reconciliation of employment and quality of life, concerning the system of time credit, decreasing the career and decreasing working time to a part-time function. (Koninklijk besluit tot wijziging van de artikelen 1, 5 en 6 van het koninklijk besluit van 12 december 2001 tot uitvoering van hoofdstuk IV van de wet van 10 augustus 2001 betreffende verzoening van werkgelegenheid en kwaliteit van het leven betreffende het stelsel van tijdskrediet, loopbaanvermindering en vermindering van de arbeidsprestaties tot een halftijdse betrekking.) 16 April 2002.

<http://reflex.raadvst-consetat.be/refLex/pdf/Mbbs/2002/04/27/75543.pdf>

Decree on the equal participation to employment. (Decreet houdende evenredige participatie op de arbeidsmarkt.) 8 May 2002.

http://www.provant.be/binaries/partarb_tcm7-21448.pdf

Order of the Flemish government to determine criteria, conditions and regulations in order to grant a subsidy within the framework of the VESOC-action plan 2002 'equal employment participation and diversity. (Besluit van de Vlaamse Regering tot vaststelling van de criteria, de voorwaarden en de nadere regelen volgens welke subsidies worden verleend met betrekking tot het VESOC-actieplan 2002 "Evenredige arbeidsdeelname en diversiteit".) 19 July 2002.

2003:

Law of 25 February 2003 to combat discrimination and to modify the law of 15 February 1993 to establish a Centre for Equal Opportunities and fighting racism. (Wet van 25 februari 2003 ter bestrijding van discriminatie en tot wijziging van de wet van 15 februari 1993 tot oprichting van een Centrum voor gelijkheid van kansen en voor racismebestrijding.) 25 February 2003.

http://www.diversiteit.be/CNTR/NL/discrimination/legislation/Discrimination/wet_03-02-25_law.htm

Decree to modify the current provisions concerning leave and to implement the safeguarding of maternity. (Decreet tot wijziging van de geldende bepalingen inzake verlof en tot inrichting van de moederschapsbescherming [vertaling].) 8 May 2003.

Royal Decree to modify the Royal Decree of 20 July 1971 concerning the implementation of a benefit insurance and a motherhood insurance in favour of self-employed persons and assisting spouses. (Koninklijk besluit tot wijziging van het koninklijk besluit van 20 juli 1971 houdende instelling van een uitkeringsverzekering en een moederschapsverzekering ten voordele van de zelfstandigen en de meewerkende echtgenoten.) 11 July 2003.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=83160&lang=nl>

Information:

http://socialsecurity.fgov.be/NL/nieuws_publicaties/legislation/wetswijziging/2003/ziekte_080910.htm

Order of the Flemish government to determine criteria, conditions and regulations in order to grant a subsidy within the framework of the VESOC-action plan 2003 'equal employment participation and diversity. (Besluit van de Vlaamse regering tot vaststelling van de criteria, de voorwaarden en de nadere regelen volgens welke subsidies worden verleend met betrekking tot het VESOC-actieplan 2003 "evenredige arbeidsdeelname en diversiteit".) 18 July 2003.

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=nl&pd=2003-09-03&numac=2003035970>

2004:

Decree of the Flemish government concerning the approval of the treaty number 175 on part-time work, accepted by the International Labour Conference during the 81st session in Genève on 24 June 1994. (Decreet houdende instemming met het verdrag nr. 175 betreffende deeltijdwerk, aangenomen door de Internationale Arbeidsconferentie tijdens haar eenentachtigste zitting in Genève op 24 juni 1994.) 19 March 2004.

Order of the Flemish government to determine criteria, conditions and regulations in order to grant a subsidy within the framework of the VESOC-action plan 2004 'equal employment participation and diversity. (Besluit van de Vlaamse regering van 19 maart 2004 tot vaststelling van de criteria, de voorwaarden en de nadere regelen volgens welke subsidies worden verleend met betrekking tot het VESOC-actieplan 2004 ' Evenredige arbeidsdeelname en diversiteit '.) 19 March 2004.

<http://www.wvc.vlaanderen.be/juriwel/gelijkekansen/rg/pdf/bvr190304.pdf>

Royal Decree concerning the request and attribution procedure of paternal security leave and leave to care for a seriously ill relative. (Koninklijk besluit betreffende de aanvraag- en toekenningsprocedures van het verlof voor ouderschapsbescherming en het verlof voor verzorging van een zwaar zieke verwant.) 25 April 2004.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=86810&lang=nl>

Decree of the German speaking Community concerning the guarantee of equal treatment in employment. (Decreet betreffende de garantie van een gelijke behandeling op de arbeidsmarkt (1) (vertaling).) 17 May 2004.

http://reflex.raadvst-consetat.be/refLex/index.reflex?page=chrono&c=detail_get&d=detail&docid=87924&tab=&lang=nl

Royal decree as regards preserving the normal wages at the expense of the employer during the first three days of adoption leave. (Koninklijk besluit betreffende het behoud van het normaal loon ten laste van de werkgever gedurende de eerste drie dagen van het adoptieverlof.) 21 September 2004.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=88704&lang=nl>

2005:

Royal Decree to modify, as regards the conversion of a part of the post birth rest in fatherhood leave, the Royal Decree of 3 July 1996 on the implementation of the law concerning compulsory insurance of medical provisions and benefits, coordinated on 14 July 1994. (Koninklijk besluit tot wijziging, wat de omzetting van een deel van de nabevallingsrust in vaderschapsverlof betreft, van het koninklijk besluit van 3 juli 1996 tot uitvoering van de wet betreffende de verplichte verzekering voor geneeskundige verzorging en uitkeringen, gecoördineerd op 14 juli 1994.) 4 May 2005.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=91010&lang=nl>

Royal Decree to modify some stipulations as regards career breaks. (Koninklijk besluit tot wijziging van sommige bepalingen inzake loopbaanonderbreking (1).) 15 July 2005.

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=nl&pd=2005-07-28&numac=2005012195>

Primary

- Koninklijk besluit tot wijziging van sommige bepalingen inzake loopbaanonderbreking. (Royal Decree to modify some stipulations as regards career breaks.) 15 July 2005.

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=nl&pd=2005-07-28&numac=2005012195>

Secondary

- Verbond voor Belgische Ondernemingen. 2004. *Ouderschapsverlof. Standpunt VBO.* [Parental leave. Point of view VBO]. 16 Maart 2004.
<http://www.vbo-feb.be/files/ouderschapsverlof.pdf>
- Gezinsbond, and Ligue des Familles. 2007 1. *Gemeenschappelijke tienpuntenplan van de Gezinsbond en de Ligue des Familles aan de volgende regering.* [Mutual plan on points of revision of Gezinsbond and Ligue des Familles to the next government.] Brussel: Gezinsbond, Ligue des Familles.
http://www.gezinsbond.be/images/stories/persberichten/10_puntenplan_gezinsbond_ligue_des_familles.pdf
- Gezinsbond. 2007 2. *Persbericht. Informatie Reynders ontvangt Gezinsbond* [Press Release. Informatie Reynders receives Gezinsbond]. 21 June 2007.
http://www.gezinsbond.be/index.php?option=com_content&task=view&id=372&Itemid=304 E-text, accessed on 22 July 2007.

- UNIZO. 2007. *UNIZO over verkiezingsbeloftes rond arbeid en gezin. [UNIZO on electoral promises with respect to work and family.]* 30 May 2007. <http://www.unizo.be/viewobj.jsp?id=296770> E-text, accessed on 22 July 2007.
- Groen! 2007. *Standpunten. Een politiek van tijd. [Points of view. Politics of time.]* http://www.groen.be/nieuwseninformatie/standpunten/stdp_item.asp?standpunt_id=3 E-text, accessed on 20 July 2007.
- SP.A. 2007. *Standpunten. Kinderen en gezinnen. [Points of view. Children and families.]* <http://www.s-p-a.be/nationaal/ideeen/standpunten/detail.asp?iThemaID=387> E-text, accessed on 22 July 2007.
- PS. 2007. *A vos côtés pour aider des familles. [On your side in helping families.]* <http://www.ps.be/Source/PageContent.aspx?MenID=3639> E-text, accessed on 22 July 2007.

The generation pact. (Het generatiepact.) 10 October 2005.

http://www.premier.fgov.be/nl/051011_generatiepact.pdf

Royal Decree to modify, as regards the amount of disability benefits, the Royal Decree concerning the implementation of a benefit insurance and a motherhood insurance in favour of self-employed people and assisting spouses. (Koninklijk besluit tot wijziging, wat de hoogte van de invaliditeitsuitkeringen betreft, van het koninklijk besluit houdende instelling van een uitkeringsverzekering en een moederschapsverzekering ten voordele van de zelfstandigen en van de meewerkende echtgenoten.) 23 December 2005.

Law of 23 December 2005 concerning the generation pact. Title IV-Employment. Chapter IX – Senior leave. (Wet van 23 december 2005 betreffende het generatiepact. Titel IV – Werk. Hoofdstuk IX – Seniorvakantie.) 23 December 2005.

<http://www.werk.belgie.be/WorkArea/showcontent.aspx?id=7072>

The first Equal Pay Day was organized in Belgium.

2006:

Royal Decree on the introduction of a benefit system for aid as regards motherhood aimed at self-employed women and to modify the Royal Decree of 12 December 2001 concerning service cheques. (Koninklijk besluit tot invoering van een stelsel van uitkeringen voor moederschaps hulp ten gunste van vrouwelijke zelfstandigen en tot wijziging van het koninklijk besluit van 12 december 2001 betreffende de dienstencheques (1).) 17 January 2006.

<http://www.staatsbladclip.be/wetten/2006/01/23/wet-2006022093.html>

On 26 January 2006 the Institute for the equality of women and men organized a round-table conference on 'Gender and age', focussing on – among other subjects – poverty as a result of a pension based on an interrupted career.

<http://www.iefh.fgov.be/ShowContent.aspx?levelID=176&objectID=193&lang=nl>

Royal Decree to modify several stipulations concerning the consent on paid educative leave. (KB tot wijziging van sommige bepalingen inzake toestemming van betaald educatief verlof.) 1 September 2006.

<http://www.werk.belgie.be/WorkArea/showcontent.aspx?id=6426>

Towards the end of his term federal Minister for Pensions, Bruno Tobbacq initiates four conferences on women and pensions and establishes a website and a brochure on the theme.

Primary

- Tobbacq, Bruno. 2006. *Vrouwen zijn niet gemiddeld. 2006 wordt het jaar van Vrouw & Pensioen.* [Women are not average. 2006 will be the year of Woman & Pension.] http://www.vrouwenpensioen.be/default.aspx?ref=ADAB&lang=NL_VP E-text
- www.vrouwenpensioen.be

Secondary

- Vrouwen Overleg Komitee. 2007. *Memorandum Vrouwen Overleg Komitee. Federale Regering 2007* [Note Women's Consultative Committee. Federal Government 2007]. Brussel: VOK. http://www.vrouwendag.be/index.php?option=com_content&task=view&id=91&Itemid=17
- Vrouwenraad. 2007. *Vrouwenraadmemorandum 2007.* [Memorandum of the Women's Council]. Brussel: Vrouwenraad. http://www.vrouwenraad.be/dossiers/2007/verkiezingen/vrouwenraadmemorandum_2007.pdf
- Conseil des femmes francophones de Belgique. 2007. *Le CFFB présente aux partis politiques ses propositions et requêtes pour la prochaine législature.* [The CFFB presents the political parties its propositions for the next government.] Brussel: CFFB <http://smooz.4your.net/cffb/files/memorandum07.pdf>

Concluding seminar on the EVA-project was held in November 2006.

2007:

Koninklijk besluit van 12 januari 2007 tot wijziging van het koninklijk besluit van 14 november 2003 houdende uitvoering van de wet van 28 april 2003 betreffende de aanvullende pensioenen en het belastingstelsel van die pensioenen en van sommige aanvullende voordelen inzake sociale zekerheid

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=103169&lang=nl>

Royal Decree of 24 January 2007 to modify the articles 36bis, 78bis, 131ter, 133 and 137 of the Royal Decree of 25 November 1991 on the unemployment benefit system within the scope of the benefit as regards senior leave. (Koninklijk besluit van 24 januari 2007 tot wijziging van de artikelen 36bis, 78bis, 131ter, 133 en 137 van het koninklijk besluit van 25 november 1991 houdende de werkloosheidsreglementering in het kader van de seniorvakantie-uitkering.) 24 January 2007.

<http://www.werk.belgie.be/WorkArea/showcontent.aspx?id=7076>

Ministerial order of 30 January 2007 to modify article 87 of the Ministerial order of 26 November 1991 as regards the regulations of application of the unemployment benefit system and within the scope of the benefits as regards senior leave. (Ministerieel besluit van 30 januari 2007 tot wijziging van artikel 87 van het ministerieel besluit van 26 november 1991 houdende de toepassingsregelen van de werkloosheidsreglementering in het kader van de seniorvakantie-uitkeringen.) 30 January 2007.

<http://www.werk.belgie.be/WorkArea/showcontent.aspx?id=7078>

Towards the end of January 2007 a new Interprofessioneel akkoord (Interprofessional agreement) 2007-2008 was adopted. In this IPA a section on wage equalities was introduced.

- *Interprofessioneel akkoord voor de periode 2007-2008. Voor een innovatieve werkgelegenheid en economie. [Interprofessional agreement 2007-2008. For an innovative employment and economy.] January 2007.*

http://www.acv-online.be/Images/ontwerp_ipa_tcm9-108734.PDF

Decree on the modification of the decree of 8 May 2002 on the equal participation to employment. (Decreet houdende wijziging van het decreet van 8 mei 2002 houdende evenredige participatie op de arbeidsmarkt en van het decreet van 30 april 2004 houdende sociaalrechtelijk toezicht.) 9 March 2007.

<http://www.staatsbladclip.be/wetten/2007/04/06/wet-2007035497.html>

Royal Decree to modify, as regards social and professional reintegration of disabled persons, of the Royal Decree of 20 July 1971 concerning the implementation of a benefit insurance and a motherhood insurance in favour of self-employed persons and assisting spouses. (Koninklijk besluit tot wijziging, wat de socio-professionele reïntegratie van de arbeidsongeschikt erkende gerechtigden betreft, van het koninklijk besluit van 20 juli 1971 houdende instelling van een uitkeringsverzekering en een moederschapsverzekering ten voordele van de zelfstandigen en van de meewerkende echtgenoten.) 21 April 2007.

<http://www.staatsbladclip.be/wetten/2007/05/11/wet-2007022644.html>

Law to battle against certain forms of discrimination. (Wet ter bestrijding van bepaalde vormen van discriminatie.) 10 May 2007.

<http://www.diversiteit.be/NR/rdonlyres/DE783385-5E9E-47A4-8F4F-585B88B5B634/0/100507Wetterbestrijdingvanbepaaldevormenvandiscr.pdf>

Law to modify the Legal Code on the legislation on battling discrimination and penalizing certain deeds infused by racism or xenophobia. (Wet tot aanpassing van het Gerechtelijk Wetboek aan de wetgeving ter bestrijding van discriminatie en tot bestraffing van bepaalde door racisme of xenofobie ingegeven daden.) 10 May 2007.

<http://www.diversiteit.be/NR/rdonlyres/791C4A63-982C-40C4-A51D-8F58AF627E9C/0/100507Wettotaanpassingvanhetgerechtelijkewetboek.pdf>

Law to battle discrimination between women and men. (Wet ter bestrijding van discriminatie tussen vrouwen en mannen.) 10 May 2007.

<http://reflex.raadvst-consetat.be/reflex/pdf/Mbbs/2007/05/30/104864.pdf>

Introduction of M/V United by the Flemish Minister of Equal Opportunities Kathleen Van Brempt.

2b) Intimate Citizenship

Introduction

The Belgian legislation as regards intimate citizenship reveals a clear shift over the last decade, strongly influenced by a change in the governing coalition that took place in the same period. In 1999 the Christian Democrats were ejected from power after having governed the country for a period of forty years and a more liberal and progressive era of policy making started under the government Verhofstadt I and II. Since the governing coalition of Guy Verhofstadt (Dutch-speaking Liberal) took office in 1999 and repeated its electoral victory in 2003, many changes have come about, paving the way to eliminate discriminations and denoting a great impact on certain social groups. The coalition of Verhofstadt I included the Liberals (Dutch-speaking VLD and Francophone MR), the Social Democrats (Dutch-speaking SP.A and Francophone PS) and the Greens (Dutch-speaking Groen! and Francophone Ecolo), and in the coalition of Verhofstadt II, only the former two political families. In 2003, homosexuals and lesbians were granted the right to marry. Three years later, the law on adoption by homosexuals was passed, which also allowed LGBT's to adopt children.

However, legislation passed during this period did not only denote successes for minorities and discriminated groups. The establishment of an alimony fund by law in 2003 has been a fiasco up until the moment of writing this report due to its poor functioning. The matter has triggered significant reactions by civil society. The law of May 1999 which introduced the concept of 'sham marriages' into Belgian legislation, and the 2006 law attaching penalty to sham marriages has had a negative result in reality, leaving many couples dependent on the arbitrariness of civil servants who hide behind the law. Currently, civil society demands more rights for ethnically mixed couples.

A theme which will not be addressed here in detail is the abortion law, since it dates back to the early nineties. The law of April 1990 made abortion legal. This was a landmark in both Belgium's gender equality legislation and the country's royal history. King Boudewijn refused to ratify this law because it ran counter to his personal convictions on the matter. The King abdicated during twenty-four hours and the government of Wilfried Martens could execute the abortion law. From that moment on, women are able to terminate their pregnancies up to 14 weeks. Abortion however remains in the criminal code. A woman has to go to a health service institution or hospital, and has to state that she is in an emergency situation. However, only the woman (or girl) can express an opinion. Women are provided with information on crisis centres and have to wait six days before the actual abortion.

In Belgium, the sub-issues within the intimate citizenship issue that are most relevant to the Quing-project and -period are:

- Sexual orientation discrimination and partnering: with landmarks such as the law on same-sex marriages (2003), adoption by couples of the same sex (2006) and the recent law on transsexuality (2007).
- Living together, marriage, divorce: with a focus on the cohabitation act (1998), the legal modifications as regards divorce, abolishing the motive of guilt (law of 2007) and

the introduction of an alimony fund by law (2003) as well as the laws introducing the concept of sham marriage (1999) and penalizing sham marriages (2006).

- Reproductive rights: and the pressure from civil society and several politicians to introduce legislation on the subject of surrogate motherhood.

Sexual orientation discrimination and partnering

Since 2003 sexual orientation and partnering have been important and much discussed topics in Belgium, which were consequently translated in laws. The beginnings of an improvement in the legal status of same-sex partners and unmarried couples had already been seen in the law on legal cohabitation (*Wet tot invoering van wettelijke samenwoning*) of 23 November 1998, which also provided same-sex couples the chance to unite in a legal and more binding way. However the real victory for the Belgian homosexual society came on 13 February 2003 with the passing of the law on same-sex marriages (*Wet tot openstelling van het huwelijk voor personen van hetzelfde geslacht en tot wijziging van een aantal bepalingen van het Burgerlijk Wetboek*). The law had both advocates (e.g. Belgian homosexual society) and adversaries (religious and nationalists). Even after the law was adopted, in February 2003, its opponents remained active. They consisted of conservative, religious and nationalist groups and instituted legal proceedings against the law with the court of arbitration. The law however was not annulled and the Civil code was modified. Therefore, marriage is accessible for both heterosexual and homosexual couples in Belgium.

Until that moment, homosexuals were still discriminated against since they could not adopt children. In 2002, when the Belgian adoption law was revised and modernised the Green party Agalev and the socialist party SP had already tried to hand in an amendment. This was however withdrawn. Only four years later, on 18 May 2006 the law on adoption by same-sex couples and modification of the civil code (*Wet tot wijziging van een aantal bepalingen van het Burgerlijk Wetboek, teneinde de adoptie door personen van hetzelfde geslacht mogelijk te maken*) was passed. Initially a stir was caused by Patrik Vankrunkelsven of the liberal party VLD who wanted to introduce an amendment which would restrict the adoption by same-sex couples to a couple of which one person is the biological parent. This amendment was not introduced and the law was adopted. Comparable with the time of the same-sex marriages, during and after the legislation process both people and organizations who advocate and oppose adoption by homosexuals spoke up. Organizations of homosexuals were happy with the new law. In the words of the spokeswoman of the youth organization *Wel Jong Niet Hetero* (Young, but not a hetero): 'the legal vacuum in which many homosexuals are living has finally come to an end' and 'we are aware that Belgium is divided, but it is the task of the homosexual movement to sensitize and inform society about the importance of this law.' (http://www.hln.be/hlns/cache/det/art_196888.html, accessed in May 2007).

However, nationalists and religious organizations such as the political party Vlaams Belang and organizations among which the Christian conservative committee *Actie voor Gezin* (Action for Family) opposed the law. This last organization presented a petition to the

Chamber with 22.400 signatures against this law because it believes that every child should have a mother

(http://www.hln.be/hlns/cache/det/art_196884.html, accessed in May 2007).

The recent Belgian law on transsexuality (*wet betreffende de transseksualiteit*) of 25 April 2007 provides better legal grounds for transsexuals. Before this law, it was possible to legally change sex, but the case had to be taken to court. The new law of 2007 simplifies this by making it an administrative issue. The person who wants to change sex simply provides a civil servant of the Register Office with a declaration of the medical team that guides the sex change. A new certificate is issued, and consequently the birth certificate is adapted. The original bill was criticized by transgender organizations since it implied that the person could only change sex legally if he or she had had reconstructive surgery. This was amended and the law now reads that a person has to be 'ready' to change sex legally. The decision is made by the medical team.

Legislation on transsexuality is largely influenced by international organizations and the European Union. With reference to the organizations, ILGA for example, was responsible for adding the 'T' of transsexuality to the term LGBT in 2000/2001 (Motmans 2006, p. 55) and addressing the theme. In 2005, the First European Transgender Council on civil and political rights was organized in Austria. In the scope of this Council a new organization was established: the European Transgender Network lobbies for rights for transgender persons (Motmans 2006, p. 55). In Belgium, the *Genderstichting* is active within the field of legislation on transsexuality.

The legislation is based on European resolutions and recommendations. As early as 1989, the European Parliament issued a resolution as regards the discrimination of transsexual persons. 'The resolution called for protection against employment discrimination, reimbursement of the costs of sex reassignment treatments by health insurance, dissemination of information on the problems of transsexuals to relevant authorities, public funding for transsexuals' advice centres, self-help organisations, further medical research on transsexuality, and recognition of persecution on the grounds of transsexuality as grounds for asylum.' (Wickham in Motmans 2006, p. 57). The resolution following this recommendation (1117 of September 1989) incites the EU member states to introduce legislation which brings the civil status of transsexual persons into line with their gender identity and consequently protects them from discrimination (Motmans 2006, p. 57).

In 2001, Minister of Justice Verwilghen (VLD) did not only address same-sex marriages, but also transsexuality. In 2004, Hilde Vautmans (VLD), Valérie Déom (PS), Marie-Christine Marghem (MR) and Guy Swennen (SP.A) introduced the bill on transsexuality, which would lead to the recent law.

Living together, marriage, separation

The law on legal cohabitation (*Wet tot invoering van wettelijke samenwoning*) was adopted on 23 November 1998. This law was an elaboration of an amended bill of 23 October 1995 in which a way of living together other than marriage was stipulated (*samenlevingscontract*, living together legally). The Flemish author Tom Lanoye and his 'man', the politician René

Los, were the first 'registered' homosexual couple in 1996. The new law on legal cohabitation was adopted towards the end of 1998 (23 November 1998) and became effective on 1 January 2000. It changed several provisions of the Constitution and introduced a division between people who actually live together and people who – from this moment on – legally cohabitated. The law does not bring about equality between cohabitation and marriage, but provides some legal securities as regards property. Since the adoption of the law on legal cohabitation, several improving adaptations were made. Towards the end of 2005 a new law stipulated the modification of articles 64 and 1476 of the Civil code and article 59/1 of the stamp tax code to simplify the formal procedures for both marriage and legal cohabitation. And from 18 May 2007, people who legally live together receive limited inheritance rights. Married couples however still have different and more expanded rights.

In 1997 and 2000 two laws were passed on the modification of the divorce system. On 20 May 1997 the law on the modification of the legal and civil code as regards divorce (Wet tot wijziging van het Gerechtelijk Wetboek en het Burgerlijk Wetboek betreffende de procedures tot echtscheiding) was adopted. The law on the modification of article 232 of the Civil code and articles 1270bis, 1309 and 1310 of the legal code as regards divorce on the grounds of actual separation (Wet tot wijziging van artikel 232 van het Burgerlijk Wetboek en van de artikelen 1270bis, 1309 en 1310 van het Gerechtelijk Wetboek met betrekking tot echtscheiding op grond van feitelijke scheiding) was passed on 16 April 2000. Recently, in April 2007, a new divorce law was passed. This law concerning the reformation of divorce becomes effective from 1 September 2007 and stipulates two grounds on which people can divorce. Before this moment, three grounds applied: divorce on basis of certain facts (e.g. violence, adultery), divorce on grounds of more than two years actual separation and divorce by mutual consent. The two latter grounds now will be replaced by divorce on grounds of irreparable disruption, thereby abolishing the motive of guilt. This motive however remains in case of alimony. A subject of debate was the period after which the couple could divorce on basis of enduring disruption. The bill by Laurette Onkelinx (PS) stipulated six months. After debates in the Senate the Francophone liberals (MR) and socialists (PS) raised this period to one year.

Connected to the notion of divorce is the law to establish a service for the demand of alimony within the federal government service Finances (Wet tot oprichting van een Dienst voor alimentatie-vorderingen bij de FOD Financiën) of 21 February 2003. This fund is linked to the federal government service Finances. The *programmawet* of 5 August and 22 December however weakened this law and since becoming established, the fund has run into both financial and operational problems. The alimony fund provides advances for people with a low income for whom the ex-partner does not pay the alimony. Before the establishment of this fund, the Social Services Departments (OCMW's) were responsible for these loans. The fund has experienced many problems. In March 2007 the federal Minister of Equal Opportunities stated that the working of the fund has to be revised. The Belgian (women's) organizations, gathered under the umbrella name 'Platform Alimentatiefonds', demand a full implementation of the law. The main problem is the reach of the fund; the organizations of the Platform Alimentatiefonds point out that the information does not reach the persons concerned. Three years later, the fund has only treated 25.000 dossiers,

whereas a number of 150.000 was estimated before (Platform Alimentatie 2007, p. 1). Therefore, the Platform asked the government to start a campaign, in order to inform society.

In 1999 a law on the modification of several stipulations as regards marriage (*Wet tot wijziging van een aantal bepalingen betreffende het huwelijk*) was passed. The concept of sham marriage was introduced at this point. According to the law, a sham marriage is a marriage with the purpose of ameliorating the residence situation. A civil servant of the Registry of Births, Marriages and Deaths has the right to decline to perform the marriage. In the circular letter of 17 December 1999 ten factors to indicate a sham marriage are stipulated. In several cities (e.g. Antwerp, Ghent, Malines) special units on sham marriages were established. These cells investigate doubtful marriage cases. The law of 12 January 2006 on the modification of the law of 15 December 1980 on the access to the territory, the residence, the settlement and the expulsion of foreigners attaches a penalty to (the attempt of) a sham marriage. The non-profit organization, Flemish Centre for Minorities (*Vlaamse Minderheden Centrum*, abbreviated to VMC), the Centre for Minorities the 8 (*Minderhedencentrum de 8*) and the Committee Yes, I do (*Comité Ik wil A wel*⁶) have joined to condemn the arbitrariness of the federal legislation on sham marriages. They demand clear legislation on the matter, respecting the basic rights of the couples involved. In an article on their point of view, they explain that many marriages are refused in Antwerp, the city in which the first unit on sham marriages was established. Why this is the case, they cannot understand since the civil servants of these units throughout the country deal with sham marriages in different ways (Sfingopoulos 2007, p. 2-3). Several obstacles have become clear by listening to the stories of the 'victims' as well as the external parties (e.g. OCMW and sheltering facilities) reporting on the issue (Sfingopoulos 2007, p. 4). It is important to inform people on the timing of marriages, since a marriage can be postponed for two months by a civil servant of the Registry of Births, Marriages and Deaths. These time limits are not always clear, which has already led to people having to leave Belgium before their wedding date and not being able to come back to actually marry. A second obstacle concerns the function of the local police officer who has to make a statement of the place of housing. This can take up to fifteen weeks. Moreover, the sham marriages unit interviews the couple on its intentions and makes a report after, rather than during the interview. The action groups demand that the interview is written down and signed by both parties instead (Sfingopoulos 2007, p. 4). Finally, the two centres and the committee condemn the fact that no lawyers are allowed in the room during the interview (Sfingopoulos 2007, p. 4).

Reproductive rights

In 2001, the *Nederlandstalige Vrouwenraad* (Dutch-speaking Women's Council) gave advice on the subject of surrogate motherhood. It defends the opinion that, even though there is no

⁶ The name of the *Comité Ik wil A wel* is a pun, which is important to understand. Throughout the years, the 'A' has become the symbol of the Flemish city Antwerp, and at the same time it is the phonetic way in which the Antwerp dialect says *jij* of 'you'. Consequently, the name of this committee refers to people who want to marry and want to do so in the city of Antwerp. The committee consists of 48 couples whose marriage was considered a sham marriage in Antwerp.

general legislation or legislation prohibiting the matter, the fertility centres should give expert advice on medical, legal and psychological aspects. The NVR only advocates surrogate motherhood when the couple cannot have a child with the genetic material of one partner in any other way (Vrouwenraad 2001, p. 1).

The issue of surrogate mothers was first addressed politically in the bill concerning surrogate mothers towards the end of 2003, but it became a heated discussion in Belgium in 2005. The immediate cause was the birth of baby Donna and the tug-of-love/hate stemming from this. During her pregnancy, baby Donna's biological mother had 'promised' to give her baby to a childless Belgian couple. However, she did not keep this promise and looked for other parents for her baby, a homosexual couple from the Netherlands. They gave her 5000 Euros for the baby. The case remains unresolved and all parties are fighting about the baby. This struggle has resulted in strong debates, a division of the political parties and several bills both in favour and opposed to surrogate mothers. The result of these political debates is unclear.

Actors

Government and state

Within the federal government much legislation on ethical matters (e.g. same-sex marriages, but also matters such as euthanasia) has passed during the two terms of office of Prime Minister Guy Verhofstadt and his 'purple' government which was constituted by liberals (blue), socialists (red) and the green parties between 1999 and 2003 and by liberals and socialists between 2003 and 2007.

As regards surrogate motherhood, no legislation has passed, but the debate is ongoing:

- Several bills were proposed in favour of surrogate motherhood by Christine Defraigne (Wallonia, MR), senators Myriam Vanlerberghe and Jacinta de Roeck (Flanders, SP.A), members of parliament Karine Jiroflée and Magda De Meyer (Flanders, SP.A), and senator Patrick Vankrunkelsven together with members of parliament Annemie Turtelboom, Miguel Chevalier and Hilde Vautmans (Flanders, VLD).
- The Flemish Christian Democratic party CD&V drew up a bill against the commercialization of surrogate motherhood, which was proposed by senators Mia de Schampelaere, Wouter Beke, Hugo Vandenberghe, Etienne Schoupe, Marc Van Peel, Erika Thijs and Sabine de Bethune. The Walloon Christian Democratic senator Clotilde Nyssens (cdH) also proposed a bill in order to prohibit surrogate motherhood.

With respect to sham marriages, the sham marriage units, installed by cities such as Antwerp, Malines and Ghent play an important role, since the civil servants of these units can decide whether or not a marriage is a sham.

Civil society

Next to the field of government, several NGOs, women's organizations and LGTB organizations, both national and international, have played an important role with reference to the intimate citizenship subissue.

Abortion

- CCNA, Centrale Coördinatie van de Nederlandstalige Abortuscentra provides (the Central Coordination of Dutch-speaking abortion centres)

Living together legally

- Koninklijke federatie van het Belgische notariaat
- Roze Leeuwen

New divorce law

- Vrouwen Overleg Komitee (VOK)
- Orde van Vlaamse Balies

Alimony Fund

- Platform Alimentatiefonds
- Social Services Departments (OCMW)

Same-sex marriages

- In favour: Roze Leeuwen <http://www.gaybelgium.be/content/70534.shtml>, Mikpunt <http://www.mikpunt175.be/index.php?id=56>, Holebifederatie, Wel Jong niet Hetero, Amnesty International
- Against: religious organizations, the political party Vlaams Belang (Vlaams Blok), several members of the CD&V (however, in the end they agreed to the law), Action for Family

Same-sex adoption

- In favour: Mikpunt, Wel Jong, niet Hetero, Holebifederatie, Amnesty International, Vrouwenraad http://www.vrouwenraad.be/pdf/standpunten_2005/100punten.pdf
- Against: Vlaams Belang (Vlaams Blok), Gezinsbond, 'Vader, moeder en ik', several members of CD&V en CDH, Pro Vita, Front National
They united in demonstration in September 2005. The Gezinsbond however did not join.

Sham marriages

- Vlaamse Minderheden Centrum
- Minderheden Centrum de 8
- Ik wil A wel
- Social Services Departments (OCMW)
- Opvangcentra asielzoekers
- Steunpunt Allochtone Meisjes en Vrouwen

Surrogate Motherhood

- De verdwaalde ooievaar. Netwerk Fertiliteit
- Vrouwenraad

Transsexuality

- Genderstichting
- ILGA
- European Transgender Network

Europe

The European Union and Parliaments, with its recommendations, resolutions and directives play an important role. Within the field of legislation on transsexuality, for example, the EU has influenced Belgium rather than the country's own civil society action groups.

Timeline

This list provides a chronological overview of bills, laws, decrees and Royal decrees on the subissues within the intimate citizenship theme. For every law, (Royal) decree a link is provided to the original text.

1995: Law on the joint practice of parental authority (Wet betreffende de gezamenlijke uitoefening van het ouderlijk gezag.) 13 April 1995.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=10849&lang=nl>

1997:

Law on the modification of the legal and civil code as regards divorce. (Wet tot wijziging van het Gerechtelijk Wetboek en het Burgerlijk Wetboek betreffende de procedures tot echtscheiding.) 20 May 1997.

http://reflex.raadvst-consetat.be/refLex/index.reflex?page=chrono&c=detail_get&d=detail&docid=32083&tab=chr ono&lang=nl

Decree as regards the regulation of inheritance tax rates between cohabitants. (Decreet houdende regeling van de successietarieven tussen samenwonenden.) 15 July 1997.

<http://jsp.vlaamsparlement.be/docs/stukken/1996-1997/g694-7.pdf>

1998: The law on legal cohabitation. (Wet tot invoering van wettelijke samenwoning.) 23 November 1998.

<http://www.dofi.fgov.be/nl/reglementering/belgische/overige/wet/23111998.pdf>

1999:

Law on fiscal and other conditions. (Wet houdende fiscale en andere bepalingen.) 4 May 1999.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=62015&lang=nl>

Law on the modification of several stipulations as regards marriage. (Wet tot wijziging van een aantal bepalingen betreffende het huwelijk.) 4 May 1999.

<http://www.dofi.fgov.be/nl/reglementering/belgische/overige/wet/04051999.pdf>

This law introduced the notion of 'sham marriage'.

Primary

- Belgische Senaat. *Wetsvoorstel houdende invoeging in het Burgerlijk Wetboek van een artikel 171bis betreffende de schijnhuwelijken (Ingediend door mevrouw Lizin).*

[Bill on the insertion of an article 171bis on sham marriages in the Civil Code. (Introduced by Madam Lizin).] 20 December 1996.

<http://www.senate.be/www/?Mlval=/publications/viewPub.html&COLL=S&LEG=1&NR=512&VOLGNR=1&LANG=nl>

- *Wet tot wijziging van een aantal bepalingen betreffende het huwelijk. [Law on the modification of several stipulations as regards marriage.]* 4 May 1999.
<http://www.dofi.fgov.be/nl/reglementering/belgische/overige/wet/04051999.pdf>
- Belgische Kamer van Volksvertegenwoordigers. *Wetsontwerp tot aanpassing van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen. [Bill on the modification of the law of 15 December 1980 on the access to the territory, the residence, the settlement and the expulsion of foreigners.]* 15 June 2005.
<http://www.dekamer.be/FLWB/pdf/51/1861/51K1861001.pdf>
- *Wet van 12 januari 2006 tot aanpassing van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen. [Law on the modification of the law of 15 December 1980 on the access to the territory, the residence, the settlement and the expulsion of foreigners.]* 12 January 2006.
<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=96081&lang=nl>

Secondary

- Belgische Senaat. *Wetsvoorstel houdende invoeging in het Burgerlijk Wetboek van een artikel 171bis betreffende de schijnhuwelijken. Advies door de Raad van State. [Bill on the modification of the law of 15 December 1980 on the access to the territory, the residence, the settlement and the expulsion of foreigners. Advice by the Raad van State.]* 6 January 1999.
<http://www.senate.be/www/?Mlval=/publications/viewPub.html&COLL=S&LEG=1&NR=512&VOLGNR=2&LANG=nl>
- Belgische Senaat. *Wetsvoorstel houdende invoeging in het Burgerlijk Wetboek van een artikel 171bis betreffende de schijnhuwelijken. Verslag namens de Commissie voor de binnenlandse en de administratieve aangelegenheden uitgebracht door mevrouw Thijs. [Bill on the modification of the law of 15 December 1980 on the access to the territory, the residence, the settlement and the expulsion of foreigners. Report by the Commission of Internal and administrative affairs, reported by Madam Thijs.]* 9 February 1999.
<http://www.senate.be/www/?Mlval=/publications/viewPub.html&COLL=S&LEG=1&NR=512&VOLGNR=6&LANG=nl>
- Links to the texts of all parliamentary debates, advice and amendments, both primary and secondary via this link:
Dossierfiche - Wetsontwerp tot wijziging van een aantal bepalingen betreffende het huwelijk (Law on the modification of several stipulations as regards marriage.) S 1-512 / K 49-1991
<http://www.senate.be/www/?Mlval=/dossier&LEG=1&NR=512&LANG=nl>
- Belgische Kamer van Volksvertegenwoordigers. *Wetsontwerp tot aanpassing van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf,*

de vestiging en de verwijdering van vreemdelingen. Wetsontwerp tot aanpassing van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen, wat de voorwaarden voor gezinshereniging betreft. Verslag namens de Commissie voor de binnenlandse en de administratieve aangelegenheden uitgebracht door Mevrouw Jacqueline Galant. [Bill on the modification of the law of 15 December 1980 on the access to the territory, the residence, the settlement and the expulsion of foreigners. Bill on the modification of the law of 15 December 1980 on the access to the territory, the residence, the settlement and the expulsion of foreigners, concerning reuniting of the family. Report by the Commission of Internal and administrative affairs, reported by Jacqueline Galant.] 6 December 2005.

<http://www.dekamer.be/FLWB/pdf/51/1861/51K1861004.pdf>

- Links to the texts of all parliamentary debates, advice and amendments, both primary and secondary via this link:

Dossierfiche - Wetsontwerp tot aanpassing van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen [Bill on the modification of the law of 15 December 1980 on the access to the territory, the residence, the settlement and the expulsion of foreigners.] S 3-1477/K 51-1861

<http://www.senate.be/www/?Mlval=dossier&LEG=3&NR=1477&LANG=nl>

- Sfingopoulos, Sofie. 2007. Het Vlaams Minderhedencentrum (VMC), de 8 en het Comité Ik wil A wel over schijnhuwelijken. [The Vlaams Minderhedencentrum, the 8 and the Comité Ik wil A wel on sham marriages]. *UVV Info*, July-August 2007. p. 12-15.

<http://www.uvv.be/uvv5/pub/cinfo/nbz/pdf/04.pdf>

Law to abolish the declaration of abandonment and the transfer of parental authority. (Wet tot afschaffing van de verlatenverklaring en van de overdracht van het ouderlijk gezag.) 7 May 1999.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=62464&lang=nl>

Royal decree on determining a date of the coming into force of the law of 23 November 1998 on legal cohabitation. (Koninklijk besluit tot vaststelling van de datum van inwerkingtreding van de wet van 23 november 1998 tot invoering van de wettelijke samenwoning.) 14 December 1999.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=65120&lang=nl>

2000:

Law on the modification of article 232 of the Civil code and articles 1270bis, 1309 and 1310 of the legal code as regards divorce on the grounds of actual separation. (Wet tot wijziging van artikel 232 van het Burgerlijk Wetboek en van de artikelen 1270bis, 1309 en 1310 van het Gerechtelijk Wetboek met betrekking tot echtscheiding op grond van feitelijke scheiding.) 16 April 2000.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=67058&lang=nl>

Law to modify article two, first part, of the law of 19 July 1991 as regards the registers of births, marriages and deaths and the identity cards and to modify the law of 8 August 1983 to regulate a State Register of natural persons. (Wet tot wijziging van artikel 2, eerste lid, van de wet van 19 juli 1991 betreffende de bevolkingsregisters en de identiteitskaarten en tot wijziging van de wet van 8 augustus 1983 tot regeling van een Rijksregister van de natuurlijke personen.) 12 August 2000.

Decree as regards the equal treatment of inheritance rights between cohabitants and married people. (Decreet houdende gelijkschakeling van de successierechten tussen samenwonenden en getrouwden.) 1 December 2000.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=69953&lang=nl>

2001:

Law on the procedural mediation within family business. (Wet betreffende de proceduregebonden bemiddeling in familiezaken.) 19 February 2001.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=70927&lang=nl>

Decree as regards inheritance tax rights between legal cohabitants. (Décret relatif aux droits de succession entre cohabitants légaux.) 14 November 2001.

<http://reflex.raadvst-consetat.be/refLex/pdf/Mbbs/2001/11/29/73586.pdf>

2002:

Ordinance to change the code on inheritance tax rights. (Ordonnantie tot wijziging van het Wetboek der successierechten.) 20 December 2000.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=79262&lang=nl>

2003:

Law on same-sex marriages. (Wet tot openstelling van het huwelijk voor personen van hetzelfde geslacht en tot wijziging van een aantal bepalingen van het Burgerlijk Wetboek.) 13 February 2003.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=80073&lang=nl>

Primary

- Belgische Senaat. *Wetsvoorstel tot openstelling van het huwelijk voor personen van hetzelfde geslacht en tot wijziging van een aantal bepalingen van het Burgerlijk Wetboek. (Ingediend door mevrouw Jeannine Leduc, de heren Philippe Mahoux, Philippe Monfils, de dames Myriam Vanlerberghe, Marie Nagy en de heer Frans Lozie). [Bill on same-sex marriages and modification of certain points of the civil code. (Introduced by Jeanine Leduc, Philippe Mahoux, Philippe Monfils, Myriam Vanlerberghe, Marie Nagy and Frans Lozie).]* 28 May 2002.
<http://www.senatoren.be/www/?Mlval=/publications/viewPub.html&COLL=S&LEG=2&NR=1173&VOLGnr=1&LANG=nl>

- *Wet tot openstelling van het huwelijk voor personen van hetzelfde geslacht en tot wijziging van een aantal bepalingen van het Burgerlijk Wetboek. [Law on same-sex marriages and modification of certain points of the civil code.]* 13 February 2003.
<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=80073&lang=nl>
- *Circulaire tot vervanging van de circulaire van 8 mei 2003 betreffende de wet van 13 februari 2003 tot openstelling van het huwelijk voor personen van hetzelfde geslacht en tot wijziging van een aantal bepalingen van het Burgerlijk Wetboek. [Circular to modify the circular of 8 May 2003 on the law of 13 February 2003 on same-sex marriages and modification of certain points of the civil code].* 23 January 2004.
- *Omzendbrief betreffende de wet van 13 februari 2003 tot openstelling van het huwelijk voor personen van hetzelfde geslacht en tot wijziging van een aantal bepalingen van het Burgerlijk Wetboek. [Circular on the law of 13 February 2003 on same-sex marriages and modification of certain points of the civil code.]* 8 May 2003.
<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=81569&lang=nl>

Secondary

- Belgische Senaat. *Wetsvoorstel tot openstelling van het huwelijk voor personen van hetzelfde geslacht en tot wijziging van een aantal bepalingen van het Burgerlijk Wetboek. Verslag namens de Commissie voor de Justitie uitgebracht door Mevrouw Kaçar. [Bill on same-sex marriages and modification of certain points of the civil code. Report by the Commission of Justice, by Madam Kaçar.]* 20 November 2002.
<http://www.senatoren.be/www/?Mlval=/publications/viewPub.html&COLL=S&LEG=2&NR=1173&VOLGNR=3&LANG=nl>
- Belgische Kamer voor Volksvertegenwoordigers. *Wetsvoorstel tot openstelling van het huwelijk voor personen van hetzelfde geslacht en tot wijziging van een aantal bepalingen van het Burgerlijk Wetboek. [...] Verslag namens de Commissie voor de Justitie uitgebracht door de Dames Kristien Grauwels en Karin Lalieux. [Bill on same-sex marriages and modification of certain points of the civil code. Report by the Commission of Justice, by Kristien Grauwels and Karin Lalieux.]* 24 January 2003.
- Links to the texts of all parliamentary debates, advice and amendments, both primary and secondary via this link:
Dossierfiche - Wetsvoorstel tot openstelling van het huwelijk voor personen van hetzelfde geslacht en tot wijziging van een aantal bepalingen van het Burgerlijk Wetboek. [Bill on same-sex marriages and modification of certain points of the civil code.] S 2-1173/K50-2165
<http://www.senatoren.be/www/?Mlval=/dossier&LEG=2&NR=1173&LANG=nl>
- Marc Platel. 2003. *Wie bepaalt wat correct is? [Who decides what's right?]* *De Standaard*, 17 November 2003.
http://www.standaard.be/Artikel/Detail.aspx?artikelId=DSS17112003_004&word=homohuwelijk+wet+
- Van der Wildt, Francy, and Herlindis Moestermans. 2001. *Gelijke behandeling van alle gezinsvormen. [Equal treatment of all family forms].* *De Standaard*, 3 April 2001.
http://www.standaard.be/Artikel/Detail.aspx?artikelId=DSS03042001_002&word=samenwonen+wet

Law to establish a service for the demand of alimony within the federal government service Finances. (Wet tot oprichting van een Dienst voor alimentatie-vorderingen bij de FOD Financiën.) 21 February 2003.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=80617&lang=nl>

Primary

- Belgische Kamer van Volksvertegenwoordigers. *Wetsvoorstel tot oprichting bij het Ministerie van Financiën van een begrotingsfonds voor alimentatievorderingen. (Ingediend door de dames Jacqueline Herzet, Marie-Thérèse Coenen, Colette Burgeon, de heer Servais Verherstraeten, mevrouw Kristien Grauwels, de heer Jean Jacques Viseur en de dames Magda De Meyer, Fientje Moerman, Els Van Weert en Pierrette Cahay-André). [Bill to establish connected to the Ministry of Finances a fund for alimony.]* 6 February 2002. <http://www.dekamer.be/FLWB/pdf/50/1627/50K1627001.pdf>
- *Wet tot oprichting van een Dienst voor alimentatie-vorderingen bij de FOD Financiën. [Law to establish a service for the demand of alimony within the federal government service Finances.]* 21 February 2003. <http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=80617&lang=nl>
- *Wet houdende wijziging van de artikelen 628 en 1395 van het Gerechtelijk Wetboek naar aanleiding van de wet van 21 februari 2003 tot oprichting van een Dienst voor alimentatievorderingen bij de FOD Financiën. [Law on the modifications of articles 628 and 1395 of the Legal Code with reference to the law of 21 February 2003 to establish a service for the demand of alimony within the federal government service Finances.]* 17 March 2003. <http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=80619&lang=nl>
- *Koninklijk besluit tot bepaling, bij toepassing van artikel 29bis, par. 1, eerste lid, a) van de wet van 21 februari 2003 tot oprichting van een dienst voor alimentatievorderingen bij de FOD Financiën, van de voorwaarden en modaliteiten voor de overdracht van de dossiers inzake voorschotten op onderhoudsgeld toegekend door de openbare centra voor maatschappelijk welzijn bij toepassing van de artikelen 68bis tot 68quater van de organieke wet van 8 juli 1976 betreffende de openbare centra voor maatschappelijk welzijn aan de dienst voor alimentatievorderingen van de FOD Financiën.* 25 May 2005. <http://cpas.fgov.be/themes/integration/Onderhoudsgelden/content/Kb%2025%20mei%2004%20Alimentatie.pdf>
- *Koninklijk besluit tot bepaling van de datum van inwerkingtreding van artikel 7, §2, van de wet van de 21 februari 2003 tot oprichting van een dienst voor alimentatievorderingen bij de FOD Financiën. [Royal Decree on setting a date to the coming into force of the alimony fund at Finances.]* 20 June 2005. <http://www.ejustice.just.fgov.be/cgi/api2.pl?lq=nl&pd=2005-06-30&numac=2005003578>
- *Koninklijk besluit betreffende de samenstelling en de werking van de commissie tot evaluatie van de wet van 21 februari 2003 tot oprichting van een Dienst voor alimentatievorderingen bij de FOD Financiën. [Royal Decree on the composition of the alimony fund at Finances.]* 10 August 2005.

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=nl&pd=2005-08-30&numac=2005003646>

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- Links to the texts of all parliamentary debates, advice and amendments, both primary and secondary via this link:
Dossierfiche - Wetsontwerp tot de oprichting van een Dienst voor alimentatievorderingen bij de FOD Financiën. [Bill to establish connected to the Ministry of Finances a fund for alimony.] S 2-1439/K 50-1627. <http://www.senate.be/www/?Mlval=dossier&LEG=2&NR=1439&LANG=nl>
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Royal decree on the stipulation of regulations to lay down the accounting situation for the federal state in order to fund the advances on alimony towards the public centres for general welfare and the implementation of articles 68bis and following of the organic law of 8 July 1976 as regards the Social Service departments. (Koninklijk besluit tot bepaling van de

regels tot vaststelling van de boekhoudkundige situatie met het oog op de toekenning van de toelage van de federale Staat inzake voorschotten op onderhoudsgeld, toegekend door de openbare centra voor maatschappelijk welzijn bij toepassing van artikelen 68bis en volgende van de organieke wet van 8 juli 1976 betreffende de openbare centra voor maatschappelijk welzijn.) 25 May 2004.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=86919&lang=nl>

Royal decree on the stipulation, and the application of article 29 bis, paragraph 1, first part a of the law of 21 February 2003 to establish a service for the demand of alimony within the federal government service Finances, of the conditions and modalities of the transfer of the files concerning advances on alimony, granted by the Social Service Departments in the application of the articles 68bis to 68 quarter of the organic law of 8 July 1976 as regards the Social Service departments towards the service for the demand of alimony within the federal government service Finances.

(Koninklijk besluit tot bepaling, bij toepassing van artikel 29bis, par. 1, eerste lid, a) van de wet van 21 februari 2003 tot oprichting van een dienst voor alimentatievorderingen bij de FOD Financiën, van de voorwaarden en modaliteiten voor de overdracht van de dossiers inzake voorschotten op onderhoudsgeld toegekend door de openbare centra voor maatschappelijk welzijn bij toepassing van de artikelen 68bis tot 68quater van de organieke wet van 8 juli 1976 betreffende de openbare centra voor maatschappelijk welzijn aan de dienst voor alimentatievorderingen van de FOD Financiën.) 25 May 2004.

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File : <http://www.senate.be/www/?Mlval=dossier&LEG=3&NR=1230&LANG=nl>

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Bill concerning surrogate mothers. (Wetsvoorstel betreffende draagmoeders.) 1 July 2005.

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Bill on the regulation of surrogate motherhood. (Wetsvoorstel tot regeling van het draagmoederschap.) 13 July 2005.

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File:

<http://www.senate.be/www/?Mlval=/dossier&LEG=51&NR=1941&LANG=nl>

Bill to complement the penal code with provisions on the commercialization and the mediation as regards surrogate motherhood. (Wetsvoorstel tot aanvulling van het Strafwetboek met bepalingen betreffende de commercialisering van en de bemiddeling inzake draagmoederschap.) 20 July 2005.

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File: <http://www.senate.be/www/?Mlval=/dossier&LEG=3&NR=1319&LANG=nl>

Royal decree on the composition and functioning of the commission to evaluate the law of 21 February 2003 to establish a service for the demand of alimony within the federal government service Finances. (Koninklijk besluit betreffende de samenstelling en de werking van de commissie tot evaluatie van de wet van 21 februari 2003 tot oprichting van een Dienst voor alimentatievorderingen bij de FOD Financiën.) 10 August 2005.

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=nl&pd=2005-08-30&numac=2005003646>

Decree of the government of the Francophone Community as regards adoption. (Besluit van de Regering van de Franse Gemeenschap betreffende de adoptie [vertaling].) 7 October 2005.

Bill concerning the prohibition of both surrogate motherhood in cases where the mother is not genetically related to the child and surrogate motherhood in cases where the mother is genetically related. (Wetsvoorstel tot het verbieden van zowel draagmoederschap waarbij de draagmoeder niet genetisch verwant is met het kind als draagmoederschap waarbij die genetische verwantschap wel bestaat.) 19 October 2005.

<http://www.senate.be/www/?Mlval=/publications/viewPub.html&COLL=S&LEG=3&NR=1399&VOLGNR=1&LANG=nl>

File: <http://www.senate.be/www/?Mlval=dossier&LEG=3&NR=1399&LANG=nl>

Law to modify articles 64 and 1476 of the Civil Code and article 59/1 of the legal code of stamp taxes in order to simplify the formalities for marriage and legal cohabitation. (Wet tot wijziging van de artikelen 64 en 1476 van het Burgerlijk Wetboek en artikel 59/1 van het Wetboek van zegelrechten met het oog op de vereenvoudiging van de formaliteiten voor het huwelijk en de wettelijke samenwoning.) 3 December 2005.

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Primary

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<http://www.dekamer.be/FLWB/pdf/51/0664/51K0664008.pdf>

- Links to the texts of all parliamentary debates, advice and amendments, both primary and secondary via this link:
File - Wetsontwerp tot wijziging van een aantal bepalingen van het Burgerlijk Wetboek, teneinde de adoptie door personen van hetzelfde geslacht mogelijk te maken. [Bill on the modification of the civil code in order to introduce adoption by same-sex couples.] K.51-664 / S.3-1460
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This link provides a list of all documents by Actie gezin on the adoption by homosexuals.

Decree as regards the exemption of inheritance tax rights on the net worth of the family house in favour of the partner who lives longest. (Decreet houdende vrijstelling van successierechten ten voordele van de langstlevende partner voor de nettowaarde van de gezinswoning (1).) 7 July 2006.

<http://www.staatsbladclip.be/wetten/2006/09/20/wet-2006036307.html>

Law to the favour of an equally divided housing of the child whose parents are divorced and to arrange the forced execution as regards the housing of the child. (Wet tot het bevoorrechten van een gelijkmatig verdeelde huisvesting van het kind van wie de ouders gescheiden zijn en tot regeling van de gedwongen tenuitvoerlegging inzake huisvesting van het kind (1).) 18 July 2006.

<http://www.staatsbladclip.be/wetten/2006/09/04/wet-2006009678.html>

2007:

Law to modify the regulations of the inheritance rights of the longest living legal cohabitant, of the Civil code and the law of 29 August 1988 on inheritance regulations as regards agriculture in order to promote continuity. (Wet tot wijziging, wat de regeling van het erfrecht van de langstlevende wettelijk samenwonende betreft, van het Burgerlijk Wetboek en van de wet van 29 augustus 1988 op de erfregeling inzake landbouwbedrijven met het oog op het bevorderen van de continuïteit.) 28 March 2007.

<http://reflex.raadvst-consetat.be/refLex/pdf/Mbbs/2007/05/08/88874e.pdf>

Law on transsexuality. (Wet betreffende de transseksualiteit.) 25 April 2007.

<http://www.staatsbladclip.be/wetten/2007/07/11/wet-2007009570.html>

Primary

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Hilde Vautmans, Valérie Deom, Marie-Christine Marghem and Guy Swennen.] 11 March 2004. Doc 51/0903/001

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<http://assembly.coe.int/Documents/AdoptedText/TA89/erec1117.htm>
- Belgische Kamer van Volksvertegenwoordigers. *Wetsvoorstel betreffende de transseksualiteit. Advies van het raadgevend comité voor bio-ethiek. [Bill on transsexuality. Advice by the advising committee on bio ethics.]* 13 March 2006.
<http://www.dekamer.be/FLWB/pdf/51/0903/51K0903002.pdf>
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<http://www.dekamer.be/FLWB/pdf/51/0903/51K0903006.pdf>
- Links to the texts of all parliamentary debates, advice and amendments, both primary and secondary via this link:
File: *Wetsontwerp betreffende de transseksualiteit. [Bill on transsexuality.]* K.51-903 / S.3-1794
<http://www.senate.be/www/?Mlval=dossier&LEG=3&NR=1794&LANG=nl>
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2c) Gendered Violence

Introduction

In the 1970s, the public awareness concerning violence against women, particularly rape, was raised in Belgium. The main actors at this moment were victim support groups such as *Vrouwen tegen verkrachting* (Women against rape) and *Tegen haar wil* (Against her will). These groups were emotionally involved and did not receive the attention aimed for. In 1982 however, Miet Smet (CVP) and Léon Rémacle (PSC) put forward a bill changing legislation in favour of the victims of rape (the bill Smet-Rémacle). The bill was passed. In 1989, the law of 4 July 1989 amending certain provisions concerning the crime of rape gave a broader definition of rape. As a result, and as statistics clearly indicate, more cases fall within the definition of the offence of rape.

These however, were not the first Belgian laws with reference to gendered violence. Between 1905 and 1948 three laws in relation to gendered violence were adopted. In 1905 the law against traffic in women was passed, in 1914 the law penalizing any onset of illicit sexual acts and prostitution of young persons or women who do not consent, and in 1948 a law was adopted to abolish prostitution.

From 1985 until 1999, Miet Smet was responsible for equal opportunities on a federal level, first as a State Secretary, later as a Minister. She considered 'violence' to be one of the three main issues to address during her term. One of the other issues was labour, a topic which was directly connected to gendered violence since Smet focused on the matter of sexual harassment. Studies were carried out and aid towards victims was improved. Violence towards women has been and remains an important issue for Belgian government and has been addressed in National Action Plans since 2001.

On 14 November 2000 an inter-ministerial conference on equal opportunities was installed and violence against women became one of its three main issues. The conference consisted of the Ministers of different policy areas in connection with equal opportunities. They were guided by and followed international recommendations – Beijing and CEDAW – and started drawing up at a National Action Plan on violence against women. On 11 May 2001 the NAP for 2001 and 2002 was accepted by the council of ministers. Its focus was twofold and addressed both violence within the family and human trafficking in connection with sexual abuse. The Belgian actions to prevent violence against women were coordinated for the first time and established by joint consultation. At the end of 2003, the *Instituut voor de gelijkheid van vrouwen en mannen* evaluated the NAP. This evaluation was the starting point of a second National Action Plan.

On 7 April 2004 the National Action Plan on Partner Abuse 2004-2007 was accepted by the council of ministers. This NAP was drawn up by the federal government and more specifically by the Minister of Equal Opportunities, the Minister of Health, the Minister of Internal Affairs, the Minister of Justice and the State Secretary of the Family. The *Instituut voor de gelijkheid van vrouwen en mannen*

coordinated the plan, by means of interdepartmental meetings of the Ministers' administrations. In comparison to the former plan, the focus of the NAP 2004-2007 shifted towards partner abuse, which was considered to be one of the most persistent and life-threatening forms of violence for women in Belgium. Six strategic pillars were worked out in order to combat violence against women: 1) increasing awareness, 2) training, 3) prevention, 4) protection and assistance, 5) repressive and other measures and 6) evaluation.

The inter-ministerial conference of 13 July 2005 resulted in the foundation of an inter-ministerial working party assigned to enhance the coherence between government actions with reference to violence between partners. A broader definition of 'violence between partners' was provided for federal, as well as regional and communal, use. A collective National Action Plan 2006-2007 consisting of a state of the art report on actions and perspectives was produced.

In Belgium, the sub-issues within the gendered violence issue that are most relevant for the period studied by the Quing-project (from 1995) are:

- Violence between partners: with landmarks of the law concerning the battle against violence between partners (1997) and the additional legislation on assigning the family home to the victim of domestic violence (2003). In 2004 the topic was directly addressed in the title of the second National Action Plan on violence.
- Sexual harassment: with the important law on sexual harassment and unwanted sexual behaviour in the work place (2002).
- Sexual assault and rape: with no new legislation on rape since 1989 and pressure by civil society to expand legislation on the topic of sexual abuse by professionals in the health service. However, attention has been paid to the assault and abuse of minors with a set of laws in 1999, 2000 and 2005.
- Female genital mutilation: the law on the criminal protection of minors (2000) introduces a penalty for female genital mutilation, but new legislation is asked for by civil society and several politicians.

Violence between partners

Until 1997, violence between partners as such was not considered a criminal act in Belgium. This situation ended with the 1997 law concerning the battle against violence between partners, also known as the Act Lizin, of Anne-Marie Lizin of the Walloon socialist party PS. The bill on the battle against violence between partners was introduced on 22 February 1996 by four female senators – Anne-Marie Lizin (PS), Sabine de Bethune (CVP), Lydia Maximus (CVP) and Michèle Bribosia-Picard (PSC) – within the scope of the United Nations' Women's World Conference in Beijing. Before the law Lizin, violence between partners could be penalized, as indicated in the criminal code, but the laws were not sufficiently applied. Due to the Law Lizin, the minimum penalty was increased: the minimum correctional prison

sentence doubled and the minimum penalty with reference to imprisonment, custody and forced labour was increased by two years. The law however did not provide for an arrest warrant, this was only made possible in 2003 with the new domestic violence law.

In the aftermath of the first National Action Plan on violence against women, a law was adopted in parliament as regards to domestic violence. The bill was drawn up by the vice Minister and Minister of Work, and Equal Opportunities (Laurette Onkelinx, PS) and the Minister of Justice (Marc Verwilghen, VLD) on 14 March 2002. The law on assigning the family home to the victim of domestic violence was adopted on 28 January 2003 and aims to improve legal provisions. From this moment, the family home is assigned to the person who is the victim of violence of his or her partner. Consequently, Article 410 of the Belgian criminal code was complemented.

The law on assigning the family home to the victim of domestic violence has been a step forward in Belgian legislation on gender based violence. However, as the memorandums and points of view coming from civil society, within the context of the federal elections of 2007, show, the law needs to be improved. In its *Note for the Federal Government 2007* the Vrouwen Overleg Komitee addresses this 2003 law and states that it suffers serious inadequacies. The VOK hopes that the new Government will address this issue and improve the current legislation on the matter (Vrouwen Overleg Komitee 2007, p. 3). In the *Memorandum of the Women's Council* the Dutch-speaking Women's Council (*Vrouwenraad*) demands new research and evaluations on the matter, since the last ones date back to 1998. The *Vrouwenraad* believes that such research and evaluations can improve both helping the victims and offenders as well as adapting legislation (Vrouwenraad 2007, p. 22). The Francophone CFFB recommends improving the means and tools of the organizations helping the victims and installing one general emergency phone number for Belgium as a whole (CFFB 2007, p. 1).

Sexual harassment

During the period researched in Quing, starting in 1995, sexual harassment at work is an important subissue as regards gendered violence. It was handled within federal, as well as regional and communal, governments, led to coalition agreements and was inspired by the Directive on the introduction of measures to encourage improvements in the safety and health of workers at work (83/391/EEC). In 1995 a Royal decree to protect employees against unwanted sexual behaviour at work at the administration and other departments of the federal ministries, as well as other public bodies, was promulgated. This Royal decree aimed at employees of the ministries, as did the order of the Government of Brussels of 25 February 1999 and the order of the government of the Francophone community of 26 July 2000. A year later, this last order was modified, now including the fight against unwanted psychological behaviour (mobbing / bullying).

On 11 June 2002 a general law as regards the protection against violence, harassment, and unwanted sexual behaviour in the workplace was passed. This act replaced the Royal decree of 18 September 1992 on the protection of workers against sexual harassment at the workplace, and led to another act, on 17 June 2002, concerning the amendment of the legal code within terms of the act of June 11th. A month later, on 11 July 2002, a Royal decree was enacted on the protection against violence, harassment, and unwanted sexual behaviour in the workplace.

Sexual assault and rape

Between 1999 and 2000, in the aftermath of severe scandals on child abuse by the network surrounding Marc Dutroux and the failure of the state institutions to act, coalition agreements on criminal offenders were accomplished between the federal state Belgium, the Flemish community, the Francophone community and the Walloon region. These agreements deal with the counseling and treatment of offenders of sexual abuse. Next to modifications and additions to the criminal code and legal provisions (e.g. the law on the sexual abuse of minors and the law on the procedure for use of DNA analysis as a means of identification in criminal proceedings), the treatment of offenders is considered as a means of fighting gendered violence. The law of 10 August 2005, by Minister Laurette Onkelinx (PS) broadened the former of the two laws. The former law focused on indecency cases and assault. The 2005 law broadened this to criminal abuse of minors.

As regards rape and sexual abuse in general however, Belgium still relies on the law of 1989, which broadened the scope of what is defined as rape. The anti-discrimination law of 2003 provides for increasing the penalty in certain cases (Vrouwenraad 2006 2, p. 3). Women's organizations, and especially the NVR, currently demand new legislation on sexual abuse by professionals in the health service. In 2006, a specific case caught the attention of both Belgian media and women's organizations. Vincent Martin, a court psychiatrist who made appearances in television shows as well, was sentenced to four years on probation for raping and assaulting seven of his patients. The Order of Physicians only suspended Mister Martin for one year, which implies that he is able to start working again. The NVR is extremely offended by the matter and draws its conclusions in a press release in June 2006. 'For over thirty years, the women's movement is active in the field of rape. Their actions and lobbying have lead to several legislative measures and initiatives as regards assistance of the victims. But criminal cases like this point out that a lot of work needs to be done' (Vrouwenraad 2006 1, p. 1, translation by Saskia Martens). The NVR started a petition on the matter and makes recommendations in its *Memorandum* of 2007. The NVR states that professionals in health services are able to abuse their position of power over a patient. This is not punishable if the victim is an adult, but is if he or she is a minor. The NVR asks to equalize this penalty for minors and adults. The women's organization believes that it is important to research this topic, since no information is available yet (Vrouwenraad, 2007, p.27).

In the National Action Plans on violence, rape is not discussed as an independent issue. In the NAP of 2001, the word rape (*verkrachting* in Dutch) appears several times, most of which concern marital rape and domestic violence. In the NAPs following in 2004 and 2006, the word is no longer mentioned.

Female genital mutilation (FGM)

The law on the criminal protection of minors (*Wet betreffende de strafrechtelijke bescherming van minderjarigen*) of 28 November 2000 can also be interpreted within the scope of Belgian legislation of the post-Dutroux period. The law also addresses female genital mutilation (FGM) and attaches a penalty in the Criminal Code for persons who mutilate women's genitals or who facilitate doing so. The paragraph on FGM reads: 'Art. 409 The person who carries out, enables or promotes any kind of mutilation of the genitals of a person of the female sex, with or without her consent, will be punished by imprisonment from three to five years' (Translation, Saskia Martens). People who enable or promote FGM can be sentenced for 8 days to one year in prison. The law became effective in April 2001. In the same month, a workshop was organized on female genital mutilation in Europe and Belgium. Els Leye of the International Centre for Reproductive Health (ICRH) of the University of Ghent was one of the main researchers conducting scientific research on the matter. Throughout the years, she has researched the prevalence of FGM in Europe and Belgium. One of her main conclusions is that the data on the subject are rather scarce. More research has to be done in order to improve the enforcement of legislation and to take more cases to court. The European and Belgian health services should be trained to deal with the matter, and information should be evaluated. Moreover, religious groups and men should also be involved (Leye 2006, p. 6).

The latest study by Els Leye on FGM was introduced in the *Belgische Kamer van Volksvertegenwoordigers* (Belgian Chamber of Representatives) on 11 May 2007. This day was declared 'action day against FGM' by Hilde Vautmans of the Flemish liberal party VLD and Magda De Meyer of the Flemish socialist party SP.A. The matter was discussed more thoroughly and the number of 2,745 mutilated women in Belgium was released. Several propositions were made in the Chamber, of which that of the State Secretary for the Family (Gisèle Mandaila of the Walloon liberal party MR) National Action Plan against FGM is the most important one (De Wit John 2007, p. 1). These debates and plans however have to be continued by the new parliament.

FGM is an issue that has attracted attention from the female politicians of the liberal parties. Hilde Vautmans of the VLD who declared 11 May 2007 an action day against FGM in the Chamber, currently organizes a petition to stop FGM (<http://petitie.hildevautmans.be/index.php>, accessed on 24 July 2007). At the same time, the women's organizations, such as the VOK and the Women's Council continue fighting against female genital mutilation. GAMS (*Groupement des hommes*

et de femmes pour l'Abolition des Mutilations Sexuelles féminines or group made of men and women fighting for the abolition of Female Genital Mutilations) is a Belgian organization which specifically aims to stop FGM. On an international scale, Euronet FGM is responsible for fighting FGM.

The European Parliament is fighting female genital mutilation as well. In 2001 a resolution was introduced that condemns all forms of FGM and denotes the matter as violence against women. The Resolution is not obligatory for the member states, but constitutes a positive step (Leye 2006, p. 2-3).

Actors

Government

Gendered violence has been addressed relatively well in Belgium legislation and policy-making and has been handled at length by government since the installation of Miet Smet as a State Secretary in 1985. Violence against women was one of her main policy areas. From that moment, the matter has been dealt with by federal, regional and communal government and was elaborated in National Action Plans. The Ministries and Ministers dealing with gendered violence are:

- Miet Smet (CVP, later on CD&V): she was State Secretary of Social Emancipation from 1985 until 1992 and Minister of of Employment, Labour and Equal Opportunities from 1992 until 1999.
- The following governmental bodies formulated and accepted the first federal National Action Plan 2001: Inter-ministerial conference on equal opportunities and Council of Ministers. The NAP aimed at the federal government and the following ministries formulated the federal National Action Plan 2004-2007:
 - Minister of Equal Opportunities
 - Minister of Health
 - Minister of Internal Affairs
 - Minister of Justice
 - State Secretary of the Family

The Institute for the equality between women and men (Instituut voor de gelijkheid van vrouwen en mannen) coordinated the National Action Plan.

- With the exception of the German-speaking community, in the collective National Action Plan 2006-2007, the federal, regional and communal governments joined forces.
 - Federal: Minister of Equal Opportunities
Minister of Justice
Minister of Internal Affairs
Minister for Social Affairs and Health
 - Francophone Community: Minister President
Minister of Culture, Audiovisual sector
and Youth

Minister of Child's Welfare, Youth and Health

Minister of Higher Education, Scientific research and International relations

- Flemish: Minister of Labour, Education and Training
Minister of Equal Opportunities
Minister of Welfare, Health and Family
Minister of Internal Rule, Urban Policy, Living and Naturalization
- Walloon region: Minister of Equal Opportunities
Minister of Health, Social Action and Equal Opportunities
Minister of Labour
- Brussels: Minister President
State Secretary of Equal Opportunities

This NAP will be followed by an interdepartmental unit, coordinated by the Institute and composed of representatives of the federal representatives of Justice, Internal Affairs and Social Matters and the representatives of the administrations of the communal and regional partners.

Political parties

The issue of gendered violence is elaborated upon by the women's departments of several Belgian political parties. They are attached to a political party and use their influence to change the parties' political agendas towards a more gender friendly policy with reference to violence between men and women.

- Vrouw & Maatschappij: this is the political women's organization of CD&V (Christian Democratic and Flemish), the Flemish Christian Democratic party.
- Zij-kant: the Flemish Socialist women's organization of SP.A (Socialist, Progressive and Different)
- Open VLD Vrouwen: the women's organization of the Flemish liberal party Open VLD (Open Flemish Liberal Democrats)
- Femmes Réformatrices Libérales : the women's organization of the Walloon liberal party MR (Mouvement Réformateur)
- Femmes cdH: women's organization of the Walloon Christian Democratic party cdH (le centre démocrate humaniste)
- Femmes du PS: women's organization of the Walloon socialist party PS

Civil Society

Gendered violence is also addressed in Belgian civil society by:

- Steunpunt Algemeen Welzijnswerk: the Flemish Minister of Health and Family subsidizes five members of staff of this Office of General Wellbeing, responsible for intra-familial violence.

- Tele-onthaal and Télé accueil: assistance by telephone by voluntary workers
- Women's shelters by Centra voor Algemeen Welzijnswerk (CAW): in Flanders
- Amnesty International Belgium: Amnesty International in Belgium addresses violence in the world, and also pays specific attention at domestic violence in the campaign STOP geweld tegen vrouwen (Stop violence towards women).
- Wereldvrouwenmars België states that violence towards women is a political matter.
- Conseil des Femmes Francophones de Belgique (CFFB), the Nederlandstalige Vrouwenraad (NVR) and the Vrouwen Overleg Komitee (VOK).
- As regards female genital mutilation, the Groupement des hommes et de femmes pour l'Abolition des Mutilations Sexuelles féminines (GAMS) as well as the International Centre for Reproductive Health (ICRH) play an important role. On a European scale, Euronet FGM fights against female genital mutilation.

Media

- *Klasse*, a magazine for teachers and parents published a themed issue on violence between partners during the school year 2006-2007.

Education and training

- Institut de formation: teacher training courses in the Francophone community provide a course on equality between boys and girls.
- Local and federal police forces and medical staff are trained to handle violence between men and women in a more effective way.
- Members of justice are trained on new legislation as regards gendered violence.

Europe

The European Union influences domestic legislation as regards gender-based violence by its directives. The Directive on the introduction of measures to encourage improvements in the safety and health of workers at work (83/391/EEC) is a good example with respect to this issue.

Timeline gendered violence

This timeline provides a chronological overview of laws, decrees and Royal decrees on the subissues within the gendered violence theme. For every law, (Royal) decree a link is provided to the original text. The Belgian National Action Plans with reference to violence are included and are in italics.

1995:

Royal decree in order to protect employees against unwanted sexual behaviour at work in the administration and other departments of the federal ministries, as well as other public bodies. (Koninklijk besluit ter bescherming van de personeelsleden tegen ongewenst seksueel gedrag op het werk bij de besturen en andere diensten van de federale ministeries, evenals sommige instellingen van openbaar nut.) 9 March 1995.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=7028&lang=nl>

Law introducing an article 380 in the criminal code and repealing article 380 quarter, paragraph two of the same code. This law bans the advertisement of sexual services, involving minors or prostitution, for direct or indirect pecuniary gain. 27 March 1995.

Law on the sexual abuse of minors. (Wet betreffende seksueel misbruik ten aanzien van minderjarigen.) 13 April 1995.

1997: Law concerning the battle against violence between partners. (Wet van strekkende om het geweld tussen partners tegen te gaan.) 24 November 1997.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=38348&lang=nl>

Primary

- Belgische Senaat. *Wetsvoorstel strekkende om het echtelijke geweld aan banden te leggen. [Bill concerning the battle against violence between partners.]* 22 February 1996.

<http://www.senate.be/www/?Mlval=/publications/viewPub.html&COLL=S&LEG=1&NR=269&VOLGNR=1&LANG=nl>

- *Wet van strekkende om het geweld tussen partners tegen te gaan. [Law concerning the battle against violence between partners.]* 24 November 1997.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=38348&lang=nl>

Secondary

- Belgische Senaat. *Wetsvoorstel strekkende om het echtelijke geweld aan banden te leggen. Wetsvoorstel tot opheffing van artikel 413 van het Strafwetboek. Advies van het adviescomité voor gelijke kansen voor vrouwen en mannen. [Bill concerning the battle against violence between partners. Bill to abolish article 413 of the Criminal Code. Advice by the advisory committee for equal opportunities between women and men.]* 9 July 1996.

- Links to all parliamentary debates, advice and amendments, both primary and secondary via this link:

File - Wetsvoorstel strekkende om het echtelijke geweld aan banden te leggen [Bill concerning the battle against violence between partners.] S1-269 / K49-949

<http://www.senate.be/www/?Mlval=/dossier&LEG=1&NR=269&LANG=nl>

- Vrouwenraad. 2003. *Persbericht. Partnergeweld: en de politie? ... en justitie?* [Press release. Violence between partners: what about the police? And about

Justice?] 18 November 2003. http://www.vrouwenraad.be/fr_visie.html E-text, accessed on 18 July 2007.

1998:

Law to modify the Legal Code and Code on punishment as regards the withdrawal from the case of the judge. (Wet tot wijziging van het Gerechtelijk Wetboek en het Wetboek van Strafvordering inzake de procedure tot onttrekking van de zaak aan de rechter.) 12 March 1998.

This law improves criminal procedure at the stages of the police and judicial investigations. This law improved the status of the victim in criminal proceedings and amended the provisions on physical examinations.

<http://reflex.raadvst-consetat.be/refLex/index.reflex?docid=47805&lang=nl>

Law introducing an article 442 bis in the Criminal Code in order to make stalking punishable. (Wet die een artikel 442bis in het strafwetboek invoegt met het oog op de strafbaarstelling van de belaging.) 30 October 1998.

<http://reflex.raadvst-consetat.be/reflex/pdf/Mbbs/1998/12/17/60057.pdf>

The law on legal cohabitation. (Wet tot invoering van wettelijke samenwoning). 23 November 1998.

The law of 23 November 1998 instituting statutory cohabitation empowers a justice of peace to order urgent, provisional measures where “relations between statutory cohabitants are seriously disrupted”.

<http://www.dofi.fgov.be/nl/reglementering/belgische/overige/wet/23111998.pdf>

The Ministerial order of 15 December 1998 considers the “sexual assault kit” (*seksuele agressie kit*, abbreviated to SAS) for public prosecutors’ offices and police departments. The kit is intended for the doctor to take samples from the victim. The kit is currently (2007) subject to review and is not often used.

1999:

Order of the Government of Brussels as regards protecting employees against sexual intimidation at work at the ministry, as well as in some public bodies. (Besluit van de Brusselse Hoofdstedelijke Regering ter bescherming van de personeelsleden tegen seksuele intimidatie op het werk bij het ministerie, evenals in sommige instellingen van openbaar nut.) 25 February 1999.

<http://reflex.raadvst-consetat.be/reflex/pdf/Mbbs/1999/06/24/62370.pdf>

Decree on the approval of the coalition agreement of 8 October 1998 between the federal state and the Flemish Community concerning the counselling and treatment of offenders of sexual abuse. (Decreet houdende de goedkeuring van het samenwerkingsakkoord van 8 oktober 1998 tussen de federale Staat en de Vlaamse Gemeenschap inzake de begeleiding en behandeling van daders van seksueel misbruik.) 2 March 1999.

<http://www.wvc.vlaanderen.be/juriwel/welzijnenjustitie/rg/decr020399.htm>

Law on the procedure for use of DNA analysis as a means of identification in criminal proceedings. (Wet betreffende de identificatieprocedure via DNA-onderzoek in strafzaken.) 22 March 1999.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=61801&lang=nl>

Decree accepting the cooperation agreement between the federal state and the Walloon region concerning the counselling and treatment of offenders of sexual abuse. (Decreet houdende instemming met het samenwerkingsakkoord tussen de Federale Staat en het Waalse Gewest inzake de begeleiding en behandeling van daders van seksueel misbruik.) 1 April 1999.

Law on the acceptance of the cooperation agreement between the federal state and the Flemish Community concerning the counselling and treatment of offenders of sexual abuse. (Wet houdende instemming tot het samenwerkingsakkoord tussen de Federale Staat en de Vlaamse Gemeenschap inzake de begeleiding en behandeling van daders van seksueel misbruik.) 4 May 1999.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=63889&lang=nl>

Law on the acceptance of the cooperation agreement between the federal state and the Walloon region concerning the counselling and treatment of offenders of sexual abuse. (Wet houdende instemming tot het samenwerkingsakkoord tussen de Federale Staat en het Waals Gewest inzake de begeleiding en behandeling van daders van seksueel misbruik.) 4 May 1999.

2000:

Law on the acceptance of the cooperation agreement between the Communal Community Committee, the Francophone Community Committee and the federal state concerning the counselling and treatment of offenders of sexual abuse. (Wet betreffende de instemming met het samenwerkingsakkoord tussen de Gemeenschappelijke Gemeenschapscommissie, de Franstalige Gemeenschapscommissie, en de Federale Staat inzake de begeleiding en behandeling van daders van seksueel misbruik.) 12 March 2000.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=68034&lang=nl>

An order of the government of the Francophone community to protect the employees of the government departments of the Francophone Community and some departments of public bodies against unwanted sexual behaviour at work. (Besluit van de Regering van de Franse Gemeenschap ter bescherming van de personeelsleden van de Diensten van de Regering van de Franse Gemeenschap en van sommige instellingen van openbaar nut tegen ongewenst seksueel gedrag op het werk [vertaling].) 26 July 2000.

<http://reflex.raadvst-consetat.be/refLex/pdf/Mbbs/2000/08/30/68449.pdf>

Law on the criminal protection of minors. (Wet betreffende de strafrechtelijke bescherming van minderjarigen.) 28 November 2000.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=70685&lang=nl>

This law also introduces a penalty for persons who mutilate women's genitals or who facilitate doing so.

Primary

- Belgische Senaat. *Wetsontwerp betreffende de strafrechtelijke bescherming van minderjarigen. (Bill on the criminal protection of minors.)*. 12 January 2000.

<http://www.senate.be/www/?Mlval=/publications/viewPub.html&COLL=S&LEG=2&NR=280&VOLGNR=1&LANG=nl>

- *Wet betreffende de strafrechtelijke bescherming van minderjarigen. (Law on the criminal protection of minors.)* 28 November 2000.

<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=70685&lang=nl>

Secondary

- Belgische Senaat. *Wetsontwerp betreffende de strafrechtelijke bescherming van minderjarigen. Verslag namens de Commissie voor de Justitie uitgebracht namens Mevrouw Nathalie T'Serclaes. (Bill on the criminal protection of minors. Report by the Commission of Justice reported by Nathalie T'Serclaes.)* 12 January 2000.

<http://www.senate.be/www/?Mlval=/publications/viewPub.html&COLL=S&LEG=2&NR=280&VOLGNR=5&LANG=nl>

- Links to the texts of all parliamentary debates, advice and amendments, both primary and secondary via this link:

- *File - Wetsontwerp betreffende de strafrechtelijke bescherming van minderjarigen. (Bill on the criminal protection of minors.)* 12 January 2000.

S 2-280 / K 50-695

<http://www.senate.be/www/?Mlval=dossier&LEG=2&NR=280&LANG=nl>

- Leye, Els. 2006. *Vrouwelijke genitale verminking in Europe [Female genital mutilation in Europe]*. *Uitgelezen* 12, 4: p.1-6.

<http://www.rosadoc.be/site/nieuw/pdf/uitgelezen/ug12nr4genitaleverminking.pdf>

- Vautmans, Hilde. 2007. *Petitie tegen vrouwelijke genitale verminking [Petition against female genital mutilation]*. <http://petitie.hildevautmans.be/index.php> E-text.

Inter-ministerial Conference on Equal Opportunities was installed. Violence against women is one of its three main issues.

2001:

Order of the government of the Francophone community to modify the order of the government of the Francophone community to protect the employees of the government departments of the Francophone Community and some departments of

public bodies against unwanted sexual behaviour at work in order to add to the fight against unwanted psychological behaviour (mobbing / bullying). (Besluit van de Regering van de Franse Gemeenschap tot wijziging van het besluit van de Regering van de Franse Gemeenschap van 26 juli 2000 ter bescherming van de personeelsleden van de Diensten van de Regering van de Franse Gemeenschap en van sommige instellingen van openbaar nut tegen ongewenst seksueel gedrag op het werk om er de bestrijding van ongewenst psychologisch gedrag (mobbing) in te voegen.) 13 July 2001.

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=nl&pd=2001-08-17&numac=2001029323>

First National Action Plan on violence against women

Primary

- *Nationaal actieplan tegen het geweld op vrouwen. Nota van de federale staat. [National Action Plan against violence towards women.]* Brussel, vrijdag 11 mei 2001. 2001. 32 p.
- *National Action Plan on Partner Abuse.* 2004-2007. 2004. <http://www.igvm.fgov.be/ShowDoc.aspx?levelID=44&objectID=118&lang=nl> 52 p.
- Senaat van België. 14 April 2005. *Question by Christel Geerts for Minister of Equal Opportunities, Christian Dupont, (SP.A-Spirit) concerning the execution of the NAP 2004-2007.* <http://www.senate.be/www/?Mlval=/publications/viewSTBlok&COLL=H&DATUM=04/14/2005&DOSID=50340737&MINID=4394&LEG=3&NR=106&VTYPE=voud&LANG=fr>
- Senaat van België. 30 juni 2005. *Question by Stéphanie Anseeuw (VLD) for Minister of Equal Opportunities, Christian Dupont, (SP.A-Spirit) concerning the execution of the NAP 2004-2007.* <http://www.senate.be/www/?Mlval=/publications/viewPubDoc&TID=50343552&LANG=nl>
- *Nationaal actieplan inzake de strijd tegen het partnergeweld. Principes & lopende acties en perspectieven. Goedgekeurd op de interministeriële conferentie van 8 februari 2006. [National Action Plan concerning the battle against violence between partners. Principles and current actions and perspectives.]* 2006. <http://cms.horus.be/files/99901/MediaArchive/NAP-NL-20-02-06.pdf> 76 p.
- Onkelinx, Laurette, and College van Procureurs generaal. 2006. *Omzendbrief 'Intrafamiliaal en partnergeweld'. Voor meer overleg en een doeltreffender antwoord van alle betrokken actoren. [Circular 'intra-familial violence and violence between partners. In favour of more consideration and a better answer by all persons involved.]* http://www.just.fgov.be/justice2/nl_hm/politique/html_pol_communique/com07-03-06.htm E-text.

- *Parlementaire vraag: aangiftes fysiek en seksueel geweld binnen het huwelijk. [Parliamentary question: reporting physical and sexual violence in marriages.]* 2006.
http://www.f4j.be/documenten/documenten2006/23_05_06_antwoord_onkelinx_over_intrafamiliaal_geweld.html

Secondary

- Amnesty International. 8 March 2006. *Persbericht: Nationaal Actieplan tegen Partnergeweld: de tijd dringt! [Press release: National Action Plan: it is urgent!]* <http://www.aivl.be/index.cfm?PagelD=2874> E-text
- Amnesty International. 2006. *Report: Belgium.* <http://web.amnesty.org/report2006/bel-summary-eng> E-text.
- *Amnesty International wants enabling legislation, and not fragmentation* http://www.aivl.be/Media/Memorandum_Amnesty_International_DEF.pdf
- Confettia: Eisen over geweld tegen vrouwen. [Confettia: Demands on violence against women.]
<http://www.wereldvrouwenmars.be/wereldvrouwenmars/eisenconfettia.html>
- Nederlandstalige Vrouwenraad. 2006 1. *Vrouwenraad start petitie naar aanleiding van de zaak Martin. Persbericht. [NVR starts petition as a result of the case Martin. Press release.]* 1 June 2006.
http://www.vrouwenraad.be/fr_dossiers11.html E-text.
- Nederlandstalige Vrouwenraad. 2006 2. *Vrouwenraad dossier. Verkrachting. Wetgeving. [NVR File. Rape. Legislation.]* Brussels: Nederlandstalige Vrouwenraad.
<http://www.vrouwenraad.be/dossiers/2006/verkrachting/wetgeving.pdf>
- Nederlandstalige Vrouwenraad. 2007. *Vrouwenraad memorandum 2007. [Memorandum of the Women's Council.]* Brussel: Vrouwenraad.
http://www.vrouwenraad.be/dossiers/2007/verkiezingen/vrouwenraadmemorandum_2007.pdf

2002:

Law as regards the protection against violence, harassment, and unwanted sexual behaviour in the workplace. (Wet betreffende de bescherming tegen geweld, pesterijen en ongewenst seksueel gedrag op het werk.) 11 June 2002.

http://www.juridat.be/cgi_loi/loi_a1.pl?language=nl&caller=list&cn=2002061131&la=n&fromtab=wet&sql=dt='wet'&tri=dd+as+rank&rech=1&numero=1

Primary

- Ministerie van Tewerkstelling en arbeid. 2002. Wet van 11 juni 2002 betreffende de bescherming tegen geweld, pesterijen en ongewenst seksueel gedrag op het werk. *Belgisch Staatsblad* 2002, 210: 28521-28525.
- Ministerie van Tewerkstelling en arbeid. 2002. Wet van 17 juni 2002 tot wijziging van het Gerechtelijk Wetboek naar aanleiding van de wet van 11 juni 2002 betreffende de bescherming tegen geweld, pesterijen en ongewenst seksueel gedrag op het werk. *Belgisch Staatsblad* 2002, 211: 28605-28606.

Secondary

- Belgische Senaat. 10 January 2002. *Wetsvoorstel betreffende de bescherming tegen geweld, pesterijen en ongewenst seksueel gedrag op het werk. Advies nr. 44 van 22 mei 2001 van de vaste commissie arbeid van de raad van de gelijke kansen voor mannen en vrouwen.* Wetgevingsstuk nr 50-1583/2.
- Links to the texts of all parliamentary debates, advice and amendments, both primary and secondary via this link:
File *Wetsvoorstel betreffende de bescherming tegen geweld, pesterijen en ongewenst seksueel gedrag op het werk*:
<http://www.senate.be/www/?Mlval=dossier&LEG=2&NR=1063&LANG=nl>

Royal decree as regards the protection against violence, harassment, and unwanted sexual behaviour in the workplace. (Koninklijk besluit betreffende de bescherming tegen geweld, pesterijen en ongewenst seksueel gedrag op het werk.) 11 July 2002.
<http://www.cesi.be/UPLOADS/708200614170241018.pdf>

2003:

Law to assign the family home to the partner by marriage or cohabitation who is the victim of violence of his or her partner and to complement article 410 of the criminal code. (Wet tot toewijzing van de gezinswoning aan de echtgenoot of aan de wettelijk samenwonende die het slachtoffer is van fysieke gewelddaden vanwege zijn partner en tot aanvulling van artikel 410 van het Strafwetboek.) 28 January 2003.
<http://reflex.raadvst-consetat.be/reflex/index.reflex?docid=79801&lang=nl>

Primary

- Belgische Kamer van Volksvertegenwoordigers. 14 March 2002. *Wetsvoorstel tot toewijzing van de gezinswoning aan de echtgenoot of aan de wettelijk samenwonende die het slachtoffer is van gewelddaden vanwege zijn partner en tot aanvulling van artikel 410 van het strafwetboek.* Document 50/1693/001.19 p.
- 'Wet tot toewijzing van de gezinswoning aan de echtgenoot of aan de wettelijk samenwonende die het slachtoffer is van fysieke gewelddaden vanwege zijn partner en tot aanvulling van artikel 410 van het strafwetboek.' 2003. In: *Belgisch Staatsblad* 2003, 45: 7022-7023.

Secondary:

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2004:

Order of the government of the Francophone community to modify the order of the government of the Francophone community of 26 July 2000 to protect the employees of the government departments of the Francophone Community and some public bodies against unwanted sexual behaviour at work. (Besluit van de Regering van de Franse Gemeenschap tot wijziging van het besluit van de Regering van de Franse Gemeenschap van 26 juli 2000 ter bescherming van de personeelsleden van de Diensten van de Regering van de Franse Gemeenschap en van sommige instellingen van openbaar nut tegen ongewenst seksueel of psychologisch gedrag op het werk [vertaling].) 21 April 2004.

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=nl&pd=2004-07-08&numac=2004201543>

Order 2002/838bis of the board of the Francophone community committee of Brussels, the capital city as regards the protection of teachers and personnel made equal to them, and the personnel of psychological, medical and social centres against violence, harassment, and unwanted sexual behaviour in the workplace.

(Besluit 2002/838bis van het College van de Franse Gemeenschapscommissie van het Brussels Hoofdstedelijk Gewest betreffende de bescherming van het onderwijzend en gelijkgesteld personeel en het personeel van de psycho-medisch-sociale centra tegen geweld, pesterijen en ongewenst seksueel gedrag op het werk.) 27 May 2004.

<http://www.staatsbladclip.be/wetten/2004/06/25/wet-2004031352.html>

Foundation of an inter-ministerial working party assigned to enhance the coherence between government actions with reference to violence between partners.

National Action Plan on Partner Abuse 2004-2007

2005:

Law of 10 August 2005 to broaden the criminal protection of minors. (Wet van 10 augustus 2005 tot verruiming van de strafrechtelijke bescherming van de minderjarigen.) 10 August 2005.

2006:

Order of the Brussels government in order to protect the members of staff of the ministry and several public services of Brussels from violence, harassment and unwanted sexual behaviour in the workplace. (Besluit van de Brusselse Hoofdstedelijke Regering ter bescherming van de personeelsleden van het ministerie en van sommige openbare instellingen van het Brussels Hoofdstedelijk Gewest tegen geweld, pesterijen en ongewenst seksueel gedrag op het werk.) 27 April 2006.

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National Action Plan 2006-2007

2007

May 2007: Els Leye, an expert in the field of Female Genital Mutilation (FGM) introduces the findings of her research on the matter in the Chamber of Representatives. Belgian politicians start the debate on new legislation and means to abolish FGM.

3 Conclusion

Looking more deeply into Belgium's history of gender equality policies and structures in general, and the issues non-employment, intimate citizenship and gender based violence more specifically, has brought about an interesting way of interpreting Belgium's internal relations between gender policy makers, government, social partners and civil society with its variety of organizations and the country's connections with the international world (i.e. the European Union and the United Nations). This final chapter aims to conclude on several of the issues that have emerged through the analyses.

Many topics have been addressed in debates, bills and finally legislation, at the federal, regional and communal level. Laws often have to be revised and modified. But what is the relative importance of all those debates and laws? Which issues, in general and within the borders of the subissues addressed here, have been of major importance for Belgium? During the policy making process and the debates on these themes, significant landmarks can be distinguished. Concerning these milestones, it is interesting to consider whether they mark changes in the government's point of view and consequently Belgian policymaking, or rather that they point to the influence and lobbying of civil society or directives imposed by the European Union.

Relative importance of topics in the subissue and in generic gender+ equality policies

Within the non-employment issue, the legislation on the pension system (1996) which equalizes the pension age for men and women to 65 years is of primary importance since women and men become treated equally as such. On the other hand, the impact of legal measures such as parental leave (laws in 1997, 1999 and 2005), *loopbaanonderbreking* (career break, 1998) and *tijdskrediet* (time credit, 2001) in the private sector and working part-time entails both positive and negative consequences. Reconciling work and family (or private) life becomes easier, but since – most of the time – women take up such leaves, their wages, social benefits and pensions are affected and equality between women and men is once again potentially undermined. That also explains why women's organizations demand better social statutes for employees on leave and for women who work part-time. The important law of May 1999 on the equal treatment of men and women as regards labour conditions, the access to employment and the chances of promotion, the access to self-employment and the additional measures of social security, and the anti-discrimination laws of February 2003 and May 2007, take a step in the right direction. As regards equal pay, the aforementioned law of May 1999 addresses the issue, but new and clearer legislation is being demanded.

As regards intimate citizenship, several important laws were adopted. In the field of sexual orientation, homosexuals and lesbians were granted the right to marry by law in 2003. Three years later, they were able to adopt (law of 2006) and in 2007

a law was passed on transsexuality. Whereas these laws are great victories for (formerly) discriminated against groups, several lesser laws were also passed. The law of 2007 on divorces abolishing the motive of guilt was much criticised. The laws on sham marriages (law of 1999 introduced the notion of 'sham marriage' and law of 2006 added penalization) and on the establishment of an alimony fund (2003) are currently severely criticised. The legislation on sham marriages turns out to be a fiasco, since people depend on the arbitrariness of the civil servants in order to be able to marry (or not). Currently, there are many complaints. As regards the alimony fund, the organization encounters financial and operational problems and the law is currently being discussed by government and by civil society. Another debate in Belgium concerns surrogate motherhood. Many bills are proposed, but no laws have yet been adopted.

Violence between partners is an important topic in Belgian legislation and in policy debates. The topic was introduced by Miet Smet, the first Minister of Equal Opportunities, and is still considered to be one of the main themes in equal opportunities policy. In 1997 the act Lizin was passed penalizing domestic violence, and in 2003 a law was passed on assigning the family home to the victim. The National Action Plans of 2001, 2004 and 2006 placed this topic in the spotlight. In 2002, another important law was passed: the law on sexual harassment and unwanted sexual behaviour in the work place. This is also a topic introduced by Miet Smet, who considered violence against women and women in the labour market an important issue. This topic addresses both employment and gendered violence. The focus on these two topics however resulted in a certain neglect of other issues. The legislation on rape already dates back to 1989 (also a law by Miet Smet) and civil society asks for its revision since the phenomenon of sexual abuse by professionals in the health services needs to be addressed. In the aftermath of the case Dutroux, several laws on the protection of minors were adopted. The law of 2000 on the criminal protection of minors for instance introduced a penalty for female genital mutilation. However, similar to the issue of professionals in the health care, women's organizations and several politicians demand new and improved legislation on this matter.

The major changes in general and for the three issues

Since 1999, when the first Government of Guy Verhofstadt was installed, many changes have come about in Belgian equal opportunities legislation. The shift from four decades of Christian-Democratic governments towards a liberal and more progressive government entailed attention to improving the rights of several discriminated groups such as LGBT people and the tackling of ethical debates. This becomes clear in the passing of laws on same-sex marriages, adoption and transsexuality.

With reference to the topics addressed by equal opportunities policies, a shift, also relating to the change in government, has occurred. Miet Smet who was the first

federal Minister of Equal Opportunities, remained in this ministerial post until 1999. The three main topics she addressed were women and employment, women and decision-making and women and violence. The Government Verhofstadt I starting in 1999 and continuing in 2003 (Verhofstadt II) and its Ministers of Equal Opportunities continued to address Smet's topics, but also made room for and added new topics as regards intimate citizenship.

The initial equal opportunities policy was aimed at men and women. The ministerial periods of Miet Smet and Laurette Onkelinx on a federal level and Anne Van Asbroeck, Brigitte Grouwels, Mieke Vogels and Adelheid Byttebier focused on the gender aspect of equality. Throughout the years, this target group changed; around 2003, equal opportunities policy aimed at a diverse group of people: women, LGBT people, disabled people, age, migrants and so on. The emphasis thus shifted from equality policy as regards men and women towards diversity policy. This is clear from the policies of, for example, federal Ministers of Equal Opportunities Marie Arena and Christian Dupont, and Flemish Minister of Equal Opportunities Kathleen Van Brempt. The anti-discrimination laws of February 2003 and May 2007 therefore do not only aim at gender, but include other inequalities as well.

A comparable tendency can be found within the field of the implementation of equal opportunities policy itself. Before 1999, gender was addressed by one Minister (or State Secretary) within a ministerial post. From 1999 on, inspired by the Women's World Conference in Beijing, the federal government introduced gender mainstreaming in its policy. The Flemish government had already applied gender mainstreaming when it started in 1995.

The role of civil society and other political actors

As Magda Michielsens, Robert Plasman and Joke Wiercx have pointed out, Belgian women's organizations are no longer radical like those of the seventies. However, civil society – and its organizations for women, but also LGBTs and other minority groups – plays an important role in influencing policy and exposing problems and the needs of society. In the case of non-employment, the non profit groups and NGOs work together with political parties and social partners such as trade unions. The wage gap, for example, is addressed by Equal Pay Day, an organization which consists of members of all parties.

With reference to the topics on intimate citizenship, it is striking that alongside the 'regular' organizations such as the Women's Councils or the LGBT organization Holebifederatie, several groups have formed which address and tackle just one issue: *Ik wil A Wel*, *Platform Alimentatiefonds* and *Roze Leeuwen* are three examples.

As regards gender based violence, civil society is largely represented in order to help victims, inform the parties involved, raise awareness, address certain issues and make recommendations to the government. The Government does involve the organizations, and needs them to point out the problems confronted by victims of

gender based violence. Over the past couple of years, policy has focussed on domestic violence and sexual harassment and there has been the shock relating to the Dutroux case. The *Nederlandstalige Vrouwenraad* now is lobbying to address other issues, such as rape, which have been pushed in the background.

The impact of the EU and other international bodies

Oliver Treib and Gerda Falkner classify Belgium in the 'world of domestic politics', on the basis of the country's transposition of European Union legislation in domestic legislation. Belgium is timely and correctly transposes EU-directives, if no domestic concerns dominate (Treib and Falkner 2007, p. 13). This is shown in Belgium's transposition of the directives on equality.

In transposing the Council Racial Equality Directives (2000/43/EC) for instance, Belgium is said to 'have gone beyond the requirements' (Commission of the European Communities 2006, p. 5). This Directive and the Employment Equality Directive were transposed into the landmark federal discrimination law of (2000/78/EC) February 2003. The country however asked for the optional three years in order to reconsider the matter of age. The recent law of 10 May 2007 has now fully transposed Directive 2000/78/EC.

Internationally, in addition to the influence of the European Union on Belgian decision-making and legislation, the United Nations is also significant. CEDAW and the Beijing's Women's Conference are of particular importance in Belgium. In May 1996, a federal law was passed on monitoring the enforcement of the Beijing resolutions and in 2007 a law was adopted to integrate a gender dimension in all federal policy competencies and to revise the monitoring of the implementation of the resolutions of the Women's World Conference in Beijing. From this moment, the yearly reports on Beijing were replaced by reports every two years. The Women's Conference in Beijing was the main trigger to introducing gender mainstreaming in Belgian policy.

List of abbreviations

QUING Quality in Gender+ Equality Policies

International:

CEDAW Convention on the Elimination of all forms of Discrimination Against Women
EU European Union
UN United Nations

Belgian women's organizations:

CFFB Conseil Francophone des Femmes de Belgique
IEFG Institute pour l'égalité des Hommes et des Femmes
IGVM Instituut voor de Gelijkheid van Vrouwen en Mannen
KAV Katholieke Arbeiders Vrouwen
NVR Nederlandstalige Vrouwenraad
PAG Pluralistisch Actie Groepen
VOK Vrouwen Overleg Komitee

Trade unions:

ABVV Algemeen Belgisch Vakverbond
ACLVB Algemene Centrale der Liberale Vakbonden van België
ACV Algemeen Christelijke Vakbond
CGSLB Centrale Générale des Syndicats Libéraux de Belgique
CSC Confédération des Syndicats Chrétiens de Belgique
FGTB Fédération Général du Travail de Belgique

FN Fabrique National

Political parties, current and former names:

Agalev Anders Gaan Leven, now Groen!
cdH Centre Démocrate Humaniste
CD&V Christen Democratisch en Vlaams
CVP Christelijke Volkspartij, now CD&V
Ecolo Ecolo
Groen! Groen!
MR Mouvement Réformateur
Open VLD Open Vlaamse Liberalen en Democraten
PS Parti Socialiste
PSC Parti Social Chrétien, now cdH
SP Socialistische Partij, now SP.A
SP.A Socialistische Partij Anders. Sociaal Progressief Alternatief
VLD Vlaamse Liberalen en Democraten, now Open VLD

Specific terminology:

BBB	Beter Bestuurlijk Beleid
EER	Emancipatie Effect Rapportage
FGM	Female Genital Mutilation
FOD	Federale Overheidsdienst
KB	Koninklijk Besluit
LEER	Lokaal Emancipatie Effect Rapportage
LGBT	Lesbian Gay Bisexual Transgender
NAP	Nationaal Actie Plan

Actors:

CAW	Centra voor Algemeen Welzijnswerk
CCNA	Centrale Coördinatie van de Nederlandstalige Abortuscentra
GAMS	Groupement des hommes et de femmes pour l'Abolition des Mutilations Sexuelles féminins
ICRH	International Centre for Reproductive Health
ILGA	International Gay and Lesbian Organization
OCMW	Openbare Centra voor Maatschappelijk Welzijn
RVA	Rijksdienst voor Pensioenen
UNIZO	Unie voor Zelfstandige Ondernemers
VBO	Verbond van Belgische Ondernemingen
VESOC	Vlaams Economisch Sociaal Overlegcomité
VMC	Vlaams Minderheden Centrum
VVSG	Vereniging van Vlaamse Steden en Gemeenten

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www.pcf.be

www.dglife.be

www.dgparlement.be

www.wallonie.be

<http://parlement.wallonie.be>
www.brussel.irisnet.be
www.bruparl.irisnet.be

Ministers and Ministries

www.christiandupont.be
www.kathleenvanbrempt.be
<http://vienne.wallonie.be/>
www.brigittegrouwels.be

Councils, Organizations attached to government

www.gelijkekansen.be
www.gelijkekansen.vlaanderen.be
www.diversiteit.be
www.iefg.fgov.be
www.raadvandegelijkekansen.be
http://www.cesrw.be/pages/73_1.html

Women's Movements

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www.vrouwenraad.be
www.vok.be
www.cffb.be
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www.sophia.be

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