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Justice

## Exchange of good practices on gender equality

### **Implementation of gender mainstreaming**

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## Discussion Paper - Belgium

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# The Belgian federal law on gender mainstreaming

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## 1. Description of the main elements of the good practice

### 1.1. Background and general policy context of the host country

**Equality policies** in Belgium have been greatly influenced by European and international policies on gender equality. As early as 1985 the post of Secretary of State for Social Emancipation was created at federal level within the Ministry of Labour and Employment. Legal measures to promote gender equality as well as equal opportunities policies in both the private and public sectors were put in place in the late 1980s.

The adoption in 1990 of a royal decree relating to positive actions in the public sector has encouraged some ministries to draw up plans for positive action policies, as well as a programme for emancipation policies<sup>1</sup> at local level, including the setting up of a network of provincial correspondents.

Despite the relatively long history of gender equality in Belgium, it was only in 2002 that article 10<sup>2</sup> of the Constitution regarding equality made explicit reference to equality between men and women.

Belgium's commitment to introduce the **gender mainstreaming** approach promoted by the UN conference in Beijing (1995) led to the adoption of a law by the Belgian Parliament on 6 March 1996.<sup>3</sup> This law aimed to ensure that the resolutions of the Beijing conference were applied. It provides that the federal government shall submit yearly to the parliament a report concerning the policies<sup>4</sup> implemented to reach the objectives agreed in Beijing. The law recognises the transversal character of the gender dimension.

At the end of 2000, a coaching process of various departments was put in place by the definition of a strategic plan in which each minister pledged, as part of its policy, to set a strategic objective that contributes to promoting equality between women and men.

This "Strategic Plan for Equality Affairs" **pilot project**, carried out from 2000 to 2002, built a basis for the consolidation of gender mainstreaming as the main approach to gender equality. Broadly speaking, the project involved a commitment, on the part of each federal ministry, to achieve a set of objectives in relation to gender equality. The endeavour was supported by a dedicated gender mainstreaming unit, staffed by academic experts. These experts liaised with both decision-makers and the civil service. The most innovative aspect of this pilot project was that it generated synergies

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<sup>1</sup> mirroring the title of the Secretary of State for Social Emancipation.

<sup>2</sup> Article 10, 3<sup>o</sup>: "L'égalité des femmes et des hommes est garantie".

<sup>3</sup> Law of 6 March 1996 entered into force on 10/11/1996.

<sup>4</sup> The law mentions reports from the government, from the minister for gender equality and from the minister for external relations.

between the academic experts (located in the gender mainstreaming unit), politicians and civil servants, as each party made important contributions to it, according to their different sets of skills and interests.

Within this pilot project, work relating to gender budgeting, gender-based indicators and statistics was also performed.

An important outcome of the “Strategic Plan for Equality Affairs” pilot project is that it laid down the basis for the adoption of a gender perspective, by providing a set of valuable lessons for the further development of gender mainstreaming in Belgian policy.<sup>5</sup> This clearly influenced both the mission of the Gender Institute and the content of the law on gender mainstreaming.

The evaluation of the pilot project highlights three main lessons:

- The first lesson is the need to promote cooperation among different ministries. This is an element that was overlooked in the project, undermining its original transversal dimension. Thus, while some objectives required the collective intervention of different ministries, the project focused too much on the objectives allocated to each ministry, in isolation from the rest.
- A second lesson of the project is that it revealed significant tensions between the transversal dimension of gender mainstreaming and the existing institutional arrangements which have traditionally functioned according to a sector-based logic. Such sectoral logic, while suitable for a positive action approach, is not suitable for gender mainstreaming since it requires the involvement of all policy-makers in the implementation of gender equality objectives, irrespective of their specific area of policy. In sum, gender mainstreaming requires organisational change whereas the pilot project, in keeping with traditional arrangements, involved just one dedicated official within each ministry, leaving intact the responsibilities of the rest of the officials.
- A third lesson to be learned is that when the principal aim of gender equality policy is to lay down the conditions for the introduction of a gender mainstreaming approach, it is easy to lose sight of the overarching objectives of the policy. When this happens, policy becomes a mere procedural enterprise, devoid of any guiding vision of gender equality to infuse it with purposeful meaning.

In 2001, the Minister of Employment in charge of equal opportunity policies launched the initiative of creating an independent body to take charge of gender issues – the **Institute for the Equality for Women and Men** (hereafter “Gender Institute”). The missions of the Gender Institute, created in December 2002, are to guarantee and promote the equality of women and men and to fight against any form of discrimination and inequality based on gender in all aspects of life, through the development and implementation of a suitable legal framework and appropriate structures, strategies, instruments and actions based on a gender mainstreaming approach.<sup>6</sup>

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<sup>5</sup> See Daly, Clavero and Braithwaite, *Comparative analysis of findings* (deliverable 5), Equapol project, an EU 5<sup>th</sup> Framework Programme Research Project, August 2004.

<sup>6</sup> Article 3: L'Institut a pour objet de veiller au respect de l'égalité des femmes et des hommes, de combattre toute forme de discrimination et d'inégalité basée sur le sexe et d'élaborer des instruments et stratégies fondés sur une approche intégrée de la dimension du genre.

The Gender Institute replaced the Department of Equal Opportunities of the Ministry of Employment which had been in charge of equal opportunities between men and women since 1993.<sup>7</sup>

## 1.2. The goals and target groups of the good practice

As already mentioned, equality between women and men is a fundamental principle that has been enshrined explicitly in the Constitution since 2002. However, stating equality is not enough to realise it *de facto*. The new law on gender mainstreaming, while recognising the importance of specific gender equality policies, stresses that inequalities are enshrined in all policies and aims to combat all “inequality reflexes” by institutionalising an “equality reflex”.<sup>8</sup>

The federal law on gender mainstreaming is the result of a long process of maturing from the first initiatives that were taken in 2000 in order to introduce a strategy of gender mainstreaming and gender budgeting on the federal level. When these pilot projects were evaluated, the need to institutionalise the gender mainstreaming process in a sustainable manner became clear. It also built on the limited nature of the content and the repercussions of the law of 6 March 1996. In fact the ‘Beijing reports’ drawn up under the law of 1996 consisted of simple inventories of the male-female equality actions undertaken in each field of competence. Such inventories were produced a posteriori, without discussion a priori on the integration of gender in the policies being pursued. The law of 12 January 2007 aims conversely at the structural integration of the gender dimension into all federal policies.

The key priority of the law is to oblige ministers and their administrations to define objectives and develop a strategy (with several instruments) in order to correct and avoid inequalities between women and men in federal public policies.

The act provides for:

- the evaluation of all bills and regulations prepared by the central authorities, in order to prevent and correct any deleterious effects on the situation of women and in order to take into consideration their specific needs (gender test);
- a “gender budgeting” procedure implying that each draft of the general budget must be accompanied by a note showing each department’s financial contribution to actions supporting gender equality;
- a breakdown by gender of the statistics produced by the public administration and the establishment of gender indicators;
- the inclusion of strategic objectives on gender equality in the new government policy statement as well as within all federal policies, planned measures and actions;
- the improvement of the system of reporting to the parliament on the implementation of the Beijing platform of action;

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<sup>7</sup> The department of equal opportunities replaced the Commission of Women’s labour of the Labour Ministry created in 1985.

<sup>8</sup> Ch. Dupont, Ministre de l’égalité des chances, exposé introductif au projet de loi, 16/10/2006, chambre des représentants, Doc 51 2546/003.

- the creation of an interdepartmental coordination group composed of high-ranking members of ministerial cabinets and representatives of federal administrations, in order to institutionalise the integration of the gender dimension; and finally
- it entrusts the Institute for the Equality of Women and Men to monitor and support the integration of the gender dimension into law, public policy and action programmes.

Regarding the target group, the law provides for several actions to be implemented at both political and administrative level by ministers, members of private offices, senior managers of federal public services and civil servants nominated as gender officials.

### **1.3. The legal and financial provision to implement the good practice**

The implementation of the law requires the adoption of a set of executive measures (royal decree) as well as constant support from the Gender Institute to provide specific guidelines and expertise for the implementation of the law in the federal government departments.

The law does not contain any provisions regarding the financial aspect of its implementation. The Gender Institute has a specific annual budget (€60,000) to support the process and develop tools for gender mainstreaming (databases, training, manuals etc.). Human resources from the institute's gender mainstreaming cell are also allocated to support the implementation of the law and the process of gender mainstreaming. However, outside the designation of a "gender agent" in all ministerial departments, the law does not provide any resources and there is no indication of whether departments will allocate a budget to gender mainstreaming. This could be monitored through the gender budgeting aspects of the law.

### **1.4. Institutional agreements and implementation procedures**

As gender mainstreaming is about procedures and routines within the administration, the law rightly provides for the creation of an interdepartmental group and the introduction of a gender test, gender budgeting and reporting requirements. The gender test and reporting format have yet to be developed.

Gender budgeting requirements have been clarified in an administrative instrument (the circular of 29 April 2010) to all federal departments and institutions concerned by the implementation of the law, and should be applied from 2011 onwards.

A key institutional arrangement for implementing the law is the interdepartmental coordination group (CIG), which was established by royal decree in 2010. It is composed of representatives of ministers' private offices, nominated by the relevant minister, civil servants from each administration and representatives from the Gender Institute. The civil servants play a coordination role within their ministerial department, and are nominated by the senior manager of the department. Nominees should come from the highest level of the administration (grade A) and are under the direct authority of their minister or senior manager, who bears the final responsibility.

The missions of the CIG are to:

- promote collaboration within federal departments (horizontal coordination);
- spread instruments and tools for implementing the law (e.g. the gender test) within their ministries;
- give information on good practices to implement gender mainstreaming and make information available;
- approve a “federal plan” at the start of each new government term;
- write a half-yearly report regarding the implementation of the federal plan;
- approve the intermediate and final report of the government term planned in article 5 of the law.

## 2. Results of the good practice and its impact on achieving gender equality

### 2.1. Key results in relation to the baseline situation and to the goals and target groups

The key results can be expressed in terms of the process (prerequisites) and the outcomes of the law (obligations in the law implemented).

In terms of the **process** being in place, the law is still in its first stage of implementing the necessary instruments, procedures and routines for gender mainstreaming.

Since 2007, the Gender Institute has concentrated its efforts on:

1. preparing the legal instruments necessary for the concrete implementation of the law;
2. developing internal gender expertise by raising awareness and organising training;
3. developing tools to support the implementation of gender mainstreaming.

As mentioned under 1.4., legal instruments regarding the CIG and gender budgeting are now in place. However, setting up the gender test is taking time. This will be further discussed under point 2.2 relating to challenges and obstacles.

An important prerequisite in terms of gender mainstreaming is access to resources, in particular gender expertise and the training of civil servants.

First, in 2008, the Gender Institute organised a series of five seminars (one conference and four thematic seminars) which brought together Belgian and European experts, members of private offices, parliamentarians and civil servants. The aim was to raise awareness, and to inform and train the political and administrative authorities directly involved in the implementation of the gender mainstreaming law.

The institute also prepared manuals to support the concrete integration of gender into policies: gender in public procurement (2007), gender mainstreaming (2009) and gender budgeting (2011).

Training sessions for members of the interdepartmental coordination group are planned for 2011.

In terms of developing access to external gender expertise, the Gender Institute has also compiled databases containing information on gender experts and gender trainers.

The results of the law can also be assessed in terms of **outcomes of the law**. The mention here of outcomes does not mean whether the law has had an impact on the quality of policies in terms of gender equality, but whether and how the process of gender mainstreaming is implemented in view of obligations contained in the law.

A first step planned in the law refers to the integration of gender within **governmental declarations and policy notes**. Gender experts consider that political will and commitment is one of the key preconditions for any gender mainstreaming process.

Following the elections of 10 June 2007, the new government adopted its governmental declaration. This states, at the end of chapter 6 relating to social cohesion, that “the government will strengthen equality between men and women. It will aim for balanced representation in decision-making bodies, both within and outside politics. It will implement the law of 12 January 2007 regarding gender mainstreaming [in English in the text] and will in particular ensure the good operation of the Gender Institute”.

The strategic objectives in terms of gender equality that emerge are the balanced participation of women and men in all decision-making bodies and the implementation of the gender mainstreaming law itself.

The most complete policy note regarding the objectives of gender equality can be found in the Minister for Equality’s note of April 2008. This reaffirmed the objectives of reinforcing equality between women and men in particular in employment (for which she was also minister), fighting against any gender-based discriminations and ensuring the effectiveness of gender mainstreaming.

Gender equality in employment will focus on abolishing the gender pay gap, fighting against work traps for women, ensuring gender equality in job vacancies (horizontal desegregation), fighting against discrimination based on pregnancy in the workplace, and revising gender pay gap indicators during the Belgian Presidency of 2010.

The minister also commits herself to adopt measures to implement the gender mainstreaming law as well as the gender equality law of May 2007.

Finally it covers specific issues namely fighting against domestic violence and other forms of violence against women, women’s poverty, the integration of gender into asylum policies and the promotion of balanced participation of women and men in decision-making.

In other policy notes, very few or no elements of gender mainstreaming can be found. Following a scrutiny of these notes, the Council for Equality between Women and Men



(an advisory body) adopted an opinion<sup>9</sup> which notes that apart from the policy note of the minister for gender equality, other ministers have failed to integrate gender into their policy notes. The law of 12 January 2007 entered into force at the start of the new government term following the election of 10 June 2007 (article 10 para 1). The Council therefore concludes that the federal government has breached its obligations regarding the gender mainstreaming law as well as its European obligation (infringement of article 1 bis of directive 2002/73/CE and article 29 of recast directive 2006/54).

To assess the current baseline for gender mainstreaming, following the formal establishment of the CIG, the Gender Institute has recently collected information on the state of affairs regarding the integration of gender in federal departments.

This state of affairs shows that, following previous initiatives on gender mainstreaming (positive action plans, pilot project), the ministries generally have statistical data desegregated by sex, and some policies relating to human resources are in place.

Regarding the implementation of the law of 2007, measures mentioned concern the integration of gender mainstreaming into the management plan of the ministry.

### Example of integration of gender into the managing plan:<sup>10</sup>

The ministry is committed to the integration of the gender dimension (*gender mainstreaming*) in all its activities. To this end, it will rely on the internal coordination structure set up in accordance with the royal decree of 26 January 2010 fixing the membership, missions and operating rules of the interdepartmental coordination group as well as the minimal level of qualification of its members in view of the implementation of article 8 of the law of 12 January 2007 (...).

<sup>9</sup> Avis n°115 du 16 mai 2008 du bureau du Conseil de l'égalité des chances entre hommes et femmes, relatif à la dimension du genre dans l'accord de gouvernement et les notes de politique générale des ministres fédéraux. Accessible in French and Dutch at <http://www.conseildelegalite.be>

<sup>10</sup> *SPF Affaires étrangères, Commerce extérieur et Coopération au Développement, February 2010*  
Le SPF s'engage à veiller à l'intégration de la **dimension de genre** (gender mainstreaming) dans l'ensemble de ses activités. Pour ce faire, il s'appuiera notamment sur la structure de coordination interne mise en place dans le cadre de l'arrêté royal du 26 janvier 2010 fixant la composition, les missions et les règles de fonctionnement d'un groupe interdépartemental de coordination ainsi que le niveau de qualifications minimales de ses membres en exécution de l'article 8 de la loi du 12 janvier 2007 visant au contrôle de l'application des résolutions de la conférence mondiale sur les femmes réunie à Pékin en septembre 1995 et intégrant la dimension du genre dans l'ensemble des politiques fédérales

#### **Ressources humaines**

- Le SPF s'efforcera d'offrir une bonne ambiance de travail et de favoriser la conciliation de la vie professionnelle et de la vie familiale, notamment par des initiatives comme le télétravail ou en faveur de l'intégrité.
- Le SPF souhaite en particulier faire bénéficier les carrières extérieures – qui sont confrontées à des problèmes spécifiques – d'une politique familiale plus performante afin de les rendre plus attrayantes pour les membres du personnel actuel et futur.
- Le SPF inscrira dans ses instruments de planification stratégique de sa politique du personnel les engagements quant à la diversité (repris dans la Charte de la Diversité de l'Administration Fédérale, telle que signée en 2006), à l'approche intégrée de genre ou *gendermainstreaming* (tel que prévu par la Loi du 12 janvier 2007 relative à l'application des résolutions de la conférence mondiale sur les femmes de 1995 à Beijing ainsi que dans son AR d'application du 26 janvier 2010) et à l'intégrité, et en mesurera les réalisations.

*Human resources:*

- 1. The ministry will strive to provide a good working atmosphere and to promote the reconciliation of work and family life, particularly through initiatives such as telework or in favour of integrity.*
- 2. In particular the ministry wishes to allow career moves that take women abroad – which face specific problems – to benefit from a more effective family policy, to make them more attractive for current and future members of staff.*
- 3. The ministry shall include in the strategic planning instruments of its personnel policy commitments to diversity (included in the Diversity Charter of the Federal Administration, as signed in 2006), to the integrated approach to gender, or gender mainstreaming, (as provided by the Act of 12 January 2007 on the implementation of the resolutions of the World Conference on Women in Beijing in 1995 and in its application of the royal decree of 26 January 2010) and integrity, and shall measure its achievements.*

## **2.2. Challenges, obstacles and constraints encountered**

### **Challenges**

The law on gender mainstreaming is very ambitious. It requires actions at every level and in all departments. The normal procedures and routines both of the administration and of the government have to be changed if the law is to be enforced.

This will require resources, competence and structural support. The law provides for some of this with the commitment to the Gender Institute as a key supporting actor as well as statistics and compulsory mechanisms such as gender budgeting and the gender test. However, what the law does not provide for is a specific budget, human resources and strengthened expertise (only through ad hoc actions from the Gender Institute budget).

An important challenge will therefore be to maintain the high commitment of all actors involved, in particular that of ministerial private offices and departments. To have in one function the role of “gender agent” is a first step, but this role should also be supported and rewarded by the hierarchy. All agents involved in the CIG have other tasks than being gender coordinators, so there is a risk that if not supported (given time, resources and support for implementation) they will quite normally limit themselves to activities linked to their normal workload. Considering that a number of civil servants appointed to that gender function are engaged in human resources – diversity – aspects, the integration of gender mainstreaming into the core business of the departments (instead of merely human resources management) will require a number of supporting actions from the Gender Institute. Choices of actions by department should not be based on “opportunities” but on strategic actions to reduce inequalities and promoting equality in the concerned field.

Another challenge relates to arguments that gender mainstreaming is a way to improve the quality of policies and good governance. Because gender mainstreaming requires the thorough analysis and knowledge of the target groups of policies, the policy takes into account the respective situations of people who form part of the target groups – and therefore the implementation of policies becomes more effective. Moreover, as gender mainstreaming is a process that should be applied in all departments and

across sectors, it has the potential to ensure more coherent policy-making. Finally, another key aspect of gender mainstreaming is to have a more transparent policy process through gender analysis, monitoring and reporting. However, common procedures and routines, in particular regarding the adoption of new laws, do not always permit this model process (e.g. excessively politically oriented instructions, tight deadlines, sectorial approach, gender expertise not at hand, limited consultation with more traditional partners such as trade unions). In this respect, this approach is a challenge for the administration but also for interest groups such as women's organisations and other key actors in gender that should have the resources to participate actively in the consultation process.

### Barriers

One important barrier to gender mainstreaming and in particular the gender test is the current trend in Belgium to multiply specific tests to be attached to new legal projects. For example there are tests relating to administrative simplification and sustainable development. This raises the issue of whether gender should be the subject of a specific separate test or should be integrated into one general test. Another issue concerns the type of questions raised in the gender test: if they are too long and elaborate they will not be answered, while on the other hand if they are too simple they will not permit any monitoring of the way gender has been integrated.

### Weaknesses

The "gender agent" designated to coordinate the gender mainstreaming process within the administration does not always seem to be in the right function and place in the department. Selection was based only on level in the administration and possible interest or opportunity, as assessed by the manager. The capacity of the agent to influence other members of his/her administration will be largely dependent on her/his individual capacities to perform the tasks and on clear instructions and support from the hierarchy.

This factor is reinforced by the fact that no resources are allocated to strengthen the capacities of the ministries' agents. Awareness-raising and training activities are limited to capacities of the Gender Institute which targets members of the CIG. Actions for key actors in the administration should be organised by each department, for example specific training for people in charge of preparing laws, budgets, public procurement etc.

Another weakness is the current lack of a clear and operational commitment to gender equality. As mentioned above, policy notes have not contained specific commitments and operational objectives regarding gender equality. Management plans also refer more to the implementation of the gender mainstreaming law than a vision of what gender equality is. The evaluation of the pilot project on gender mainstreaming had made clear the importance of recognising that the current situation between men and women is unequal, and therefore of working towards equality in practice. However, this recognition is still largely lacking, in both public opinion and political spheres in Belgium. Politicians are not opposed to equality as a value in itself but the fight against inequalities is generally limited to the interdiction of discrimination.<sup>11</sup>

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<sup>11</sup> Rapport final d'évaluation de la cellule "gender mainstreaming" mise en oeuvre au sein du gouvernement fédéral, March 2003, page 93.

Finally, it is questionable whether the Gender Institute will be able to cope with its workload in supporting gender mainstreaming, both by providing specific expertise (statistical analysis, gender research in important policy issues) and by supporting the process of gender mainstreaming, including reporting.

### **Constraints**

The law adopted in January 2007 is still not fully implemented. Implementing measures are still required, the main one being the adoption of a royal decree introducing the gender test. One major constraint is certainly the political crisis, which has meant that since 2007 the federal level of government has enjoyed only limited periods of full mandate. The execution of the law is therefore significantly delayed.

Access to financial resources may also be a constraint in the future, as budgetary restrictions are on the agenda of all departments.

## **3. Assessment of the strengths and weaknesses of the good practice**

If we first assess the law of January 2007 with regard to the previous history of gender mainstreaming in Belgium, we should go back to the lessons of past experience and see how they have been taken into account (see 1.1 above).

Clearly the law has organised cooperation among different ministries, which was one element that was missing in the past. The CIG, composed of members of the different ministries, meets regularly, exchanges practices and approves the federal plan at the start of each government term as well as reporting at mid-term and at the end of the term. This internal coordination procedure is important in ensuring that the gender mainstreaming process will be followed in each ministry, even if the pace may be different given the traditions and core business of the department. This cooperation approach within the CIG also builds on past strengths in providing a forum for both representatives of ministers (members of private offices) and members of the administration.

A second aspect that the law addresses is the avoidance of tensions between the transversal dimension of gender mainstreaming and the traditional institutional arrangements, which follow a sector-based logic. The requirement for a global commitment by the government on strategic objectives, combined with specific commitments by each minister on operational objectives for gender equality, is innovative and aims to create a transversal approach. However, as mentioned above, this requires that politicians explicitly take such an approach when drawing up their policy, which is not yet the case. To support this transversal aspect of gender mainstreaming, the law also provides for a standard approach to be applied, namely the gender test and the gender budgeting requirements.

The third lesson of the pilot project referred to the risk that the focus on introducing and implementing gender mainstreaming will divert attention from the real objective of gender equality. This aspect is certainly an issue that will require attention in the future. Until now resources have merely been allocated to laying down conditions for gender mainstreaming: statistics, training and expertise, specific structures and tools.

Moreover, this process is still ongoing, with the gender test and reporting format not yet adopted.

So it can be concluded, that regarding past experience, lessons have been clearly taken into account in the law.

Secondly, the law should be assessed in view of existing research on gender mainstreaming policies and key aspects for success.

The essential element in the definition of gender mainstreaming is its accent on policy process: gender mainstreaming usually involves a reorganisation of policy processes, because all too often existing procedures and routines are gender-blind or gender-biased. Gender mainstreaming is meant to actively counteract this, and to use the normal mandate of policy-makers to promote more equitable relations between women and men.<sup>12</sup> So gender mainstreaming is about organising:

- procedures and routines;
- responsibilities and capacities for the incorporation of a gender perspective;
- the use of gender expertise in policy-making;
- the use of gender impact analysis in this process;
- consultation and participation of relevant groups and organisations in the process.

It is worth looking at how the law approached these issues. On one hand the law clearly addresses all these elements, but not to the same extent. The responsibilities of political and administrative levels are explicit and are placed in the hands of decision-makers (senior managers and ministers). It also covers procedures and routines (i.e. reporting), and impact analysis is part of the process (gender test). Regarding capacities for incorporating a gender perspective, while the Gender Institute provides support (training, tools such as a database and manuals) the law is not really explicit. It should be remembered that administrative departments have no budget to implement gender mainstreaming; the development of the capacities of civil servants is purely individually-based and depends on their commitment and the quality of the work done within the CIG. Other aspects that are not really addressed by the law are the use of gender expertise (which is required for the drawing up of a real gender test) and consultations with and the participation of relevant groups and organisations in the process.

To conclude, while procedures and routines, gender impact assessment and responsibilities have been clearly tackled by the law, internal gender capacities and access to external expertise has not been addressed in the law.

Academic research shows that progress has been achieved over recent years, particularly in establishing important mechanisms for the design and implementation of gender equality policy at European and national levels. These include legal and institutional mechanisms, as well as mechanisms for shaping policy-making so that gender issues are taken into account. It is much more difficult, however, to identify progress in terms of the outcomes of gender equality policy.<sup>13</sup>

The Equapol research project conducted from 2002 to 2004 suggests that gender mainstreaming is being treated largely as a procedure or technique, and not as a strategy for achieving structural change and empowerment. The study identifies different models of gender mainstreaming strategy and compares the situation in a

<sup>12</sup> Verloo M., *Gender mainstreaming: practice and prospects*, Council of Europe, December 1999.

<sup>13</sup> See Woodward, Too late for mainstreaming? Taking stock in Brussels, *Submitted for review to Journal of European Social Policy and accepted in French translation Cahiers du Genre*, June 2006.

number of countries including Belgium and Sweden.<sup>14</sup> The study results are still valid in view of current situation in Belgium and are worth being presented and discussed below.

Sweden is the country of the eight studied that is closest to the **integrated** model. In this model gender mainstreaming is seen as a strategy aimed at achieving a gender-equal society, while in other countries such a general objective tends to be mainly rhetorical. The Swedish example stands out in that policy discourse rests on a careful articulation of the notions of “equality” and gender mainstreaming, as well as providing a clear rationale as to why the latter is the most suitable approach to deliver the former.<sup>15</sup>

The second model is called the **transversal** model of gender mainstreaming. Of the eight countries studied, this model is best represented by Belgium. The term ‘transversality’ indicates an involvement of different government departments or ministries in the implementation of a plan or programme of gender equality (now a law). Such plans require some level of cross-governmental consensus and coordination since they consist of the allocation of a number of specific gender equality objectives to each of the ministries involved. Such objectives can be quite varied, ranging from general commitments to integrate a gender perspective into the policies of a given department or ministry, to specific measures aimed at laying down the conditions for the implementation of a gender mainstreaming approach (such as for example the production of indicators and evaluation tools). The implementation of those objectives is usually supported by a dedicated agency or unit of the administration which can be either independent in status or else attached to a given government ministry.

One risk of the transversal model identified by the study is that it does not integrate gender into the core of policy, but tends to add it on as an additional objective or consideration. This risk is illustrated by the current procedure of gender test being one of a series of tests each law should perform (beside administrative simplification, sustainable development...etc).

Another important point of attention concerns the objectives adopted. While in Sweden the chief objective of gender mainstreaming is to end the structural roots of gender inequality, in Belgium the main objective seems to be to introduce a gender mainstreaming approach *per se*. In other words, gender mainstreaming is regarded more as an operational objective than as an approach, or strategy, to achieve gender equality. The Belgian law focuses on procedures and routines more than on gender expertise and capacities. The risk exists that gender budgeting and the gender test are regarded merely as steps in a procedure to be complied with instead of a final step in an analytical process of gender analysis and gender impact assessment.

A final point of the Equapol study relates to the fact that, in most of countries studied, the future of gender mainstreaming remains quite uncertain (unlike in Sweden where it is firmly institutionalised). In this latter respect, the gender mainstreaming law of 2007 is a very important achievement and ensures that gender mainstreaming can become an important strategy to promote equality, conceived as a long-lasting strategy and process.

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<sup>14</sup> Other countries studied are France, Greece, Ireland, Lithuania, Spain, United Kingdom.

<sup>15</sup> Braithwaite M., Executive Summary, Equapol project, 2005.

## 4. Main questions and issues for debate at the meeting

Gender mainstreaming has many strengths: it addresses structural change and gender relations (not just women and men); it challenges the neutrality of policy and has developed methods and procedures for assessing and amending policies; it implies a consistent, continuous process across all policy domains; and it engages a broad range of actors in its implementation. However, structural change takes time, and more robust efforts are needed to strengthen the implementation of gender mainstreaming in policy. To that end, positive examples of achievement are important to keep the process going.

An issue for debate is whether the Belgian law, being global, does not risk achieving low results considering the current low level of political support (not a priority and no common positions). One can argue that, to ensure some results that will in return support the process, it is essential for the CIG to establish strategic priorities and focus efforts on priority areas – in particular in monitoring (reporting on) the policy. This means identifying strategic ‘entry points’ for gender – within a policy domain and policy cycle – that have the greatest chances of progressing gender equality.

Another issue to be discussed is whether gender equality policy and gender mainstreaming can be left to policy-makers alone, and to male-dominated policy-making structures. To progress gender equality, a much wider range of stakeholders needs to be involved in policy dialogue and policy-making, and many more women. This means establishing structured mechanisms for engaging stakeholders outside the state and parliament in policy dialogue, and promoting two-way mechanisms of dialogue, not merely one-way consultation. Parliamentary and government committees on gender equality can include stakeholders from civil society and the private sector. This also means making much more rapid progress on implementing commitments to the equal participation of women and men in decision-making. The issue of involving key non traditional stakeholders, in particular gender experts and NGOs, and conditions for this (supporting academic research and women’s/gender associations) and ways to do it within the normal routine of the administration can be useful to debate.

A strong conclusion for the development of gender equality policy is the need to reinforce knowledge about gender and gender inequality, and about the impact of public policies on gender relations and gender equality. This means much more systematic monitoring and evaluation, which pays attention to gender aspects, and is supported by data and information. Qualitative research, especially on how gender inequality is maintained and on the intersections between gender and other identities and discriminations, is also needed to support policy-making. In that respect an issue for debate is how to ensure that gender analysis is lined to the gender test as opposed to a purely administrative step and the possible content and process for gender test.

Possible questions for debate:

- How do we identify “good examples of gender mainstreaming” not only relating to the process of policy making but also its content and outcomes? This is particularly important to show that GM does improve quality of policies.

- How to ensure that choices of “gender mainstreaming actions” are based on strategic choices (reducing gender inequalities) and not on opportunities (e.g. easiest way for the administration to show that we do it)?
- How to design a gender test, content and process wise? Should it be a separate test or can it be integrated in a general quality test of policies? Should it be applied to any new law? What type of exclusion (e.g. determining what is not gender relevant)? What are important questions to ask in that test?
- How to increase internal gender expertise within the administration?
- Is the Belgian law too ambitious? If yes, should the Gender Institute focus on a specific instrument (e.g. gender test; gender budgeting) or on a specific area (e.g. with highest gender relevance)?