



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Belgium
Title:	The Expert Commission for the assessment of the 2007 Anti-discrimination Acts delivered its first report to the Federal Parliament
Date	2 November 2017
Expert:	Bribosia Emmanuelle, with the assistance of Jean Jacqmain
<u>Context</u>	
Issue at stake:	The Expert Commission for the assessment of the 2007 Anti-discrimination Federal Acts delivered its first annual report.
Ground of discrimination:	Age, disability, religious beliefs, gender, ethnic origin, sexual orientation, etc.
Source:	First Evaluation Report of the Expert Commission for the assessment of the 2007 Anti-discrimination Federal Acts
Field:	/
Applicable law:	Federal Act of 10 May 2007 amending the Act of 30 July 1981 criminalising certain acts inspired by racism or xenophobia, Federal Act of 10 May 2007 pertaining to fight certain forms of discrimination and Federal Act of 10 May 2007 aimed at fighting discrimination between women and men

Content

The Expert Commission for the assessment of the 2007 Anti-discrimination Federal Acts delivered its first annual report. This commission was set up in 2016 and is composed of twelve members: two representatives of the judiciary, two lawyers, four members proposed by the National Labour Council and four members proposed by the Ministry for equal opportunities. Its president is Françoise Tulkens, the former vice-president of the European Court of Human Rights and the vice-president is Marc Bossuyt, the former president of the Belgian Constitutional Court. The Commission carried out its work during the second part of 2016 and heard 10 experts in the field of non-discrimination, among whom P. Charlier (the director of UNIA), M. Pasteel and L. Stevens, (the directors of the Institute for Equality of Women and Men) and E. Bribosia, I. Rorive and J. Jacqmain (members of the European network of legal experts in gender equality and non-discrimination).

This report (146 p.) was submitted to the Federal Parliament and enshrines a number of recommendations among which:

- Taking into account multiple discrimination in the legal framework and providing for appropriate sanctions;
- Expressly mentioning discrimination by association in statutory law;
- Adopting regulation to better define situations of genuine and determining occupational requirement;

- Putting in place a unique portal (one-stop shop) for victims of discrimination;
- Giving the competence to the Labour inspectors of carrying out situation testing, including 'mystery calls';
- More training in anti-discrimination law to the judiciary, the police, the labour inspectorate as well as some training to employers;
- A better protection against victimisation;
- Developing positive actions through the adoption of regulation;
- Transposing Article 15 of Directive 2006/54/EC as to the rights of an employee after maternity leave.

Key points of analysis: The report is of very high level. There is a very strong dissenting opinion of prof. Mathias Storme well-known to be against anti-discrimination law altogether (defendant of a libertarian approach).

Internet link source:

[http://unia.be/files/Documenten/Aanbevelingen-advies/Commission dévaluation de la législation fédérale relative à la lutte contre les discriminations.pdf](http://unia.be/files/Documenten/Aanbevelingen-advies/Commission_dévaluation_de_la_législation_fédérale_relative_à_la_lutte_contre_les_discriminations.pdf).