

### **Name of the public institution**

Institute for the equality of women and men

### **Name of the project**

Project "database"

### **Acronym**

GenderClaim

### **Description of the project and its context within the public institution**

In its federal policy statement of 12 October 2004 the government states that it will continue to pursue an active policy for the promotion of the equality of women and men, and that it will provide the necessary tools for the evaluation of this policy within the public administration.

The Institute for the equality of women and men was founded by the law of 16 December 2002 and its mission is to oversee the observance of the principle of the equality of women and men, to combat every form of gender-based discrimination and equality, and to develop tools and strategies based on an integrated approach of the gender dimension (art. 3 of the law of 16 December 2002).

In order to comply with the demands of the guideline 2002/73 EC this young institution of general interest has to assume these tasks by 5 October 2005 at the latest (the deadline for the introduction of this guideline).

The Institute's activities are centered around gender mainstreaming and juridical missions. With regard to its missions of a juridical nature, the Institute for the equality of women and men's scope of competence encompasses:

- the formulation of recommendations to the authorities to improve laws and regulations;
- within the bounds of its objectives, it is competent to help those who ask for advice with regard to the scope of his or her rights and duties, thus making it possible for them to find information and counsel about the steps they can take to assert their rights;
- acting in court in cases brought on by the implementation of the penal code and other laws specifically aimed at the promotion of equality between men and women;
- collecting, maintaining and distributing information, documentation and archives within the framework of its mission;
- collecting and publishing anonymous statistic data and court rulings that are useful for the evaluation of the gender equality legislation and regulations;
- when the Institute invokes facts that point to a supposedly discriminating treatment as stipulated in the laws and regulations concerning gender equality, it can ask the competent authority to be kept informed of the results of the analysis of the situation. (art. 4 of the law of 16 December 2002).

The Institute is qualified to handle every case of direct or indirect gender-based discrimination, pestering (when linked with the victim's sex) and sexual harassment. Its field of competence is not limited to employment and labour: the Institute assumes its missions in all the fields that were defined in the so-called law against discrimination (law of 25 February 2003) when a discrimination is based on sex.

The Institute has to draw up a detailed annual report about the implementation of its mission for the Minister in charge of the equality of women and men. The minister transmits the report to the federal legislative assemblies (art. 12 of the law of 16 December 2002).

Since its creation the Institute has been receiving more and more complaints and demands for counsel. In this light the complaint handling procedure and the reporting to the authorities require a higher degree of professionalism. In order to meet this demand, it would be advisable to develop a data base enabling the registration, storage and use of the following data:

1. the identity and profile of the plaintiff :
  - name, first name
  - address

- language
- sex
- age
- family situation
- other information
- 2. the profile of the perpetrator :
  - language
  - sex
  - age
  - other information
- 3. the place where the discrimination takes place
- 4. the subject of the complaint: a short description of the complaint and the juridical classification (legal basis)
- 5. the jurist assigned to the case
- 6. the different stages in the handling of the complaint :
  - the date on which the complaint was received by the institute
  - registration number at the Institute
  - admissibility investigation
    - classification of the motives for inadmissibility
      - unwritten complaint
      - anonymous complaint
  - competency investigation
    - classification of the motives for incompetence
    - the institution the complaint is referred to
  - the help given to the plaintiff (date, result, juridical classification)
    - counsel
    - mediation
    - court case
  - the date on which the file is closed

This data base has to be developed in the two national languages. The construction of such a data base is socially, scientifically and politically relevant and will make it possible to:

- manage complaints in a more rational and effective manner;
- create the basis for the annual report (as stipulated in the law); on the basis of the registered data, the Institute will be able to have at its disposal a systematic overview of the number of complaints, the geographical partition, the nature of the complaints, the handling stages, the referral and the closing of the files;
- better point out and remedy discriminations in society;
- introduce similar indicators on a European and international level;
- provide useful information to persons and institutions conducting research (sociological, juridical or other) into the evolution of the equality of women and men in Belgium.

Without AGORA's methodological and scientific support the Institute would not be able to construct an efficient data base in order to carry out its legal missions.

### **Tasks to be undertaken**

#### **a) by the scientific team**

The scientific team would:

- provide the scientific and technical support needed for constructing the data base
- help the Institute in defining and validating the criteria to be retained in the data base
- verify the anonymity conditions for the complaints
- set the access conditions and the criteria the general public may consult

#### **b) by the Institute**

The Institute would commit to :

- providing the necessary data for the data base
- providing the scientific team with basic IT-support and personnel

- providing the data (or part of it) for the general public, researchers, politicians and others, possibly by means of a future website
- assuring that the data is constantly completed and kept up to date

### **Expected end product**

#### **c) from the scientific team**

The scientific team would need to describe the criteria in the data base based on the needs of the Institute and develop indicators that make it possible to draw up comparisons on a European and international level. They would also have to guarantee the performance and maintenance of the new registration system during a testing period of 6 months.

#### **d) for the Institute**

As a result of this project the Institute will have a powerful data base of complaints that will also enable it to provide detailed information for research projects and statistics on a European and international level.

### **Valorisation of the end product**

#### **e) for the Institute**

The introduction of this data base will make it possible to rationalize the management of complaints and it will also be the basis for the annual report (as stipulated in the law), statistics and recommendations to the authorities aimed at improving the laws and regulations that guarantee the equality of women and men.

#### **f) for the general public**

This anonymous data base could be very useful for persons and institutions conducting research (especially sociological or juridical) in the field of the equality of women and men. The drawing up of similar indicators on a European or international scale will make it possible to study the evolution of the equality of women and men in a broader context.

The data would be accessible on line to researchers but also the general public. It would also be possible to write to the Institute to ask for information.

### **Timing and planning of activities and allocated budget**

#### **a) Timing of activities**

01/10/2005 – 01/04/2007 (18 months, testing period included)

#### **b) Planning of activities**

The plan of activities can be drawn up after a meeting with the designated team

### **Special conditions**

#### **a) Suggestions for the composition of the supervising committee**

- at least two specialized jurists ( P. Humblet, J. Jacquemain, J. Van Drooghenbroeck) ;
- Dirk De Meirleir, co-ordinator of the Centre for equal opportunities and opposition to racism;
- Marc Bertrand or Ellen Van Dael of the High Council for Justice;
- Frank Robben, administrator-general of the Crossroads Bank for Social Security.

#### **b) clause on the confidentiality of the data**

to be drawn up between the parties concerned

c) possible presence of the scientific team at the Institute

The members of the team may be present at the Institute during all the phases of their activities.

d) Other

None