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**Migrants and their
Descendants:
Social Inclusion and
Participation in Society**

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* *Acknowledging contribution of Dr. Joke Meeus (HIVA – KU Leuven)*

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Executive summary

- **General remark on competences in the area of integration of migrants:**

The integration of third country nationals is, for the most part, a regional competence at Community level (Flemish Community, French-speaking Community and German-speaking Community) since 1980. Since 1 January 1994 the French-speaking Community ('Federation of Wallonia and Brussels') has, mainly for financial reasons, transferred the exercise of its competence in relation to the assistance to persons to the Walloon Region on the one hand, and to the French Community Commission of the Brussels Region (*COCOF*) on the other hand. As a result, integration policies have been developed at various levels, leading to different legal frameworks and different implementing measures. The Flemish division of the Brussels Region is covered by the Flemish Community policy. The federal government has a number of competences that are closely related to the integration of migrants, such as non-discrimination, equal opportunities and access to the territory. Non-discrimination and equal opportunities also fall within the competences of the Regions and Communities in relation to their areas of competence.

Where competence of the French-speaking Community has been transferred to the Walloon Region, the Walloon Region legislation applies to the French-speaking Community only. Therefore, in those cases, the Walloon legislation does not apply to the German-speaking Community. It is noted that the French-speaking Community is competent to adopt legislation applying to the French-speaking residents of Brussels and to the Wallonia minus the German-speaking Community.

- **Legal and policy instruments for migrant integration:**

In the Flemish Community, general integration policies were formalised in 1998 and a civic integration programme was established in 2003. The applicable legislation is the [Decree of 7 June 2013 on the Flemish integration and civic integration policy](#). In December 2012, an Integrated Action Plan on Integration Policy was adopted for the period 2012-2015. After the elections in 2014, the Flemish government presented in October 2014 its Policy Note on Integration for the period 2014-2019. The Flemish integration policy is an expressly inclusive policy, being developed within all relevant sectors, such as youth, sports, culture and education. All ministers are responsible for the implementation of the integration policy in their respective domains by paying attention to the position of ethnic-cultural minorities and diversity in society.

In the Walloon Region, general integration policies were formalised in 1996 and an integration programme was established in 2014. The applicable legislation is the [Decree of 27 March 2014 on the integration of non-nationals and persons of migrant origin](#). No specific action plans or policy notes were identified.

In the Brussels Region (French division, *COCOF*), social cohesion policies were formalised in 2004 and an integration programme was established in 2013. The applicable legislation is the [Decree of 13 May 2004 on Social Cohesion](#), and the [Decree of 18 July 2013 on the integration programme for newcomers](#). No specific action plans or policy notes were identified.

In the German-speaking Community, no specific strategy has been adopted and little action has been undertaken so far with regard to an integration policy. In 2012, the Community developed its general policy on family affairs in which the policy on families of migrant origin was integrated. During the years to come, the Community aims to adopt legislation on integration and elaborate an integration programme for newcomers. Because of the limited integration policy currently existing in the German-speaking Community, this report will for the most part not cover this geographical area/political level of Belgium.

While the general *integration policies* at the various political levels target the broad group of persons of migrant origin and their descendants, the respective policies on *integration programmes* generally target a specific group of migrants, namely newcomers in the country. While such integration programmes are mandatory for most newcomers in Flanders (while being optional for other categories of migrants), in Brussels and Wallonia there is no such obligation. Depending on the Community/Region, the respective general integration policies include to a greater or lesser extent measures addressing the host society whereby the 'two-way process' nature of integration is recognised.

A number of challenges exist at the political and governance level that hinder the development and the effective, successful implementation of integration policies to some extent. The largest political party at both the federal and the Flemish level since the 2014 elections holds a more severe, conservative view on the issue of integration than the other coalition parties at both levels. This causes disagreement as to the future political discourse and policies to pursue in the area of integration. In addition, while the area of migrant integration and social cohesion is a regional competence, the area of asylum and migration (access to the territory) is a federal competence. This means that coordination and cooperation are required where policies and decisions touch upon both domains, leading to more time consuming policy development and implementation, in particular when the respective ministers in charge belong to a different political family. Specifically with regard to the Brussels Region, as explained above, two different policies exist on the integration of migrants, including on the integration programme for newcomers: a Flemish policy and a French-speaking policy. Given that many newcomers in Brussels are initially not belonging to one of both language communities, this rather inefficient situation creates unnecessary complexity at governance level.

Developing language skills is considered a crucial aspect of integration in all Regions/Communities. Language learning programmes are therefore included in all of the respective integration programmes for newcomers, and particularly the Flemish government aims to improving language skills among migrants. On the other hand, language tests (and, more generally, integration test) are not compulsory in order to obtain residence rights.

- **Equal treatment and non-discrimination:**

Anti-discrimination and anti-racism legislation is in place at all political levels (federal and regional). However, many parts of this legislation lack sufficient implementing measures. These legal frameworks include protection against discrimination based on race, skin colour, ethnic origin, as well as nationality. The provisions relating to justification of different treatment based on nationality are different from those applying to the other grounds.

A number of positive evolutions in the area can be noted, including a new regulatory instrument at federal level for strengthening the investigation and

prosecution policy towards discrimination and hate crimes (2013); the adoption of a law granting the right to all non-nationals with a residence permit to carry out voluntary work (2014); the set-up of a bilingual website by the Interfederal Centre for Equal Opportunities dedicated to the registration of a discrimination complaint; the reform of the local reporting centres for discrimination (2014), since then forming part of the Interfederal Centre for Equal Opportunities; and other initiatives aiming to facilitate the reporting of discrimination incidents, such as a text messaging system in the city of Ghent (2013).

On the other hand, rights restricting measures have been initiated at federal, regional and local level. Various municipalities took the initiative in the past years to impose a tax for non-nationals on their registration with the local commune. In some of the cases, these regulations were annulled by the provincial governor because they were considered to be in violation of national and European law. At the Flemish level, candidate participants for adult education organised by the Flemish government have to provide evidence, at the moment of registration, of their legal residence or Belgian nationality since September 2011. In other words, migrants in illegal residence no longer have the right to attend such education. In 2013, the federal government took a number of austerity measures changing (i.e. worsening) the legal position of non-nationals in terms of access to certain services, in particular subsistence benefits.

- **Participation in society:**

Various **consultative/advisory bodies** exist at the Flemish, Walloon and Brussels level that provide insights and advice to governmental and other institutions in the area of migration and integration. Some of these bodies are formally recognised in a regulatory framework (a national law or a regional decree), while other ones are not formally recognised. The latter can nevertheless play a significant role in informing governmental and other bodies. The main consultative/advisory bodies are the Federal Migration Centre, the Interfederal Centre for Equal Opportunities, Flemish Refugee Action, Ciré (Coordination and Initiatives for refugees and non-nationals), and 'Kruispunt Migratie-Integratie'. Belgium has one representative body – the Flemish Forum of Ethnic-cultural Minorities ('Minderhedenforum'). This body is formally recognised by the Flemish government as a 'participation organisation'. Generally, the consultative/advisory bodies only have advisory power, no decision-making power. The modalities and procedures of consultation, both for what concerns the formally recognised bodies and the other bodies, are not stipulated in a regulatory framework. Most of the consultation activities in the area of migration and integration are carried out by the respective governments (federal/regional) and the respective public services and agencies (asylum and migration/integration/equal opportunities) in an informal manner.

There is little data available on the participation rates of migrants in **trade-unions and professional associations**, either because there is no systematic registration of the migration background of members or because privacy legislation does not allow the organisations to disclose such information. The main workers' unions undertake significant efforts to encourage the participation and representation of migrant workers in their organisations.

Much room for improvement remains regarding the participation and representation of migrants in the **media**, both behind and before the scenes. However, strategies and action plans are being developed by public broadcasting organisations and the relevant governmental bodies, targets are being set, and initiatives are taken to encourage migrants to become involved as media professionals. Among the remaining obstacles are the high language requirements

for most of media professions. An example of a positive measure is the development by the Flemish government of an expert database, which refers to experts belonging to various target groups (immigrants, women, persons with disability, etc.). This database is exclusively intended for use by journalists and journalism students, and aims to increase the presence of migrants in the media.

Most of the Regions and Communities have opened access to **employment in their civil service** to non-nationals (both EU citizens and third country nationals) during the past years. Exceptions to that are certain functions related to the exercise of public power and the protection of national sovereignty. By contrast, the federal government has only committed to examine the opportunity of opening access to public services to legally residing third country nationals who respect public order and public security requirements (except for certain functions related to the exercise of public power and the protection of national sovereignty), without further action so far. In almost all policy areas and entities of the Flemish government, 'diversity officers' are operating since 2014. In total, there are 70 diversity officers who coordinate the actions on equal opportunities and diversity in the local workplace. Every two months, the diversity officers meet in Brussels in the Commission for Diversity of the Flemish government, in order to exchange information on good practices and agree on initiatives on equal opportunities and diversity.

In the French-speaking Community ('Federation of Wallonia and Brussels'), the nationality condition was abolished in 2013 for **teaching positions in education** organised or funded by the Community. In the Flemish Community, the nationality condition still exists for teachers in education organised or funded by the Community. Teachers must have the Belgian nationality or the nationality of an EU country or country of the European Free Trade Association. In exceptional situations and under certain conditions, a person can be exempted from the nationality condition.

Various measures aiming to support migrant children in education are in place. In Flanders, school guidance is carried out by the Pupil Guidance Centres, which offer support, free of charge, through a multidisciplinary approach, considering different aspects of the student's development. The Centres collaborate with families in drawing up guidance directions for students, and offer translation and other services for migrant families. In addition, some Flemish schools organise a reception class for non-Dutch speaking newcomers (the 'OKAN' system). At the level of primary education, this implies a number of hours of additional assistance. At the level of secondary education, this means one year of Dutch language classes before switching to the regular class. Also the French-speaking Community has a programme to assist newcomer children starting school in the French-speaking Community (the 'DASPA' programme). This programme provides a tailored support to children between five and 18 years old, and includes welcoming, integration and education support, with particular focus on language assistance.

- **Membership and participation in migrant organisations and diaspora associations**

No legal barriers are reported for membership and participation in migrant organisations and diaspora associations, nor for setting up a self-organisation. A number of practical barriers do exist, including language barriers, barriers related to customs and traditions either practiced in the organisation or by the potential member, lack of time or motivation, as well as bureaucratic complexity and lack of knowledge of structures and rules in Belgium, to name just a few. Nevertheless, the number of migrant organisations are growing, with over 1,700 organisations

counted in Flanders and Brussels alone. Some network and federation structures (such as the 13 ethno-cultural federations recognised in Flanders and Brussels, united in the higher-level Minority Forum) exist, and governments at regional and local level support migrant organisations through recognition and subsidies.

- **Membership and participation in civil society organisations and volunteer work**

There are no legal barriers to membership and participation in civil society organisations. However, federations of such civil society organisations report an underrepresentation of migrants or persons of migrant background in mainstream civil society organisations. The federations and networks of civil society organisations do not have centralised data on the participation and membership of migrants in their member organisations.

- **Citizenship Acquisition**

A major and controversial reform of the Belgian Nationality Code took place in 2012. The new law imposes integration requirements ('knowledge of languages of the host country', 'civic integration', 'economic participation' and 'participation in the host society') as a condition for acquiring citizenship, for which a non-nationals can apply after five or 10 years of legal residence in Belgium.

- **Political Participation in elections**

Third Country Nationals (TCN) are excluded from voting rights in national, regional and provincial elections. Since 2006 TCN can vote in municipal elections, but need to register for this (in contradiction to Belgian citizens who are automatically registered and obliged to vote). This leads to a significant self-exclusion as on average less than one in five of the eligible TCN voters do register. TCN cannot be a candidate in any election and are consequently excluded from being elected as representative or taking public office. Citizens of migrant background, on the other hand, enjoy equal voting rights as any other Belgian and are obliged to vote in national, regional, provincial and local elections. They can be a candidate in elections and be a representative in assemblies or take public office without any legal barriers. No official data is available on the voting turnout or representation (on candidate lists, as representatives or public officials) of Belgians with a migrant background, but some studies report statistics based on research findings.

- **Membership and participation in political parties**

All political parties report that no legal barriers are in place for participation and membership of migrants and persons of migrant background in their party, in line with the principle of non-discrimination. Some parties take targeted measures to increase the representation of societal ethnic diversity among their membership, whereas other parties deliberately refrain from taking targeted measures and treat all members or potential members in an equal manner. Political parties do not register the nationality or origin of their members and can therefore not report official numbers on participation of this group.

- **Monitoring and assessment – Use of indicators**

Due to integration policy being a regional competence, great divergence in monitoring practices can be observed between the regions. In Flanders, numerous indicators in line with the Zaragoza indicators are in place to monitor integration of migrants (regarding employment, education, social inclusion, active citizenship,

etc.). In Wallonia on the other hand, as a consequence of the Walloon policy tradition of dealing with migrant integration under general social cohesion policy, existing indicators on integration usually do not provide disaggregated data for migrants or persons of migrant background. In those instances where assessments do specifically focus on integration of non-nationals, the assessment often has regard to monitoring the implementation of policy measures and the scope of the beneficiaries reached, rather than monitoring the level of integration itself. In Brussels, there is internal divergence between the Flemish Community Commission following the integration policy line of Flanders and being incorporated into Flemish integration monitoring initiatives, whereas the French-speaking Community Commission follows the example of the Walloon government and does not have migrant integration indicators in place. The government of the German-speaking community of Belgium equally confirmed that there are no migrant integration indicators in place for this constituency, as there is no integration policy in place in this region at the moment. On a national level, indicators exist with regard to competences situated at the federal level, such as equal opportunities and non-discrimination.

• **Drivers and barriers for participation of migrants and their descendants in society**

Barriers

- Multilevel governance and division of policy competences leads to lack of coordination between policy measures and great divergence between integration policies and implemented measures.
- The absence of a comprehensive framework for monitoring and assessment of integration leads to lack of systematic overview of the integration level in the country and lack of comparability between the regions.
- Third Country Nationals are excluded from voting rights in national, regional and provincial elections, and need to register if they wish to vote in municipal elections. They are prohibited to be a candidate in elections at any election level.
- Conditions for acquiring Belgian citizenship have become stricter. Since the new Nationality Code of 2012, foreigners have to fulfil integration requirements ('knowledge of languages of the host country', 'civic integration', 'economic participation' and 'participation in the host society') to acquire Belgian citizenship.
- Insufficient knowledge of the language and other practical barriers (e.g. related to principles and beliefs of the migrant) can form a barrier for participation in civil society organisations, migrant associations or political parties, through self-exclusion by the migrant.
- Lack of knowledge of the structures and rules of the host country, as well as bureaucratic complexity are an obstacle to self-organisation of migrants in migrant organisations or diaspora associations.

Drivers & Opportunities

- Albeit somewhat uncoordinated, the extensive number of indicators available (at least for Flanders and in second instance Brussels), constitute an opportunity for optimising policy measures and taking targeted measures in a continuous and evidence-based manner.
- The obligatory integration requirements for acquiring citizenship could be a stimulating factor for participation and integration effort of citizenship-candidates, on the condition of provision of adequate supporting services (e.g. language courses) and the existence of a welcoming, engaging host society (offering employment, social contact, etc.).

- The mandatory character of the voting system in Belgium, protects Belgian citizens of migrant background from (self-) exclusion, which is often observed in countries where voting is not mandatory.
- There are no legal barriers for membership in associations, civil society organisations or political parties, nor are there legal barriers for the self-organising of migrants. On the contrary, migrant organisations are supported financially by governments, and civil societies organisations and political parties welcome migrants and persons of migrant background among their members (in some cases pro-active measures to attract foreigners are undertaken, such as for example multilingual brochures or target numbers for intra-organisation diversity).

- **Social cohesion:**

The Flemish, Walloon and Brussels legal and policy instruments on integration make various references to the notion of social cohesion and social inclusion. The Brussels Region has adopted a [Decree on social cohesion](#) in 2004.

In 2011, a federal law imposed a prohibition on the wearing of any clothing entirely or substantially concealing the face. This law implicitly targets the burqa. The law was contested by a number of women and two non-governmental organisations before the Constitutional Court, but the Court decided that the legal prohibition of the burqa is not in contravention with the Constitution, as long as it is not applied in places of worship (such as mosques).

A number of positive initiatives can be noted. For example, the regional governments at all levels provide funding to municipalities and local associations developing and implementing projects that aim to promote social cohesion. Another positive measure was taken by the city of Ghent in February 2013. The city decided to abandon the notion of '*allochtoon*', a synonym for immigrant with a negative connotation, and will no longer be referred to it in policy documents. The notion has a significant symbolic value because it encourages social exclusion. Since then, minorities are named in a more precise manner (according to their country of origin). Also other cities have abandoned the notion and replaced it by different terminology (e.g. 'new Belgians').

1. Legal and policy instruments for migrant integration

1.1. Description of existing instruments and target groups

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| <p>This section should present the overall state of play concerning national and, where applicable, regional legal and policy instruments focusing on how they address fundamental rights, core EU values and principles, as well as international legal standards and related EU law and policies, such as the Common Basic Principles and the Common Agenda on integration of migrants. Please complete the template in Annex 2.¹ Please make sure the brief information you provide in the table includes the following aspects:</p> | |
| <p>Does the national strategy on migrant integration contain a definition of integration? If so, please include it in the original language and full English translation.</p> | <p>General remark on competences in the area of integration of migrants:</p> <p>The integration of third country nationals is, for the most part, a regional competence (Community level – Flemish Community, French-speaking Community and German-speaking Community) since 1980. Since 1 January 1994 the French-speaking Community ('Federation of Wallonia and Brussels') has, mainly for financial reasons, transferred the exercise of its competence in relation to the assistance to persons to the Walloon Region on the one hand, and to the French Community Commission of the Brussels Region (COCOF) on the other hand. As a result, integration policies have been developed at various levels, leading to different legal frameworks and different implementing measures. The Flemish division of the Brussels Region is covered by the Flemish Community policy, albeit some provisions of the Flemish Community legislation do not apply to the Flemish division of Brussels (e.g. no fine is due in case the migrant does not follow the civic integration programme). The federal government has a number of competences that are closely related to the integration of migrants, such as non-discrimination, equal opportunities and access to the territory. Non-discrimination and equal opportunities are also competences of the regional level.²</p> <p>Where competence of the French-speaking Community has been transferred to the Walloon Region, the Walloon Region legislation applies to the French-speaking Community only. Therefore, in those cases, the Walloon legislation does not apply to the German-speaking Community. It is noted that the French-speaking Community is competent to adopt legislation applying to the French-speaking residents of Brussels and to the Wallonia minus the German-speaking Community.</p> |

¹ You can use and update the information as in the Table 1.7 of the FRA Annual Report 2012 (pp. 62-63). You should add more detail, for example, instead of identifying 'education' under the category 'focus area' be more specific, e.g. review of curriculum in secondary education to address integration issues, etc., provided this level of detail is specifically mentioned in the relevant policy instruments

² Belgium, website of the Federal Migration Centre, www.diversiteit.be/integratiebeleid. All hyperlinks were last accessed on 8 May 2015.

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| | | <p>In the Flemish Community (which covers Flanders and the Flemish Community of Brussels), the applicable legislation is the Decree of 7 June 2013 on the Flemish integration and civic integration policy.³ This Decree replaces the Decree of 28 April 1998 on the Flemish integration policy⁴ and the Decree of 28 February 2003 on the Flemish civic integration policy.⁵ In December 2012, an Integrated Action Plan on Integration Policy was adopted for the period 2012-2015.⁶ After the elections in 2014, the Flemish government presented in October 2014 its Policy Note on Integration for the period 2014-2019.⁷</p> <p>The Integrated Action Plan on Integration Policy 2012-2015 and the Policy Note on Integration 2014-2019 do not provide explicit definitions of integration and civic integration.</p> <p>The Decree of 7 June 2013 makes a distinction between integration (<i>integratie</i>) and civic integration (<i>inburgering</i>).</p> <p>The Decree defines integration as:</p> <p><i>"een dynamisch en interactief proces waarbij individuen, groepen, gemeenschappen en voorzieningen elk vanuit een context van de afdwingbaarheid van rechten en plichten die inherent zijn aan onze democratische rechtsstaat, op een constructieve wijze met elkaar in relatie staan en omgaan met migratie en de gevolgen ervan in de samenleving".⁸</i></p> <p>Translation:</p> <p>"a dynamic and interactive process whereby individuals, groups, communities and services are connected and deal with migration and its consequences in society in a constructive manner, in a context of enforceable rights and obligations that are inherent in our democratic state".</p> <p>The notion of integration policy is defined as:</p> <p><i>"het beleid dat met onderling afgestemde initiatieven inspeelt op de situaties en dynamieken die verbonden zijn met de gevolgen van migratie, met als doel zelfstandige en evenredige participatie, toegankelijkheid van alle voorzieningen, actief en gedeeld</i></p> |
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³ Belgium, Flemish government, Decree on the Flemish integration and civic integration policy (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, available at: www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2013060741. The various provisions of this Decree enter into force on different dates. Some have already entered into force (November 2013, July and September 2014).

⁴ Belgium, Flemish government, Decree on the Flemish integration policy (*Decreet betreffende het Vlaamse integratiebeleid*), 28 April 1998, modified by the Decrees of 30 April 2009, 23 December 2010 and 6 July 2012.

⁵ Belgium, Flemish government, Decree on the Flemish civic integration policy (*Decreet betreffende het Vlaamse inburgeringsbeleid*), 28 February 2003, modified by the Decrees of 14 July 2006, 1 February 2008 and 17 February 2012.

⁶ Belgium, Flemish government, Integrated Action Plan on Integration Policy 2012-2015 (*Geïntegreerd Actieplan Integratiebeleid*), available at: www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf.

⁷ Belgium, Flemish government, Policy Note on Integration 2014-2019, (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019.

⁸ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2013060741) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 2(13).

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| | <p><i>burgerschap van eenieder en het verkrijgen van sociale samenhang</i>".⁹</p> <p>Translation:</p> <p>"the policy that deals with the situations and dynamics linked to the consequences of migration through concerted initiatives, aiming at the independent and proportionate participation, accessibility of all services, active and shared citizenship for each person and the achievement of social cohesion".</p> <p>The Decree defines civic integration as:</p> <p><i>"een begeleid traject naar integratie waarbij de overheid aan inburgeraars een specifiek programma op maat aanbiedt, dat hun zelfredzaamheid verhoogt met het oog op participatie op professioneel, educatief en sociaal vlak"</i>.¹⁰</p> <p>Translation:</p> <p>"an assisted process towards integration whereby the government offers integrating persons a specific tailor-made programme, which increases their self-reliance aiming at professional, educational and social participation".</p> <p>The notion of civic integration policy is defined as:</p> <p><i>"het onderdeel van het integratiebeleid dat geconcretiseerd wordt in een inburgeringstraject dat aan de inburgeraar wordt aangeboden en een toeleidingstraject dat aan de minderjarige nieuwkomer en de anderstalige kleuter wordt aangeboden"</i>.¹¹</p> <p>Translation:</p> <p>"the component of the integration policy that is concretised in a civic integration process offered to the integrating person and a guidance programme offered to the underage newcomer and the non-Dutch speaking toddler".</p> <p>In Wallonia (Walloon Region), the applicable legislation is the Decree of 27 March 2014 on the integration of non-nationals and persons of migrant origin, which replaces the Decree of 4 July 1996.¹² The Decree does not provide a definition of integration. However, on the website of the Department of Social Action, competent for the area of integration of persons of migrant origin, the following definition of integration is provided:</p> |
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⁹ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 2(14).

¹⁰ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 2(8).

¹¹ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 2(9).

¹² Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, into force on 28 April 2014.

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| | | <p><i>"l'action d'insertion et de participation à une société en respectant et en favorisant les dimensions suivantes :</i></p> <ul style="list-style-type: none"> • <i>Les règles et les lois doivent être respectées par tous, sans distinction aucune;</i> • <i>Les valeurs démocratiques de liberté, de justice, d'égalité de traitement entre hommes et femmes ... sont des valeurs fondamentales et elles doivent être respectées par tous;</i> • <i>La diversité culturelle est source de richesses pour une société et elle doit être respectée et promue;</i> • <i>La participation des personnes immigrées, étrangères ou d'origine étrangère, doit être favorisée dans tous les domaines de la vie en société. Ces personnes doivent devenir des citoyens à part entière".</i> ¹³ <p>Translation:</p> <p>"the action of insertion and participation in a society while respecting and promoting the following dimensions:</p> <ul style="list-style-type: none"> • The rules and laws must be respected by all without exception • The democratic values of liberty, justice, equal treatment of men and women are fundamental values and must be respected by all • Cultural diversity is a source of richness for a society and it must be respected and promoted • The participation of immigrants, non-nationals or persons of migrant origin must be promoted in all areas of life and society. These persons must become full citizens". <p>The Walloon policy declaration of the new government (2014) for the period 2014-2019 contains a section on the integration of newcomers of migrant origin, but does not provide a definition of the notion of integration.¹⁴</p> <p>In the Brussels Region (French division, COCOF), the applicable legislation is the Decree of 13 May 2004 on Social Cohesion.¹⁵ This Decree makes reference to integration in relation to social cohesion, but does not provide a definition of integration. Also the Decree of 18 July 2013 on the integration programme for newcomers¹⁶ does not provide a definition of the notion.</p> <p>The policy declaration of the new Brussels French-speaking government (<i>COCOF</i>) (2014) contains a section on integration and</p> |
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¹³ Belgium, Walloon government, website of the Department of Social Action, available at: <http://socialsante.wallonie.be/?q=node/118>.

¹⁴ Belgium, Walloon government, policy declaration 2014-2019, available at: www.gouvernement.wallonie.be/sites/default/files/nodes/story/6371-dpr2014-2019.pdf, p. 51-52.

¹⁵ Belgium, French Community Commission (*COCOF*), Decree on Social Cohesion (*Décret relatif à la cohésion sociale*), 13 May 2004, modified by the Decree of 15 January 2009.

¹⁶ Belgium, French Community Commission (*COCOF*), Decree on the integration programme for newcomers (*Décret relatif au parcours d'accueil pour primo-arrivants en Région de Bruxelles-Capitale*), 18 July 2013.

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| | <p>newcomers, but does not provide a definition of the notion of integration.¹⁷</p> <p>In the German-speaking Community, no specific strategy has been adopted and little action has been undertaken so far with regard to an integration policy. In 2012, the Community developed its general policy on family affairs in which the policy on families of migrant origin was integrated. Specifically with regard to newcomers, the Community has, during the previous years, financially supported organisations directly working with third country nationals, and has funded a consultative council one of whose missions is to raise awareness on the issue of integration among the general public.¹⁸</p> <p>In its new government declaration of 16 September 2014, the German-speaking Community has made reference to the issue of integration of newcomers in the context of 'regional development'. The Community aims, during the years to come, to reinforce the provision of legal, social and psychological assistance to asylum seekers and recognised refugees/beneficiaries of the status of subsidiary protection; elaborate an integration programme for newcomers; adopt a parliamentary Decree on integration; and strengthen the role of municipalities in the integration policy. Throughout this process, the Community will analyse and draw inspiration from best practices in the other parts of Belgium and abroad.¹⁹</p> <p>Because of the limited integration policy currently existing in the German-speaking Community, the following sections of this report will generally not cover this geographical area/political level of Belgium.</p> |
| <p>Are there specific references in the national strategy or relevant legal or policy instruments to fundamental rights in relation to migrants?</p> | <p>Several references to 'rights' were identified, while no more than two references to 'fundamental rights' were found.</p> <p>Flemish community:</p> <p>The definition of integration in the Decree of 7 June 2013 makes general reference to the notion of rights:</p> <p>"a dynamic and interactive process whereby individuals, groups, communities and services are connected and deal with migration and its consequences in society in a constructive manner, in a context of <i>enforceable rights</i> and obligations that are inherent in our democratic state".²⁰</p> <p>The Decree also states that social orientation, constituting one of the components of the civic integration programme, aims to "increase the independent functioning of the person concerned in the shortest time possible", by, amongst other things, "providing</p> |

¹⁷ Belgium, French Community Commission (COCOF), policy declaration 2014-2019, available at: <http://cbs.be/IMG/pdf/document.pdf?460/9bbc22148f549c06961931d791c29bce98be3146>, p. 6.

¹⁸ Belgium, information obtained from the Minister for health, social and family affairs, Antonios Antoniadis, of the German-speaking Community (12/3).

¹⁹ Belgium, information obtained from the Minister for health, social and family affairs, Antonios Antoniadis, of the German-speaking Community (12/3).

²⁰ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 2(13).

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| | <p>them with information on their <i>rights</i> and obligations”.²¹ No additional detail is provided on what the ‘rights’ include.</p> <p>The Policy Note on Integration 2014-2019 states that “the integration and civic integration policy aims to achieve increased cohesion – on the basis of a common set of values, <i>fundamental rights and freedoms</i> – between all who have a common future in Flanders”.²² One of the strategic objectives of the Flemish government is the reduction of the ethnic divide in all relevant policy areas. One of the factors in achieving this, is “the accessibility of services and organisations for all citizens”, because “a proportionate service and functioning vis-à-vis all citizens constitutes the best guarantee for the realisation of <i>equal rights</i> and equal obligations of everyone”.²³ The government “must guarantee the <i>fundamental rights</i> of its citizens”, and “situations of unequal treatment must be dealt with firmly”, whereby victims of unequal treatment must “have the possibility to <i>assert their rights</i> here”.²⁴</p> <p>Wallonia (Walloon Region):</p> <p>The Decree of 27 March 2014 on the integration of non-nationals and persons of migrant origin makes reference to migrants’ rights when stating that the integration programme includes as a minimum, and apart from other support aspects, “information on the <i>rights</i> and obligations of each person residing in Belgium”; and that “the local integration initiatives aim to support (...) the <i>exercise of rights</i> and obligations” of persons of migrant origin.²⁵ No additional detail is provided on what the ‘rights’ include.</p> <p>The Walloon policy declaration of the new government (2014) for the period 2014-2019 contains a section on the integration of newcomers of migrant origin, but does not make reference to (fundamental) rights of migrants.²⁶</p> <p>Brussels Region (French division, COCOF):</p> <p>The Decree of 13 May 2004 on Social Cohesion does not make reference to (fundamental) rights in relation to migrants.</p> <p>The Decree of 18 July 2013 on the integration programme for newcomers²⁷ makes reference to the notion of rights by stating that the integration of persons of migrant origin includes the provision of “relevant information on the <i>rights</i> and obligations of</p> |
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²¹ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 29§1.

²² Belgium, Flemish government (2014), Policy Note on Integration 2014-2019, (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>, p. 6.

²³ Belgium, Flemish government (2014), Policy Note on Integration 2014-2019, (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>, p. 15-16.

²⁴ Belgium, Flemish government (2014), Policy Note on Integration 2014-2019, (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>, p. 16.

²⁵ Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, Art. 11 and 41.

²⁶ Belgium, Walloon government, policy declaration 2014-2019, <http://gouvernement.wallonie.be/sites/default/files/nodes/story/6371-dpr2014-2019.pdf>, p. 51-52.

²⁷ Belgium, French Community Commission (COCOF), Decree on the integration programme for newcomers (*Décret relatif au parcours d'accueil pour primo-arrivants en Région de Bruxelles-Capitale*), 18 July 2013.

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| | | <p>all residents of Belgium”; and that an individualised assistance and training programme is developed in the integration agreement together with the person concerned, which includes the objectives to achieve and “the <i>rights</i> and obligations of the parties”.²⁸ No other reference to (fundamental) rights is identified.</p> <p>The policy declaration of the new Brussels French-speaking government (<i>COCOF</i>) (2014) contains a section on integration and newcomers but does not make reference to (fundamental) rights of migrants.</p> |
| | <p>Which are the target groups of the national integration strategy? Please provide any definitions relevant or the determination of the persons that are entitled to or beneficiaries of the relevant action plans and policy measures (e.g. ‘integration agreements’: who signs them and what do they contain). Please specify any residence requirements (e.g. which migrant and/or residence status counts or not for “legally residing third country nationals” that eventually would be covered by these policies) for persons to be considered members of the targeted groups.</p> | <p>Flemish community: The target group of civic integration (<i>inburgering</i>) includes the following three categories of persons:²⁹</p> <ul style="list-style-type: none"> - Legally residing non-nationals of 18 years or older, except for those who reside on the Flemish territory with a temporary aim and asylum seekers during the first four months after their asylum application. Legally residing non-nationals are persons who do not provide evidence of having the Belgian nationality and who are authorised to reside or stay in Belgium or who are allowed to reside in Belgium on the basis of a valid document, in accordance with the provisions of the Law of 15 December 1980 on the access to the territory, the residence, the stay and the removal of non-nationals.³⁰ - Belgians of 18 years or older, born outside Belgium, with at least one parent born outside Belgium. - Legally residing non-nationals younger than 18 years, who attended part-time compulsory education or who undertake a civic integration programme in addition to the compulsory education. <p>All of these persons have the right to follow a civic integration programme. However, priority is given to those categories of persons for whom the programme is compulsory, including some falling outside the target group: legally residing non-nationals of 18 years or older with a first time residence permit of more than three months; Belgians of 18 years or older born outside Belgium, with at least one parent born outside Belgium, who are for the first time registered in the National Register in the last 12 months; religious functionaries in local church or religious communities recognised by the Flemish government; and newcomers who turn 18 years old at the time they are registered in the National Register in the last 12 months with a first-time residence permit of more than three months.³¹ The civic integration programme is not compulsory for any migrants included the above mentioned categories in the Flemish Division of Brussels.³²</p> |

²⁸ Belgium, French Community Commission (*COCOF*), Decree on the integration programme for newcomers (*Décret relatif au parcours d'accueil pour primo-arrivants en Région de Bruxelles-Capitale*), 18 July 2013, Arts. 5 and 6.

²⁹ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 26§1.

³⁰ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 2(27).

³¹ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 26§2 and §3.

³² Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 48.

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| | | <p>The target group of the Flemish civic integration policy (<i>inburgeringsbeleid</i>) extends to candidate immigrants of 18 years or older, underage newcomers and non-Dutch speaking toddlers.³³ Candidate immigrants are non-nationals who obtained a visa for long-term residence in Belgium and who express their preference to be registered in the Flemish Community; and non-nationals who do not require a visa and express their preference to be registered in the Flemish Community for a long-term residence.³⁴ Underage newcomers are defined as persons between five and 18 years old who do not speak Dutch as their native or home language, are not sufficiently proficient in the language in order to be able to attend the courses, are enrolled for less than nine months in a Dutch speaking school, and reside in Belgium for less than one year in an uninterrupted manner.³⁵ Non-Dutch speaking toddlers are children between 2.5 and five years old who do not speak Dutch as their native or home language and are not enrolled in toddler education.³⁶</p> <p>A specific guidance programme (<i>toeleidingstraject</i>) is tailored for underage newcomers and non-Dutch speaking toddlers. For underage newcomers, this programme includes a referral to the most appropriate available education scheme and, if necessary, to health and welfare services. For non-Dutch speaking toddlers, this programme includes a referral to a pre-school.³⁷</p> <p>The Flemish integration policy (<i>integratiebeleid</i>) targets the society as a whole and gives special attention to the following specific target groups:³⁸</p> <ul style="list-style-type: none"> - Legally and long-term residing persons in Belgium who did not possess the Belgian nationality at birth, or with at least one parent who did not possess Belgian nationality at birth, in particular disadvantaged persons. A long-term residence is a legal residence not limited to a maximum of three months. - Legally residing persons in Belgium who live or lived in a caravan, or whose parents did this (Roma). <p>In addition to this, the Flemish integration policy also targets illegally residing non-nationals, more specifically those who request assistance due to an emergency situation.³⁹</p> <p>Wallonia (Walloon Region):</p> |
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³³ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 26§4.

³⁴ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 2(15).

³⁵ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 2(20).

³⁶ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 2(1).

³⁷ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 36.

³⁸ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 3.

³⁹ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 3.

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| | | <p>The Walloon integration policy targets non-nationals and persons of migrant origin, while the Walloon (non-compulsory) civic integration programme targets newcomers in particular.</p> <p>Non-nationals (the legislation uses the term 'foreigners') are defined as persons not having Belgian nationality and residing permanently or temporarily on the territory of the French-speaking (Walloon) region.⁴⁰</p> <p>Persons of migrant origin are defined as persons having immigrated to Belgium or who have an ascendant having immigrated to Belgium and who have Belgian nationality.⁴¹</p> <p>Newcomers are defined as non-nationals residing in Belgium for less than three years and possessing a residence permit of more than three months, except for citizens of the EU, the European Economic Area, Switzerland and their family members.⁴²</p> <p>Brussels Region (French division, COCOF):</p> <p>The Brussels (non-compulsory) civic integration programme targets newcomers older than 18 years.⁴³ Newcomers are defined as non-nationals legally residing in Belgium for less than three years, registered in the Brussels Region and possessing of a residence permit of more than three months.⁴⁴</p> <p>The Decree of 13 May 2004 on Social Cohesion⁴⁵ contains provisions on social cohesion strategies and actions that are closely linked to integration. <i>See section 4 on social cohesion.</i></p> <p><u>The civic integration programme: basic information</u></p> <p>In Brussels and Wallonia, non-nationals of 18 years or older who are registered in the National Register have the right to attend a civic integration programme. However, in Wallonia the optional nature of the integration programme applies to the professional orientation, citizenship and language modules. The Walloon integration programme also includes a reception phase, organised by regional integration centres, which is obligatory for individuals falling within the definition of newcomer, as defined above. Certain categories of persons are exempted from the obligation.⁴⁶ This obligatory module includes an information session on the rights and duties of every person residing in Belgium, a social assessment</p> |
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⁴⁰ Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, Art. 4(1).

⁴¹ Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, Art. 4(2).

⁴² Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, Art. 4(3).

⁴³ Belgium, French Community Commission (COCOF), [Decree on the reception path for newcomers in the Brussels-Capital Region](#) (*Décret relatif au parcours d'accueil pour primo-arrivants en Région de Bruxelles-Capitale*), 18 July 2013, Art. 3.

⁴⁴ Belgium, French Community Commission (COCOF), Decree on the integration programme for newcomers (*Décret relatif au parcours d'accueil pour primo-arrivants en Région de Bruxelles-Capitale*), 18 July 2013, Art. 2(2).

⁴⁵ Belgium, French Community Commission (COCOF), Decree on Social Cohesion (*Décret relatif à la cohésion sociale*), 13 May 2004.

⁴⁶ Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, Arts. 10, 11 and 18.

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| | | <p>(an interview to evaluate the skills and needs of the newcomer) and assistance with administrative steps.⁴⁷</p> <p>In the Flemish Community (except in the Flemish Community of Brussels), this is an obligation for certain categories of persons, as described above.⁴⁸ However, no such obligation exists for citizens of the EU, the European Economic Area, Switzerland and their family members, persons who are unable to follow the civic integration programme because of a serious illness or disability, persons who obtained a certificate or diploma from the Belgian or Dutch education system, persons who have followed a full school year of integration classes, persons 65 years of age or older, and labour migrants with a temporary residence permit that can lead to permanent residence. The four last exemption grounds do not apply to religious functionaries.⁴⁹ Some categories of non-nationals, like certain labour migrants, non EU-students and asylum seekers whose asylum applications were made less than four months ago, do not have the right to follow a civic integration programme.⁵⁰</p> <p>The civic integration programme consists of a course of social orientation (introduction to the Belgian society), a language course (Dutch or French, depending on the region), a professional orientation and individual assistance, which includes an individual orientation interview to ensure an individual approach to the programme and to the professional orientation as well as a tailored follow-up.⁵¹ The specific content of the programme is stipulated in a civic integration agreement with the newcomer/non-national.⁵²</p> <p>In case of non-compliance with the obligation to follow a civic integration programme, an administrative fine can be imposed on the person. This is the case in the Flemish Community (with the exception of the Flemish Community of Brussels) and in Wallonia.⁵³</p> |
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⁴⁷ Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, Arts. 10-11; Belgium, information obtained from official of the Walloon government, Public Service of Integration.

⁴⁸ Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, Arts. 8 and following; Belgium, French Community Commission (COCOF), Decree on the integration programme for newcomers (*Décret relatif au parcours d'accueil pour primo-arrivants en Région de Bruxelles-Capitale*), 18 July 2013; Belgium, Flemish government, Decree on the Flemish integration and civic integration policy (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Arts. 26-40.

⁴⁹ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 27§2.

⁵⁰ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 26§1.

⁵¹ Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, Art. 10; Belgium, French Community Commission (COCOF), Decree on the integration programme for newcomers (*Décret relatif au parcours d'accueil pour primo-arrivants en Région de Bruxelles-Capitale*), 18 July 2013, Arts. 5-6; Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 29.

⁵² Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, Art. 13§2; Belgium, French Community Commission (COCOF), Decree on the integration programme for newcomers (*Décret relatif au parcours d'accueil pour primo-arrivants en Région de Bruxelles-Capitale*), 18 July 2013, Art. 6; Belgium, Flemish government, Decree on the Flemish integration and civic integration policy (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 29§2.

⁵³ Belgium, Flemish government, Decree on the Flemish integration and civic integration policy (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 40. Belgium, Walloon government, [Decree on the integration](#)

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| | | <p>Statistical information for the period 2008-2012 for the Flemish Community indicates that, as an average, about 50% of the persons who registered for the civic integration programme (covering both those who are obliged and those who participate voluntarily) obtained the attestation of integration, meaning that he or she attended minimum 80% of the courses of each component of the programme. The precise number of registrations versus attestations are as follows: ⁵⁴</p> <p>2008: 18,200 versus 8,000 2009: 19,000 versus 8,150 2010: 23,200 versus 9000 2011: 24,000 versus 12,300 2012: 21,100 versus 12,300</p> |
| | <p>In reference to the CBP 1⁵⁵ 'Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States': please specify if and how the majority population is explicitly targeted; distinguish, if possible, between policies or measures targeting the general population and specific target groups, such as public authorities, e.g. teachers, police, judiciary, etc.; outline the objectives of such policies and measures, and their duration.</p> | <p>Federal level:</p> <p>The Interfederal Centre for Equal Opportunities has been providing training on diversity, anti-discrimination and anti-racism to the federal police services for many years. In 2013, a new agreement for an indefinite period was signed which allows for further cooperation. The aim is to stimulate diversity and the fight against discrimination in the police services in a structural and durable manner.⁵⁶</p> <p>In 2013, the Interfederal Centre for Equal Opportunities spent 2,362 hours on training in various sectors; reaching 7,252 individuals. This included both short term interventions (654 hours) and long-term interventions (1,708 hours). These training courses dealt with one or more topics, such as intercultural communication, stereotypes and prejudices or diversity management. The Centre also provided training on anti-racism and anti-discrimination legislation and its application. A large proportion of the training courses were carried out for the police services (1,045 hours of long-term training). Another significant number of training interventions were carried out at government institutions (325 hours of long-term training). The remaining training courses were provided in the care sector (e.g. nursing homes), the education sector (e.g. school inspectors), the youth sector (e.g. youth workers and animators), the media sector, the migration sector and the sports sector.⁵⁷</p> |

[of non-nationals and persons of migrant origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, Art. 20.

⁵⁴ MO Mondiaal Nieuws (2014), news site on development cooperation, sustainable development and globalisation, Art. of 29 August 2014, available at: pwww.mo.be/en/node/40224.

⁵⁵ Common Basic Principles for Migrant Integration Policy in the EU (2004), available at www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf

⁵⁶ Belgium, interview with racism and discrimination experts from the Interfederal Centre for Equal Opportunities (*Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances*); Belgium, Interfederal Centre for Equal Opportunities (*Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances*), Cooperation with the Federal police: Annual report 2013, [available at: www.diversiteit.be/samenwerking-met-de-federale-politie-jaarverslag-2013](http://www.diversiteit.be/samenwerking-met-de-federale-politie-jaarverslag-2013).

⁵⁷ Belgium, Interfederal Centre for Equal Opportunities (2014) (*Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances*), Annual Report on Discrimination and Diversity 2013 (*Jaarverslag Discriminatie en Diversiteit 2013/Rapport annuel Discrimination et Diversité 2013*), available at: www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf, pp. 96 and following.

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| | | <p>“On 18 March 2008, the federal government decided to initiate a <u>national debate on multiculturalism and diversity</u> named the ‘Assizes on Inter-culturality’. Its aim was to discuss with the main field actors on how to promote a society of diversity and integration, without discrimination, where all cultural specificities are respected, as well as where a set of common values can be shared. Its official partners were the Centre for Equal Opportunities and Opposition to Racism and Discrimination, the Institute for the Equality of Women and Men, the non-profit organisation ‘Promotion of Ethnic and Cultural Diversity on the Labour Market’, the Federal Ministry for Employment, Labour and Social Dialogue, numerous NGOs and field actors as well as more than 50 legal persons or public bodies selected on the basis of projects they submitted to the pilot Committee.”⁵⁸</p> <p>Flemish community:</p> <p>The Flemish government concluded a number of <u>agreements with businesses</u> to encourage diversity and promote specific measures for the integration of migrant workers, through the adoption of codes of conduct. In addition, a range of initiatives has been taken in order to actively promote the employment of members of traditionally underrepresented ‘target groups’, in particular, persons of migrant origin. One such initiative is the ‘diversity’ focal point established by the enterprises’ representatives to foster diversity in employment.⁵⁹</p> <p>As mentioned above, the Decree of 7 June 2013 defines integration as “a dynamic and interactive process whereby individuals, groups, communities and services are connected and deal with migration and its consequences in society in a constructive manner, in a context of enforceable rights and obligations that are inherent in our democratic state”.⁶⁰ The Flemish integration legislation thus recognises the ‘two-way process’ nature of integration, whereby all individuals and communities contribute to the integration process.</p> <p>The Integrated Action Plan on Integration Policy 2012-2015 states that “the integration policy addresses the society as a whole. Everyone, irrespective of origin or background, contributes to a society where individuals with diverse backgrounds can live ‘with and among’ each other. An ‘active and shared citizenship of every person’ plays a central role”.⁶¹ It adds that this starting point results in the full Flemish society constituting the target group of</p> |
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⁵⁸ Belgium, Bribosia E. and Rorive I. (2014), Belgium country report (2013) on measures to combat discrimination (Directives 2000/43/EC and 2000/78/EC), drafted for the European Network of Legal Experts in the Non-discrimination Field, available at: www.migpolgroup.com/portfolio/country-reports-on-measures-to-combat-discrimination-2013/?utm_source=Migration+Policy+Group+E-newsletter&utm_campaign=376588303f-MPG_e_News_January_2015&utm_medium=email&utm_term=0_bcbdbbf6af-376588303f-9857925, section 8.1(a), p. 171.

⁵⁹ Belgium, Bribosia E. and Rorive I. (2014), Belgium country report (2013) on measures to combat discrimination (Directives 2000/43/EC and 2000/78/EC), drafted for the European Network of Legal Experts in the Non-discrimination Field, available at: www.migpolgroup.com/portfolio/country-reports-on-measures-to-combat-discrimination-2013/?utm_source=Migration+Policy+Group+E-newsletter&utm_campaign=376588303f-MPG_e_News_January_2015&utm_medium=email&utm_term=0_bcbdbbf6af-376588303f-9857925, section 8.1(a), p. 174.

⁶⁰ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 2(13).

⁶¹ Belgium, Flemish government, Integrated Action Plan on Integration Policy 2012-2015, [available at: www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf](http://www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf), p. 8.

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| | <p>the integration society, while special attention is paid to specific, disadvantaged target groups (certain categories of legally residing non-nationals).⁶²</p> <p>In the education sector, there are compulsory learning objectives (<i>'eindtermen'</i>) that Flemish schools have to attain. They can decide themselves on how to achieve these objectives, for example through specific courses. These learning objectives include elements relating to migration and diversity such as learning about norms and values in different social and cultural groups; constructive way of dealing with differences between human beings and philosophies; understanding of the importance of social cohesion and solidarity; understanding of the potential effects of racism, intolerance and xenophobia; and understanding of the meaning of citizenship.⁶³</p> <p><u>Policy intentions of the new Flemish government (2014)</u>⁶⁴</p> <p>The Policy Note on Integration for the period 2014-2019 states that the new Flemish government (2014) opts for "a model of society where everyone – non-immigrants and 'new' Flemish persons – live together on the basis of equality, within a context of the norms and values of the Flemish society and with respect for the individuality of everyone. The end goal is to achieve an active and shared citizenship. This requires an active participation of all and the creation of sufficient social cohesion".⁶⁵</p> <p>With respect to employment, the minister for integration aims to enhance the labour participation of migrants in governmental institutions, by integrating knowledge and expertise on diversity in those who select job candidates, by improving the inflow of individuals on the basis of elsewhere acquired competences (instead of only focusing on diplomas) and by anchoring diversity in the core human resources processes.⁶⁶</p> <p>The new Flemish government emphasises the importance of reciprocity of integration. In the Flemish coalition agreement, it is stated that Flemish society has radically transformed in recent decades as a result of migration and internationalisation. Increasing diversity in the society is a reality that Flanders approaches with a positive attitude. This means that the Flemish Community invites everyone to shape a Flemish society, a shared future, with his or her individuality as equal citizens and based on equal rights and equal obligations. This also means that the Flemish Community will focus on what connects us and that we will combat all forms of discrimination based on origin.</p> |
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⁶² Belgium, Flemish government, Integrated Action Plan on Integration Policy 2012-2015, [available at: www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf](http://www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf), p. 8-9.

⁶³ Belgium, information obtained from official of the Flemish government, Public Service of Education and Training; Belgium, website of the Flemish government, Public Service of Education and Training, [available at: www.ond.vlaanderen.be/curriculum/secundair-onderwijs/vakoverschrijdend/context7.htm](http://www.ond.vlaanderen.be/curriculum/secundair-onderwijs/vakoverschrijdend/context7.htm).

⁶⁴ Belgium, information obtained from official of the Flemish government, Public Service of Integration.

⁶⁵ Belgium, Flemish government (2014), Policy Note on Integration 2014-2019, (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>, p. 14.

⁶⁶ Belgium, Flemish government (2014), Policy Note on Integration 2014-2019, (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>, p. 18.

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| | | <p>The objective of civic integration and orientation policy is to create more solidarity between all who have a joint future in the Flemish Community, based on a shared set of values, fundamental rights and liberties. Working on civic integration and orientation is also therefore a shared responsibility, for individual citizens, for society as a whole and its facilities.</p> <p>According to the Flemish government, the Flemish Community will conclude an integration pact with local authorities, the social partners, the media, education partners and associations of people with a migrant background in which each partner assumes responsibility for combating direct and indirect discrimination and racism and promoting respect for people with a different religious belief or sexual orientation. The pact also demands commitments from educational institutions, social organisations, the media, local authorities and employers to provide unpaid traineeships and (volunteer) jobs for migrants and their descendants.⁶⁷</p> <p>The Flemish government stated that it will urge representatives of the Muslim community to provide quality training for imams in the Flemish Community, in which knowledge of Dutch and of the social context is an essential component, and that it will continue to encourage inter-philosophical dialogue.⁶⁸</p> <p>The government has the objective to establish a legal framework in consultation with the social partners to facilitate work placements for persons integrating.⁶⁹</p> <p>Wallonia (Walloon Region):</p> <p>No references to the role of the host society in accommodating migrants or to measures addressing the host society have been identified.</p> <p>Brussels Region (French division, COCOF):⁷⁰</p> <p>The objective of the Decree of 13 May 2004 on Social Cohesion⁷¹ (<i>see also section 4 on social cohesion</i>), is to improve the social cohesion of populations living in fragile neighborhoods of Brussels and to favour a better co-existence of the different population groups in these neighborhoods.</p> <p>The French Community Commission (COCOF) implements this objective through a support of local initiatives that work in partnership and networks. The supported initiatives pay attention to the social, cultural, age and gender mix and encourage a 'citizen approach', with the thematic priorities in this context being: school</p> |
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⁶⁷ Belgium, Flemish government (2014), Policy Note on Integration 2014-2019, (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>, pp. 4 and 15.

⁶⁸ Belgium, Flemish government (2014), Policy Note on Integration 2014-2019, (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>, p.18.

⁶⁹ Belgium, Flemish government (2014), Policy Note on Integration 2014-2019, (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>, p.24.

⁷⁰ Belgium, information obtained from official of the French Community Commission (COCOF).

⁷¹ Belgium, French Community Commission (COCOF), [Decree on Social Cohesion](#) (*Décret relatif à la cohésion sociale*), 13 May 2004.

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| | | <p>support, elimination of illiteracy and French language learning for adults, and reception and support of newcomers.</p> <p>The <i>COCOF</i> also supports Brussels projects funded by the Federal Impulse Fund for Immigration Policy.⁷² These programmes concern assistance, in terms of operation and infrastructure, for municipalities and associations with respect to integration projects. The aim of the Fund is to support integration, prevent discrimination and stimulate intercultural dialogue.</p> <p>With respect to cultural activities, the new <i>COCOF</i> government (2014) stated that it aims to promote multiculturalism and the recognition of the cultural diversity in Brussels. To this aim, the government plans to create a diversity label, which will reward efforts by cultural operators in the area of diversity in programmes, artistic and technical teams and audiences.⁷³</p> |
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1.2. Drivers & barriers in developing, implementing and assessing legal and policy instruments

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| | <p>On the basis of material collected, including past research, studies, assessments, evaluation and contacts with the authorities, public officials and key actors for social inclusion and participation of migrants, outline the main drivers and barriers for social inclusion and integration policies in general. Please mention also any important differences at regional level. A more detailed outline of specific drivers and barriers for specific policy areas will be required in the following sections.</p> | <p>Overall, civic integration policies are considered a positive step into creating a coherent and quality integration programme to facilitate the newcomers' first step into Belgian society, notably with language classes and introduction to the country's complex policy and administrative levels. There are, however, disparities across the regions as to the approach towards integration. The Flemish Community was the first to establish integration programmes, only recently followed by Brussels (COCOF) and Wallonia. The lack of coordination further contributes to the disparities and can be problematic especially in Brussels where newcomers are faced with multiple integration actors. An important barrier could be the tendency to develop integration policies aimed at the assimilation of migrants rather than their integration. With the rise of nationalism, this trend appears to develop in Flanders in particular.</p> |
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⁷² In the context of the sixth state reform, the Communities and Regions have become fully competent for the transferred funding under the mentioned Impulse Fund as of 1 January 2015: Belgium, Interfederal Centre for Equal Opportunities/Federal Migration Centre, [available at: www.diversiteit.be/impulsfonds](http://www.diversiteit.be/impulsfonds).

⁷³ Belgium, French Community Commission (*COCOF*), policy declaration 2014-2019, <http://cbcs.be/IMG/pdf/document.pdf?460/9bbc22148f549c06961931d791c29bce98be3146>, p. 7.

| 1.2.1. Drivers | | |
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| | <p>The key drivers for successful integration policies, therefore factors that are considered to contribute positively in the design, development, implementation, assessment and accomplishment of policy goals and in strengthening social inclusion and participation of migrants and their descendants. For example, are these policies mainstreamed in other public policies, for example in employment, education, housing, etc. and how is this achieved?</p> | <ul style="list-style-type: none"> • The Flemish integration policy is an expressly inclusive policy, being developed within all relevant sectors. These sectors include amongst others youth, sports, culture and education. All ministers are responsible for the implementation of the integration policy in their respective domains by paying attention to the position of ethnic-cultural minorities and diversity in society.⁷⁴ • In Brussels (COCOF) and Wallonia, the civic integration programmes policies have only been recently adopted (in 2013), as opposed from the Flemish Community which has a decade of experience in such policy. The adoption of the civic integration policies brings further clarity and structure to the integration path of migrants. It strengthens already existing programmes and actions, while bringing more coherence to a sector that was characterised by being scattered through various actors and programmes without a common approach. The new policy will centralise the offer of programmes and enable to have a common method and level for all civic integration programmes.⁷⁵ • The adoption of integration policies allows for specific resources to be directed to support the integration of migrants, which contributes in developing an expertise and strengthens quality integration programmes.⁷⁶ |
| 1.2.2. Barriers | | |
| | <p>Barriers, limitations, constraints or resistance faced in designing, developing and implementing such policies and measures, therefore factors that may hinder their effectiveness and influence negatively their outcomes. For example, budgetary limitations, or</p> | <ul style="list-style-type: none"> • The area of migrant integration and social cohesion is a regional competence, while the area of asylum and migration (access to the territory) is a federal competence. Where policies and decisions touch upon both domains, coordination and cooperation are required, which means that policy development and implementation are more time consuming, in particular where the respective ministers in charge belong to a different political family. Such multilevel governance and division of policy competences leads to lack of coordination between policy measures and great divergence between integration policies and implemented measures. This is especially a concern in the Region of Brussels where a co-ordinated and coherent approach is needed.⁷⁷ For example, as mentioned above, the Flemish Community adopted civic integration programmes policies a |

⁷⁴ Belgium, Flemish government, department of integration, website, <http://integratiebeleid.be/lokaal-integratiebeleid/regelgeving-lokaal-integratiebeleid>.

⁷⁵ Belgium, Pascal De Gendt, Integration path: one step forward but not enough (*Parcours d'intégration: un pas en avant mais pas suffisant*), Analyses & Etudes Migrations, Siréas, 2013/01, available at <http://www.sireas.be/publications/analyse2013/2013-01int.pdf>.

⁷⁶ Ilke Adam, Pourquoi un parcours d'accueil pour primo-arrivants voit-il le jour à Bruxelles aujourd'hui ?, CBCS, 2013, available at <http://cbcs.be/Pourquoi-un-parcours-d-accueil>.

⁷⁷ See for example, Belgium, Gaëlle Timmerman, What type of language integration for newcomers in Belgium? (*Quel type d'intégration par la langue pour les primo-arrivants en Belgique?*), Analyses & Etudes Société, Siréas, 2010/01, available at www.sireas.be/publications/analyse2010/2010-01int.pdf and CASS, The reception of newcomers in Schaerbeek (*L'accueil des primo-arrivants à Schaerbeek*), 2012, available at http://www.cass-cssa.be/sites/www.cass-cssa.be/IMG/pdf/Dossier_PA_version_Finale_mise_en_page.pdf, p.20.

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| <p>problems of coordination of governance levels, priority of interventions, lack of training or lack of mainstreaming of relevant policies, lack of action by competent actors or limited data about the interested population, could be factors that may function as obstacles or affect negatively the implementation of selected migrant integration measures.</p> | | <p>decade earlier than Wallonia and the French Community of Brussels (COCOF).⁷⁸</p> <ul style="list-style-type: none"> • The president of the Flemish conservative party N-VA (the largest political party at federal and Flemish level), Bart De Wever, who is also the mayor of the most diverse city of Flanders (Antwerp), recently stated that racism is not the cause but the consequence of the problems in the Belgian multicultural society. He made reference to certain population groups that, according to him, do not have the tendency to attend professional training and search for work. He also emphasised that the radicalisation of young Muslim people is caused by the past migration and integration policy, which has completely failed in his view. The N-VA denies being a racist party, stating that it strives for an inclusive society and citizenship with equal rights for all. However, it finds it important to recognise the situation as it is, namely that Belgium has not succeeded so far in creating an integrated society, as a starting point for developing policies that bring about change.⁷⁹ Such a discourse may negatively affect the design and implementation of existing and future positive measures aiming at the integration of migrants and the elimination of discrimination and racism. At the same time, it may result in a stronger focus on migrants' duties in terms of civic integration and therefore constitute a driver for the successful implementation of civic integration policies aiming at better language skills, increased participation in professional training and higher rates of employment among migrants. • Integration policies in place stems from the view that it is up to migrants to integrate in the majority group in the country. There is an increasing view that the migrant should conform to the culture and values of the main societal group. Such approach could be seen as an effort to assimilate newcomers rather than integrating them. It does not allow of a dialogue across culture and values. This view is more visible in Flanders (especially since the N-VA, the nationalist party, is the majority party).⁸⁰ • As explained above, in the Brussels Region two different policies exist on the integration of migrants and more specifically on the integration programme for newcomers. These integration programmes have a different content and different modalities. NGOs have criticised this situation, stating that one single programme for all Brussels newcomers would have been the most appropriate and efficient approach.⁸¹ |
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⁷⁸ Belgium, Pascal De Gendt, Integration path: one step forward but not enough (*Parcours d'intégration: un pas en avant mais pas suffisant*), Analyses & Etudes Migrations, Siréas, 2013/01, available at <http://www.sireas.be/publications/analyse2013/2013-01int.pdf>.

⁷⁹ Belgium, VRT online news site, 'Racisme niet de oorzaak van radicalisering', 23 March 2015, available at: <http://deredactie.be/cm/vrtnieuws/binnenland/1.2280423>.

⁸⁰ Belgium, Pascal De Gendt, Integration path: one step forward but not enough (*Parcours d'intégration: un pas en avant mais pas suffisant*), Analyses & Etudes Migrations, Siréas, 2013/01, available at <http://www.sireas.be/publications/analyse2013/2013-01int.pdf>.

⁸¹ Belgium, Ciré (2013), 'Analyse du décret relatif au parcours d'accueil pour primo-arrivants en Région de Bruxelles-Capitale' (Analysis of the Decree relating to the integration programme for newcomers in the Brussels Region), available at: www.cire.be/thematiques/integration/924-analyse-du-decret-relatif-au-parcours-d-accueil-pour-primo-arrivants-en-region-de-bruxelles-capitale.

1.2.3. Language learning and integration tests

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| | <p>Please provide information about:</p> <p>Main language learning support programmes and courses. Provide details about organisation of such programmes and actors implementing them, funding support, location, duration, frequency, numbers of beneficiaries, entitlements and limitations for accessing courses.</p> | <p>Language programmes for third country nationals are funded by the Communities.⁸²</p> <p>In the Flemish Community, the civic integration programme for third country nationals (for some a right, for others an obligation, <i>see section 1.1</i>) includes a basic language course ('Dutch as a second language'), a social orientation course, a professional orientation and an individual assistance.⁸³ The language courses are provided by non-profit associations that receive funding from the state.⁸⁴ In order to determine which course is most appropriate for the person in question, the third country national presents himself or herself to and requests advice from the reception bureau Dutch Language House (<i>Huis van het Nederlands</i>), which is recognised and subsidised by the government, where an assessment of the person is carried out. Depending on the outcome, the person is referred to a centre for basic education (for low-skilled persons or 'slow learners' – 240 hours course), a centre for adult education (for high-skilled persons or 'fast learners' – 120 hours course) or university centres for language education (for persons wishing to start higher education – courses of maximum 90 hours). Illiterate or very low-skilled persons can follow a Dutch course of 600 hours.⁸⁵</p> <p>Dutch courses are also offered to third country nationals who speak basic Dutch in order to prepare the person for a job or professional training. The courses are provided by the Flemish employment agency (VDAB) and are short, intensive and task oriented. They should be seen as a means to find a job, not as an objective in itself.⁸⁶</p> <p>The Syntra network organises specific language skills courses for prospective entrepreneurs and prospective employees of entrepreneurs who speak a foreign language⁸⁷.</p> <p>With respect to pupils under 18 years old, certain schools provide for special language courses for third country nationals. This education system is called OKAN (<i>Onthaalonderwijs voor anderstalige kinderen</i>). The schools receive the necessary financial means for this from the government. This service exists for both legally and illegally residing children, since schooling is compulsory for each child between 6 and 18 years old irrespective of her or his residence status. Children between two-and-a-half, five and six</p> |
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⁸² Belgium, information confirmed by official of the French Community Commission (COCOF); confirmed by official of the Flemish government, Public Service of Education and Training.

⁸³ Belgium, website of the Flemish government, Public Service of Integration, [available at: www.inburgering.be/doelgroep-van-inburgering](http://www.inburgering.be/doelgroep-van-inburgering); confirmed by official of the Flemish government, Public Service of Education and Training.

⁸⁴ Belgium, website of the Flemish government, Public Service of Education and Training, [available at: www.ond.vlaanderen.be/volwassenenonderwijs/directies/huizen_van_het_nederlands_en_NT2.htm](http://www.ond.vlaanderen.be/volwassenenonderwijs/directies/huizen_van_het_nederlands_en_NT2.htm).

⁸⁵ Belgium, website of the Flemish government, [available at: www.inburgering.be/nl/NT2](http://www.inburgering.be/nl/NT2).

⁸⁶ Belgium, Flemish Service for Labour Mediation (VDAB), website, [available at: www.vdab.be/werkinzicht/nederlands.shtml](http://www.vdab.be/werkinzicht/nederlands.shtml); confirmed by official of the Flemish government, Public Service of Education and Training.

⁸⁷ Belgium, Syntra network, available at: www.syntra.be/.

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| | | <p>years old are not obliged to attend school, but do have the right to attend school.⁸⁸</p> <p>In the Walloon Region, the situation is similar. French language courses for third country nationals are provided by operators and subsidised by the Walloon Region in the context of the integration programme for third country nationals and in the context of a yearly project call relating to local integration initiatives.⁸⁹</p> <p>French courses are also offered by the Walloon employment agency to third country nationals who are searching for a job (Forem). The agency proposes a language test (written test and interview) in order to determine the language level of the person concerned, and subsequently proposes an appropriate training programme.⁹⁰</p> <p>In Brussels, the French Community Commission (COCOF) supports more than 230 associations working in Brussels in the field of school assistance, elimination of illiteracy, French language learning and reception of newcomers. In the short term, the COCOF will implement an integration programme for newcomers that combines literacy and French language courses, training in citizenship, including the rights and duties of citizens, and social assistance or professional orientation.⁹¹</p> |
| | <p>Knowledge level of the language achieved through such programmes (please use the <u>Common European Framework Reference levels - CEFR</u>)</p> | <p>The language course included in the civic integration programme is at level A1 (CEFR).⁹²</p> <p>Other language courses, for example those organised by employment agencies, have different levels, ranging from A1 to B2.⁹³</p> |
| | <p>Language tests required for migrants to access residence or other legal status affecting equal treatment and access to rights. Please provide information about their content and character, level</p> | <p>There are no language tests required for migrants in order to access residence.⁹⁴</p> <p>In the context of nationality acquisition, the person applying for the Belgian nationality must provide evidence of his or her (minimum) knowledge of the Dutch, French or German language as one of the conditions for nationality acquisition. The required level is level A2 (CEFR). A proof of social integration serves as evidence of language knowledge; therefore, an integration programme, vocational training, uninterrupted employment of five years, or a</p> |

⁸⁸ Belgium, information obtained from official of the Flemish government, Public Service of Education and Training; Belgium, website of the Flemish government, [available at: www.vlaanderen.be/nl/onderwijs-en-wetenschap/onderwijsaanbod/onthaalonderwijs-voor-anderstalige-kinderen-okan](http://www.vlaanderen.be/nl/onderwijs-en-wetenschap/onderwijsaanbod/onthaalonderwijs-voor-anderstalige-kinderen-okan).

⁸⁹ Belgium, information obtained from official of the Walloon government, Public Service of Integration.

⁹⁰ Belgium, Walloon employment agency Forum, [available at: www.leforem.be/particuliers/seformer/langues/formations-en-langues.html](http://www.leforem.be/particuliers/seformer/langues/formations-en-langues.html).

⁹¹ Belgium, information obtained from official of the French Community Commission (COCOF).

⁹² Belgium, Kruispunt Migratie Integratie, Agency for Integration (governmental support agency), [available at: www.kruispuntmi.be/thema/procedures-om-belg-te-worden/je-bent-meerderjarig-nationaliteitsverklaring/wie-komt-in-aanmerking/je-bent-geintegreerd](http://www.kruispuntmi.be/thema/procedures-om-belg-te-worden/je-bent-meerderjarig-nationaliteitsverklaring/wie-komt-in-aanmerking/je-bent-geintegreerd).

⁹³ Belgium, Flemish employment agency VDAB, [available at: www.vdab.be/opleidingen/](http://www.vdab.be/opleidingen/).

⁹⁴ Belgium, information obtained from official of the Flemish government, Public Service of Education and Training; Belgium, information obtained from official of the Walloon government, Public Service of Integration; Belgium, information obtained from official of the French Community Commission (COCOF).

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| | <p>of knowledge required, numbers of participants, and rates of success/failure</p> | <p>Belgian diploma of (minimum) higher secondary education (in one of the official languages) are accepted as evidence. Applicants who do not provide evidence of social integration, can prove their language knowledge on the basis of a diploma of (minimum) higher secondary education obtained in the EU as far as the diploma is recognised in Belgium and provides evidence of sufficient knowledge of one of the official languages; a language certificate issued by SELOR (recruitment agency for governmental jobs); an attestation issued by agencies for the orientation and placement of job-seekers (VDAB, Forem, Actiris, Bruxelles Formation or Arbeitsamt); or an attestation issued by an institution established, recognised or subsidised by the government.⁹⁵</p> <p>In Flanders, the willingness to learn the Dutch language is a condition for social housing eligibility.⁹⁶</p> |
| | <p>Integration tests for access to residence or other status affecting equal treatment and access to rights. Please provide information about their content and character, range of knowledge required, numbers of participants, and rates of success/failure.</p> | <p>In Brussels and Wallonia, non-nationals of 18 years or older registered in the National Register have the right to follow an integration programme.</p> <p>In the Flemish Community, this is not only a right but also an obligation for certain categories of persons (see above).⁹⁷ Integration tests exist as part of the integration programme but are not yet compulsory or linked to access to residence or other status affecting equal treatment and access to rights. In the Flemish Community, the person who reaches the integration programmes objectives obtains an attestation of civic integration. In terms of the language component of the programme, it includes a test to determine the level of Dutch the person has in order to assess which is the suitable class for the person to attend.⁹⁸ In practice, in order to obtain the attestation of civic integration, the person must have attended 80% of the courses of each component of the formation programme.⁹⁹ While the legislation does not require a test to be held at the end of the programme yet, the Flemish Minister for Integration announced that she intends to establish a test at the end of the programme, which will be required to obtain the attestation.¹⁰⁰</p> <p>The EVA (private external autonomous Agency) monitors that the person has regularly attended or received the attestation of the integration programme. When a person for whom the integration programme is mandatory has not attended regularly the programme and has not reached the programme's objectives, the</p> |

⁹⁵ Belgium, Federal Migration Centre (2013), *Becoming a Belgian (Belg worden)*, pp. 12-13; Belgium, Kruispunt Migratie Integratie, Agency for Integration (governmental support agency), [available at: www.kruispuntmi.be/kruispunt-m-i-in-een-notendop](http://www.kruispuntmi.be/kruispunt-m-i-in-een-notendop).

⁹⁶ Belgium, Association of Flemish Cities and Municipalities (VVSG), website, [available at: www.vvsg.be/sociaal_beleid/Wonen/sociaalhuurbesluit/Pages/Inburgering-taalbereidheid.aspx](http://www.vvsg.be/sociaal_beleid/Wonen/sociaalhuurbesluit/Pages/Inburgering-taalbereidheid.aspx).

⁹⁷ See above, section 1.1; Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant origin \(Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère\)](#), 27 March 2014, Arts. 8 and following; Belgium, French Community Commission (COCOF), [Decree on the reception path for newcomers in the Brussels-Capital Region \(Décret relatif au parcours d'accueil pour primo-arrivants en Région de Bruxelles-Capitale\)](#), 18 July 2013; Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy \(Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid\)](#), 7 June 2013, Arts. 26-40.

⁹⁸ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy \(Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid\)](#), 7 June 2013, Art. 33.

⁹⁹ Belgium, website of the Flemish government, Public Service of Integration, [gavailable at: www.inburgering.be/inburgeringstraject](http://www.inburgering.be/inburgeringstraject).

¹⁰⁰ Redactie.be, Homans voert met test een resultaatsverbintenis in voor het inburgeringsattest, 31 November 2014, available at: <http://deredactie.be/cm/vrtnieuws/politiek/1.2165132>.

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| | | <p>EVA will notify the competent authority. In such case, the competent authority can impose an administrative fine between EUR 50 and 5000.¹⁰¹</p> <p>No information was found with respect to the Walloon Region and the Brussels Region.</p> |
| <p>Mother tongue learning programmes for children of migrants</p> | | <p>Education falls within the competence of the Communities in Belgium.</p> <p>Flemish Community:</p> <p>No information could be provided by the Flemish administration. They made reference to the Support Centre on Diversity and Learning (part of Ghent University, aiming to support schools on diversity issues).¹⁰² The Support Centre urges schools to approach multilingualism in a positive manner instead of seeing it as a problem. The additional languages of children should be considered as an educational tool for learning in class, for example to provide additional explanations, explain the meaning of Dutch vocabulary, or to ensure that children feel at ease. Such an approach requires an open language policy at school level.¹⁰³</p> <p>Walloon Region</p> <p>The French-speaking administration confirmed that no learning programmes exist for migrant children in their mother tongue organised by the Walloon Region.¹⁰⁴</p> <p>German-speaking Community:</p> <p>The German-speaking administration, Department of health, social and family affairs, confirmed that no learning programmes exist for migrant children in their mother tongue (other than French and German).¹⁰⁵</p> <p>Wallonia (excluding the German-speaking Community)</p> <p>According to the Decree on integration, the integration module provides the information on the rights and obligations of every person residing in Belgium; social overview; support and assistances services and their related procedures. Such information can be provided in the language the migrants can understand through interpreters if needed.¹⁰⁶</p> <p>French-speaking Community ('Wallonia and - Brussels Federation')</p> |

¹⁰¹ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Arts. 39 and 40.

¹⁰² Belgium, Flemish government, Agency for Home Affairs, information obtained from staff member Inge Hellemans, department of Equal Opportunities, Integration and Civic Integration (6 March 2015).

¹⁰³ Belgium, Support Centre on Diversity and Learning, website, available at: www.steunpuntdiversiteitleren.be/nl/themas/meertaligheid.

¹⁰⁴ Belgium, information obtained from staff member of the Walloon government, Department of Social Action, Leila Zahour (20/3).

¹⁰⁵ Belgium, information obtained from the Minister for health, social and family affairs, Antonios Antoniadis, of the German-speaking Community (12/3).

¹⁰⁶ Belgium, Walloon government, [Decree on the integration of foreigners or persons of foreign origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, Art. 11.

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| | | <p>The French-speaking Community has a programme to assist newcomer children starting school in the French-speaking Community. The DASPA programme provides tailored support to newcomer children between five and 18 years old.¹⁰⁷ The programme includes welcoming, orientation and integration support, as well as education support. The support includes assistance in case the child has difficulties with adapting to the language of education.¹⁰⁸ A class of language adaptation can be organised for newcomer children in education in a language other than the mother tongue. The class is provided three times per week for one week up to several months.¹⁰⁹</p> <p>In partnership with eight countries (China, Spain, Greece, Italy, Morocco, Turkey, Portugal and Romania), schools in the French Communities can offer courses of languages and culture opening.¹¹⁰ Such course is aimed at all students within the school or a particular class within a school. While initially it was aimed at migrant children or children of migrant origin, nowadays it is not anymore specifically tailored to migrants but falls within the general aim of education to “prepare every student to be responsible citizens, able to contribute to the development of a society that is democratic, solidary, plural and open to other cultures”.¹¹¹ The course will refer to the country and culture of the teacher of the programme and is given in French. In addition, an optional language course is offered to all children whose parents requested it. It is interesting to note that the programme originated from Directive 77/486/CEE of 25 July 1977 on the education of children of migrant workers.¹¹²</p> |
| | <p>Please provide insights about key issues, debates, challenges or problems related to the implementation of the above measures and policies. The findings should be substantiated through existing</p> | <ul style="list-style-type: none"> • One of the issues of debate is the mandatory character of the civic integration programme. Actors on the ground consider that the mandatory character of the programmes can be seen as a positive step to increase the quality level of the integration programmes offered. It can also be seen positively for newcomers as a first step into the society they live in. What is particularly questioned is that some categories of newcomers fall under the obligation while others do not. In addition, actors also question the idea that, in case the migrant does not follow (fully) the programme, his/her rights could be affected (e.g. access to certain form of social assistance).¹¹³ |

¹⁰⁷ Those include child asylum seekers or recognised as refugees, children from a country beneficiary of the development aid from the OECD or stateless.

¹⁰⁸ Belgium, French Community, [Decree on establishing a welcome and education programme for newcomers children in the education organised or funded by the French Community](#) (*Décret visant à la mise en place d'un dispositif d'accueil et de scolarisation des élèves primo-arrivants dans l'enseignement organisé ou subventionné par la Communauté française*), 18 May 2012, Art. 4.

¹⁰⁹ Belgium, French Community, [Decree organising the pre-school and ordinary primary school and amending the education regulation](#) (*Décret portant organisation de l'enseignement maternel et primaire ordinaire et modifiant la réglementation de l'enseignement*), 13 July 1998, Art. 32.

¹¹⁰ The Partnership Agreements are available at www.enseignement.be/index.php?page=24436&navi=1933.

¹¹¹ Belgium, French Community, [Decree defining the priority missions of primary and secondary education and organising the structures to achieve them](#) (*Décret définissant les missions prioritaires de l'enseignement fondamental et de l'enseignement secondaire et organisant les structures propres à les atteindre. (décret "Missions")*), Art. 6.

¹¹² Wallonia-Brussels Federation, the history of the Languages and Cultures Opening Programme, available at www.enseignement.be/index.php?page=25820&navi=2796.

¹¹³ Belgium, CIRE, View on the Walloon Decree on integration of newcomers (*Regard porté sur le décret wallon relative à l'intégration des primo-arrivants*), 2014, available at <http://www.cire.be/thematiques/integration/1537-regard-porte-sur-le->

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| | <p>assessments, research or studies and case law (use template in Annex 9).</p> | <ul style="list-style-type: none"> • Right wing political parties, like <i>NVA</i> and <i>Vlaams Belang</i>, heavily criticise the voluntary nature of the integration programme in Brussels and Wallonia. They argue that a compulsory integration programme increases the chances of finding a job.¹¹⁴ <i>Vlaams Belang</i>, the Flemish extreme right wing party, is of the opinion that integration legislation should be linked with residence legislation and thus that only those who pass the integration test should be entitled to a residence permit.¹¹⁵ • In the Flemish Community, the government identifies the insufficient knowledge of the Dutch language among third country nationals as one of the main causes of the existing ethnic divide. That is why the Flemish government, in its policy note on integration 2014-2019, has established the continuing investment in the increase of knowledge of the Dutch language as one of its main objectives in this policy area.¹¹⁶ • It is noted that, while the integration programme is not mandatory in the Brussels Region, the political parties are willing to make the attendance to the programme an obligation. The reason why it is not yet mandatory is due to a legal technicality. Indeed, the COCOF does not have the competence to make the integration programme for newcomers mandatory. It is the competence of the COCOM (Joint Community Commission). It entails that the French-speaking Community representatives and the Flemish Community representatives agree on the content and format of such programmes.¹¹⁷ • The French-speaking Community DASPA programme mentioned above serves a limited target group. Indeed, the education support and integration programme supports pupils from developing countries or countries in transition listed as such by the OECD. As a result many pupils are excluded from the programme.¹¹⁸ |
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1.2.4. Monitoring and assessment – Use of indicators

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| | <p>In this section please outline monitoring and evaluation procedures applied by public authorities</p> | <p>Consistent with the existence of different integration policies in federal Belgium, monitoring and assessment of integration is carried out primarily at regional level. Significant divergence exists between the regions regarding the extent to which monitoring and evaluation mechanisms are in place. As mentioned above, the</p> |
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[decret-wallon-relatif-a-l-integration-des-primos-arrivants](#) and Belgium, Pascal De Gendt, Integration path: one step forward but not enough (*Parcours d'intégration: un pas en avant mais pas suffisant*), Analyses & Etudes Migrations, Siréas, 2013/01, available at <http://www.sireas.be/publications/analyse2013/2013-01int.pdf>.

¹¹⁴ Belgium, website of political party NVA, [available at: www.n-va.be/persbericht/verplichte-inburgering-in-brussel-is-zoals-wachten-op-godot](http://www.n-va.be/persbericht/verplichte-inburgering-in-brussel-is-zoals-wachten-op-godot).

¹¹⁵ Belgium, website of political party Vlaams Belang, [available at: www.vlaamsbelang.org/persberichten/2361/](http://www.vlaamsbelang.org/persberichten/2361/).

¹¹⁶ Belgium, Flemish government, policy note on integration 2014-2019, available at : <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>, chapter III, section 2.

¹¹⁷ Belgium, Catherine Xhardez, Integration path between support and summation (*Parcours d'intégration entre soutien et summation*), AG.nouv.319.indd, 2014, p.17, available at: www.crespo.be/wp-content/uploads/2012/01/Catherine-Xhardez-parcours-int%C3%A9gration.pdf.

¹¹⁸ Belgium, Interfederal Centre for Equal Opportunities, Parallel report of the Centre for Equal Opportunities and the Fight against Racism on the sixteenth, seventeenth, eighteenth and nineteenth reports submitted by Belgium on the implementation of the International Convention on the Elimination of All forms of racial Discrimination (*Rapport parallèle du Centre pour l'égalité des chances et la lutte contre le racisme sur les seizième, dix-septième, dix-huitième et dix-neuvième rapports présentés par la Belgique sur l'application de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale*), January 2014, p.15.

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| | <p>at national and regional level, as applicable, for migrant integration. In particular, please present any indicators used for the monitoring, assessment and review of integration policies in the areas of political and social participation, social cohesion, and intolerance, inclusive and welcoming society. Please make sure to report here the link of such indicators with fundamental rights and the way their use reflects to the review of such policies.</p> | <p>federal authorities are also indirectly involved in immigrant integration by a number of relevant policy domains, such as equal opportunities.¹¹⁹</p> <p>At the federal level, the Interfederal Centre for Equal Opportunities and the Federal Centre of Migration, the Ministry of Employment, Labour and Social Dialogue and the Ministry of Social Integration, Anti-poverty Policy, Social Economy and Federal Urban Policy conduct monitoring regarding their policy domain, including collecting information on TCN.¹²⁰</p> <p>For <u>indicators of inclusive & welcoming society</u> (tolerance, discrimination, public attitudes, etc.), the 'Annual reports on Discrimination and Diversity' (available for 2007; 2008; 2009; 2010; 2011; 2012; 2013; ...) and the biannual 'Diversity Barometers' (available for 2012; 2014; ...) of the Interfederal Centre for Equal Opportunities are particularly relevant. The authors of the report are not aware of major systematic monitoring initiatives by authorities to monitor <u>political and social participation</u>. However, the Federal Public Service of the Interior (General Direction of Institutions and Population) keeps lists of the number of non-nationals registered to vote in municipal elections (every six years)(data available for 2006; 2012; ...).</p> <p>In the Flemish Region, the Department of Internal Affairs of the Flemish Government (<i>Agentschap Binnenlands Bestuur</i>)(ABB) monitors integration in support of its policy. Two other central actors in monitoring and evaluating Flemish integration policies are the Research Department of the Flemish Government (<i>Studiedienst van de Vlaamse Regering</i>)(SVR) and the Flemish Policy Research Centre on Integration (<i>Steunpunt Inburgering en Integratie</i>)(i.e. consortia of universities). A number of systematic monitors or assessments on integration in the Flemish Community are delivered by these actors (ABB, SVR and Steunpun), such as the 'Annual Reports on Integration & Civic Integration' (available for 2010; 2011; 2012; ...), the annual 'Local Civic Integration & Integration Monitor (LIIM)'(available for 2011; 2012; 2013; 2015, ...), the annual 'Flemish Regional Indicators (VRIND)'(available for 1992; 1993; 1994; 1995; 1996; 1997; 1998; 1999; 2000; 2001; 2002; 2003; 2004; 2005; 2006; 2007; 2008; 2009; 2010; 2011; 2012; 2013; 2014; ...) and the biannual 'Flemish Migration and Integration Monitor' (available for 2013; 2015; ...) among others. The annual Survey on Socio-Cultural Transitions in Flanders (SCV-survey)(<i>Survey Sociaal-culturele verschuivingen in Vlaanderen</i>) of the Research Department of the Flemish Government (SVR) is highly relevant for indicators on social cohesion, intolerance and welcoming society on which the question of this section focused. This large-scale annual survey of a representative sample of the Flemish population periodically (not every year) incorporates modules on ethnocentrism (available in editions 1997; 1998; 2001; 2002; 2004; 2008; 2011; 2013; ...).</p> |
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¹¹⁹ Michielsens J., Vanheule, D., Balci Z. , Van den Broucke, S. & Wets, J. (2014), *ASSESS National Report Belgium. Review of Existing Monitoring Mechanisms, for the Integration of Migrants in Belgium*. Antwerp, CeMIS Centre for Migration and Intercultural Studies, p.15, available at: www.assess-migrantintegration.eu/national-reports.html

¹²⁰ Ibid, p. 16.

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| | | <p>Monitoring of integration appears to be limited in the Walloon Region. In Wallonia the policy for integration and social cohesion has for a long time been conceived more generally for the whole society, with no specific focus on immigrants (which is significantly different from the Flemish situation). Therefore, Third Country Nationals (TCN) are not distinguished in existing analyses of the level of integration of the Walloon population, adhering to the Walloon vision that immigrants should not be targeted as a separate groups.¹²¹ The new Decree of 27 March 2014 on Integration of Foreigners and Persons of Foreign Origin indicates, however, the start of a separate integration policy for migrants. Entities involved in monitoring integration and social cohesion in general up until now are the DG Social Action and Health (<i>Direction Générale de l'Action Sociale et Santé, Direction Interdepartmental de la Cohésion Sociale</i>)(DGASS (DICS)) and the Walloon Institute for Prospect Evaluation and Statistics (<i>Institut Wallon de l'Évaluation, de la Prospective et de la Statistique</i>)(IWEPS). Regional Integration Centres (<i>Centres Régionaux de l'Intégration</i> (CRI)), agencies responsible for executing the reception programme and in second instance for other aspects of the integration policy, also have the task of defining indicators and keep statistics. However, the <u>few monitoring or assessment initiatives that are conducted, have regard to implementation of policy measures/programmes or so-called process-measurement</u> (the means and the process of implementation, the scale of reach in terms of persons who have benefited from the measure, etc.), but <u>not to integration levels</u>.¹²² Therefore we do not include such assessments as 'monitoring integration'. In some instances, integration is indeed monitored for Wallonia, for example in the annual 'Walloon Social Barometer' (<i>Baromètre social de la Wallonie</i>)(BSW) by IWEPS or the recently developed 'Synthesizing indicator for access to fundamental rights' (<i>Indicateur synthétique d'accès aux droits fondamentaux</i>)(ISADF), yet no specific disaggregated data for migrants is available in these indicators. In response to an information request, the public official of DGASS stated that: "<i>based on the Decree of 27 March 2014, a special working group has been set up for the evaluation of the policy of integration of foreigners and is working towards the creation of indicators. It is working to set up an information system containing all the necessary indicators to monitoring and evaluation of integration policies.</i>" (DGASS, response to info request, 2015). A first meeting for the establishment of a central tool for assessing the integration policy in Wallonia has been held at the time of writing this report (March 2015)(DGASS, response to info request, 2015).</p> <p>In the Brussels Capital Region, the competence of integration is shared between the Flemish Community Commission (<i>Vlaamse Gemeenschapscommissie</i>)(VGC) for the Dutch-speaking part of Brussels and the French Community Commission (<i>Commission Communautaire Française</i>)(COCOF) for the French-speaking part of Brussels. For the Dutch-speaking community, VGC applies the Flemish Integration & Civic Integration policy. Consequently,</p> |
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¹²¹ Ibid., pp.25-26.

¹²² See for example: "*Evaluation du Plan de cohésion sociale 2009-2013. Regards croisés et perspectives d'avenir*"(Evaluation of the Social Cohesion Plan 2009-2013). available at: <http://cohesionsociale.wallonie.be/sites/default/files/Evaluation%20PCS%202009-2013.pdf>.

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| | | <p>Brussels is often incorporated in monitors conducted by the Flemish regional authorities (see paragraph above and description of indicators in annex 4). Regarding the French-speaking community in Brussels on the other hand, the consulted public official of COCOF stated in response to an information request that <i>"no instruments for monitoring are applied by COCOF concerning integration matters in the French-speaking community in Brussels."</i>(COCOF, response to info request, 2015). Similar to the observation for Wallonia, integration evaluations concerning immigrants in the French-speaking community of Brussels constitute monitoring or evaluating the implementation of measures (process), but not to monitoring the level of integration (outcome). In the response, the official of COCOF explained that <i>"One can even question the existence of a specific integration policy for immigrants in particular in Brussels. However, policy on social cohesion in its current implementation is supporting activities involved in the integration of immigrants (since an axis of this policy concerns learning French as a foreign language and a second focus is on welcoming newcomers). Nevertheless, this social cohesion policy is characterised by a) a very broad purpose; b) the lack of operational objectives and c) a relatively large freedom for the field operators. <u>As a result, it has always seemed impossible to try to measure the specific results of these actions. External assessments focus on the means and processes implemented, as well as descriptions of the beneficiaries. Field workers evaluate the results of their actions, but in their own way, with regard to the goals which they define and which are specific to them. [...]</u>With regard to the new reception programme established by the Decree of 18 July 2013, some indicators on the implementation of the reception programme were identified, to quantify the work done by the various reception offices (to allocate subsidies). The device is not yet effective, it is not possible to further refine the indicators to be used."</i> (COCOF, response to info request, 2015). The official concludes that <i>"Effects of measures are considered difficult or impossible to assess, and it is therefore the implementation [the implemented means, processes and reached beneficiaries] which is evaluated or monitored."</i> (COCOF, response to info request, 2015).</p> <p>Finally, it was confirmed by the Government of the German-speaking Community in Belgium (<i>Regierung der Deutschsprachigen Gemeinschaft Belgiens</i>)(DGOV), that no monitoring of integration of non-national newcomers exists. The competent minister (Ministry of Family, Health and Social Affairs) of the Government of the German-speaking Community reported that <i>"the Government of the German-speaking Community is still at the very start of developing and adopting an integration and reception policy for foreigners in its constituency. Therefore, this government does not have any instruments [indicators] for monitoring integration of foreigners. In its governmental declaration of 16 September 2014 the Government of the German-speaking Community however states the objective to develop integration programmes and adopt an integration decree."</i> (Minister of Family, Health and Social Affairs, Government of the German-speaking Community, response to info request, 2015). The minister concludes that after the adoption of such an integration decree, the legislator might also impose the obligation to monitor and evaluate integration of non-nationals in its constituency in the future (Minister of Family,</p> |
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| | <p>Health and Social Affairs, Government of the German-speaking Community, response to info request, 2015).</p> <p>In this data collection process we have obtained little information on the link of the used indicators with fundamental rights or the way their use reflects to the review of such policies. A link with fundamental rights is most clear for national indicators on equal opportunities and non-discrimination (as opposed to regional ones) such as published in the Annual reports on Discrimination and Diversity and the biannual Diversity Barometers of the Interfederal Centre for Equal Opportunities (see specific indicators in annex 4).</p> <p>On the other hand, we perceive an absence of references to fundamental rights in 'integration indicators' in the strict sense. No formal information on the link between fundamental rights and the indicators used in the Flemish Community - where numerous indicators are applied to monitor the level of integration - was received through consultation of authorities (Department of Internal Affairs of the Flemish Government, ABB) and no info could be identified based on desk research.</p> <p>On the other hand, as stated above, monitoring in Wallonia and the French-speaking community Brussels has a different approach. Here, the level of integration is not monitored, but rather the implementation of relevant policy measures is monitored. For Wallonia, a link between indicators and fundamental rights is clear in the newly 'Synthesizing indicator for access to fundamental rights (ISADF)'. Moreover, we have received a clear reply to this question from the public authorities of the French speaking community in Brussels (COCOF), stating that: "<i>On the relationship between indicators (as part of the evaluation of social cohesion policy anyway) and fundamental human rights, we can consider that there is a link, because <u>indicators tend to have regard to the scope of access to rights, rather than the effectiveness of these [to realise integration & participation]</u>. For example, regarding the reception of newcomers, it is measured whether the offer (social and / or legal benefits, for example) is available to the beneficiary public, but it is not measured what the effects are of using such benefits. Similarly regarding language learning, indicators tend to measure the number of persons participating in language courses (to identify the saturation level of the course providers), rather than to measure if the beneficiary public can speak French at the end of training followed. <u>The indicators therefore tend to identify the foundations of law and the ability to deploy all resources in the sense of the law.</u> This evaluation work, which focuses on the means and process used and on beneficiaries of implemented measures, can directly cause changes (improvements) in access to fundamental rights for the beneficiary public.</i>" (COCOF, response to info request, 2015).</p> <p>Based on the observed parallels between monitoring in Wallonia and the French-speaking community in Brussels, we could draw an inference from the analysis by COCOF above. In general it would appear that integration-related <u>evaluations of the Walloon Government and the French-speaking Commission of Brussels (COCOF) have a clearer link with fundamental rights</u>, because of the character of these assessments, namely <u>measuring processes</u></p> |
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| | | <p><u>and means of implemented measures and reached beneficiaries rather than integration itself</u> (e.g. measuring uptake of social benefits by non-nationals rather than employment rate, measuring participation in language courses rather than level of language knowledge). One could interpret this as measuring the access to some fundamental rights. However, as these evaluations do not measure integration as such but only monitor measures taken, they cannot be counted as 'integration indicators'. In direct contrast, <u>in the Flemish Community, the focus is on measuring integration</u> rather than the monitoring the implementation of measures, but the <u>link of integration indicators with fundamental rights is less clear and not formally established.</u></p> |
| <p>Provide full wording and translation in English of each indicator used per area and dimension covered as well as its full definition, legal basis, rationale, and link with fundamental rights or EU law (use table in the Annex 4).</p> <p>See table <u>Annex 4</u> on <u>integration indicators</u> in the domains of <u>Social Inclusion</u>, <u>Active Citizenship</u> (political and social participation) and <u>Welcoming Society</u> (intolerance, discrimination, social cohesion). In contrast, indicators on other domains such as employment and education were not included, as these are not the focus of this study.</p> <p><i>General comment: Due the existence of extensive ad hoc monitoring, especially in the Flemish region (resulting in numerous publications by a large number of actors), it is not possible to provide an exhaustive overview of all used indicators. Annex 4 presents the most known and relevant indicators to the best of our knowledge.</i></p> <p>For more detailed information on indicators and references, please consult the publication '<u>ASSESS National Report Belgium. Review of Existing Monitoring Mechanisms for the Integration of Migrants in Belgium</u>'. (Michielsen J., Vanheule, D., Balci Z. , Van den Broucke, S. & Wets, J. (2014), <u>ASSESS National Report Belgium. Review of Existing Monitoring Mechanisms, for the Integration of Migrants in Belgium</u>. Antwerp, CeMIS) (Cfr. Annex II of this ASSESS report for an interesting overview of monitoring initiatives in Belgium).</p> | | |
| <p>Please provide data and evidence about the adoption of related Zaragoza indicators, especially in the dimensions of active citizenship and welcoming society. Please consult the publication <u>Using EU Indicators of Immigrant Integration</u> (ESN, MPG) and report more detailed and updated specific descriptions and mapping of indicators used in the Member States.</p> | | <p><u>All Zaragoza indicators can be found in the numerous integration indicators used in Belgium, at least at the federal level and in the Flemish region.</u></p> <p>Indicators under the categories of <u>Employment</u> (employment & unemployment rates, activity rate, self-employment, etc.) <u>Education</u> (educational attainment, early school leaving, language skills, etc.) and <u>Social Inclusion</u> (income, health, housing, etc.) are primary monitoring subjects which have been evaluated several times. Numerous data sources, such as the national <u>Crossroads Banc of Social Security</u> (CBSS) (containing employment and income data of every Belgian resident) and many other administrative data sources (such as the Public Employment Services, Federal Public Service of Employment, Child & Family, National Institute of Public Health, Departments of Education, etc.) allow monitoring in these spheres. Regarding civic and language education indicators, the competent authorities (ABB in the Flemish Community, local CRI under DGASS in Wallonia) monitor the participation in civic integration courses or language courses.</p> <p>Monitoring and assessing <u>Active Citizenship</u> (including political participation and representation, participation in voluntary organisations, associations or political parties, etc.) has been mainly done through academic research (by the <u>Faculty of Social</u></p> |

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| | | <p>Sciences (FSS) of the University of Leuven, the Group for research on Ethnic Relations, Migration and Equality (GERME) of the University of Brussels (GERME) and the Centre of Ethnicity and Migration Studies (CEDEM) of the University of Liège, among many other research entities in Belgium) or through studies of the Research Department of the Flemish Government (SVR). Often these are limited in scope (e.g. only analysing the situation in a particular region) and are based on survey/exit polls. For reference to numerous studies on political participation of migrants and persons of migrant background, we refer to the specific section in this report on this topic (cfr. Section 3.1 and Section 3.2). Monitoring active citizenship is rather limited on the side of the government, apart from the Federal Public Service of the Interior (General Direction of Institutions and Population) keeping lists of the number of foreigners registered to vote in municipal elections all over Belgium.</p> <p>Indicators under the category of Welcoming Society (discrimination, social cohesion, attitudes towards migrants, diversity and intercultural dialogue etc.) are monitored systematically in a few specific monitors such as the 'Diversity Barometers' and the 'Annual reports on Discrimination' of the Interfederal Centre for Equal Opportunities (national level), or the 'SCV-survey' (Survey on Socio-Cultural Transitions in Flanders) of the Research Department of the Flemish Government.</p> <p>When looking at the Walloon Region, it is clear that the integration indicators set out by the European Union are not actively used for monitoring. However, the Walloon Region has been inspired by the concept of social cohesion given by the Council of Europe and which has been adapted to the Walloon political context (Michielsen et al., 2013, p.32). Furthermore, IWEPS (Walloon institute for Statistics) developed and applies the 'Synthesizing indicator for access to fundamental rights (ISADF)' (decent income, housing, health care, labour market access etc.), yet no specific data for migrants is available. This is a generic human rights indicator, calculated per commune in Wallonia with inclusion of a 'risk factor' for certain vulnerable groups (persons of old age, single parent households and asylum seekers). Data is not collected separately for 'risk groups', but a 'risk factor' in general is applied in the calculation for the whole commune. For asylum seekers (the only migrant group mentioned), this implies a multiplication of the indicator score by the number of asylum seekers in the commune.</p> <p>Detailed and updated specific descriptions of indicators for Social Inclusion, Active citizenship and Welcoming Society can be found in the table of Annex 4.</p> <p>In the responses to information requests (addressed at ABB, DGASS, COCOF & DGOV), the different authorities did not provide a clarification of the objective of the used indicators. No info could be identified based on desk research either. Therefore we cannot report on the use of indicators for review, impact assessment, evaluation, development or adaptation of policies.</p> |
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| 1.2.5. Funding integration policies (EIF, ERF, EMIF) | | |
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| | <p>Please provide information about the distribution of funds for integration of migrants, as well as their social inclusion and participation. In particular, provide specific breakdown of funding per general area of integration policies – with particular focus on active citizenship, participation, welcoming society, social cohesion - in the last year and for the period 2010-2014 if available. (Use the table in the Annex 5).</p> | <p>As explained above, the integration of migrants is a regional competence. However, the federal government has a number of support instruments for the integration policies of the Communities/Regions. The most important ones are the <u>Federal Impulse Fund for Immigration Policy</u> and the <u>federal Policy on Big Cities</u>. The Impulse Fund provides financial incentives to public and private initiatives aiming to enhance the participation of immigrant population groups. In the context of the sixth state reform, the Communities and Regions have become fully competent for the transferred funding under the mentioned Impulse Fund as of 1 January 2015.¹²³ The Policy on Big Cities supports initiatives that aim to renovate the disadvantaged areas in the big Belgian cities in a durable manner.¹²⁴ Since migrant population groups often live in disadvantaged areas, this policy is relevant to the issue of migrant integration and social cohesion.</p> <p><i>See Annex 5.</i></p> |
| 2. Promoting equal treatment and non-discrimination | | |
| 2.1. The implementation of anti-discrimination legislation and equal treatment | | |
| | <p>Outreach and awareness raising campaigns, training schemes, etc. undertaken by national or regional public authorities (including national equality bodies) targeting migrants and their descendants on the national anti-discrimination legal framework.</p> | <p>As explained in section 1, the civic integration programmes provided at the different regional levels include a module on social/citizenship orientation in which information is provided on the rights and duties of all citizens.</p> <p><u>At the federal level:</u></p> <p>The Interfederal Centre for Equal Opportunities, working on (1) equal opportunities and (2) non-discrimination, while dedicating a significant number of hours every year to training of various actors (government institutions, actors in education, police services, etc.) on the anti-discrimination legal framework, has not carried out any awareness raising activities where migrants and/or their descendants were specifically targeted. In addition, the Centre</p> |

¹²³ Belgium, Interfederal Centre for Equal Opportunities/Federal Migration Centre, [available at: www.diversiteit.be/impulsfonds](http://www.diversiteit.be/impulsfonds).

¹²⁴ Belgium, Interfederal Centre for Equal Opportunities/Federal Migration Centre, website information on Integration Policy, available at, www.diversiteit.be/integratiebeleid.

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| | | <p>could not provide any references to such activities undertaken by other organisations.¹²⁵</p> <p><u>Flemish Community:</u></p> <p>The Integrated Action Plan on Integration Policy 2012-2015 of the previous Flemish government stated that the specific target groups of the integration policy must be informed and their awareness must be raised about their rights and duties and their full citizenship.¹²⁶</p> <p>The Flemish Christian trade-union ACV has developed a guide in 2014 on discrimination at work, aiming to inform workers, and in particular workers participating in the trade-union life, about their rights to equal treatment, the prohibition of discrimination in the work context, and ways to report and formally submit a complaint.¹²⁷</p> <p><u>French-speaking Community ('Federation of Wallonia and Brussels') and Walloon Region:</u></p> <p>The newcomers are informed during a reception interview or the integration programme on their rights, including the rights guaranteed in the European Convention of Human Rights, the Constitution and other rights relevant to them, such as their rights in terms of access to health, housing, employment, education and mobility.¹²⁸ The inclusion of information on non-discrimination legislation is not mandatory and not clearly established in the integration programme.¹²⁹</p> |
| | <p>Evidence through polls, surveys, academic research, etc. on the awareness of migrants and/or their descendants concerning the right to equal treatment. Please indicate differences between ethnic/ migrant groups, living in different geographic areas, gender and</p> | <p>The Interfederal Centre for Equal Opportunities has not carried out research or survey activities on the awareness of migrants and/or their descendants concerning the right to equal treatment. Neither could the Centre refer to such studies by other organisations.¹³⁰</p> <p>No further information identified.¹³¹</p> |

¹²⁵ Belgium, information obtained from experts of the Federal Migration Centre and the Interfederal Centre for Equal Opportunities, Mathieu Beys and Paul Borghs (11 March 2015).

¹²⁶ Belgium, Flemish government, Integrated Action Plan on Integration Policy 2012-2015, [available at: www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf](http://www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf), p. 22.

¹²⁷ Belgium, trade-union ACV (2014), 'Discriminatie op de werkvloer' (Discrimination at work), available at, www.acv-online.be/acv-online/het-acv/wat-doen-we/Diversiteit/infopunt-discriminatie/infopunt-discriminatie.html.

¹²⁸ Belgium, French Community, [Circular on the integration path of newcomers](#) (*Circulaire sur le parcours d'accueil des primo-arrivants. - Décret du 27 mars 2014 remplaçant le Livre II du Code wallon de l'Action sociale et de la Santé, relatif à l'intégration des personnes étrangères et d'origine étrangère*), 23 February 2015.

¹²⁹ Belgium, Interfederal Centre for Equal Opportunities and Fights against Racism, 2014 Elections Priorities of the Centre for of Equal Opportunities and Fights against Racism, January 2014.

¹³⁰ Belgium, information obtained from experts of the Federal Migration Centre and the Interfederal Centre for Equal Opportunities, Mathieu Beys and Paul Borghs (11 March 2015).

¹³¹ Based on desk research.

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| | age, as well as trends in time. | |
| | Evidence of complaints lodged by migrants and/or their descendants - % of total complaints to equality bodies, % of admissible complaints, statistics about outcomes of investigation, % of cases establishing discrimination. Please indicate differences between ethnic/migrant groups, geographic areas, gender and age, as well as trends in time. | <p>The Interfederal Centre for Equal Opportunities does not provide data on the migration background/citizenship status/nationality of the complainants – there is no systematic registration of this aspect, as they focus on the discrimination ground of the complaint.¹³² It is therefore not possible to provide the requested data.</p> <p><i>See Annex 8 for related data.</i></p> |
| | Tools, measures and positive initiatives aiming at facilitating reporting incidents of discrimination – e.g. translation facilities to report and submit complaints in multiple languages – and tackling under-reporting and low rights-awareness. | <p>Some Belgian cities have introduced new measures with respect to racism and racial discrimination in the hotel and catering industry, for example the installation of security cameras in certain nightclubs. In June 2013, the city council of Gent approved a modification of the police regulation regarding the exercise of porter activities. As a result, operators in the hotel and catering industry are now obliged to advertise the number 8989, to which victims or witnesses of discrimination can send the message 'report', after which the Local Discrimination Reporting Centre will contact the individual and investigate the complaint, in cooperation with the Interfederal Centre for Equal Opportunities. This text messaging system is unique in Belgium.¹³³</p> <p>The Interfederal Centre for Equal Opportunities has set up a website ("signale-le"/"meld-het" website) dedicated to the registration of a complaint of discrimination¹³⁴. It is available in French and Dutch.</p> <p>In the Flemish Community, the local reporting centres for discrimination, which have existed since 2006, were integrated into the Interfederal Centre for Equal Opportunities in 2014. These centres were established in 13 Flemish regional capitals and consist of 1-2 persons per centre.¹³⁵ The centres currently only register the discrimination complaint and transmit it to the Interfederal Centre for Equal Opportunities. In the near future, in the context of the</p> |

¹³² Belgium, Interfederal Centre for Equal Opportunities (2014) (Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances), Annual Report on Discrimination and Diversity 2013 (Jaarverslag Discriminatie en Diversiteit 2013/Rapport annuel Discrimination et Diversité 2013), [available at: www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf](http://www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf), p. 75 and following; confirmed by experts of the Federal Migration Centre and the Interfederal Centre for Equal Opportunities, Mathieu Beys and Paul Borghs (11 March 2015).

¹³³ Belgium, Interfederal Centre for Equal Opportunities (Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances) (2014), Annual Report 2013, Brussels, Interfederal Centre for Equal Opportunities, available at www.diversiteit.be/jaarverslag-discriminatie-diversiteit-2013, pp. 61-62.

¹³⁴ Belgium, Interfederal Centre for Equal Opportunities, available at: www.meld-het.be/ or <http://www.signale-le.be/>.

¹³⁵ Belgium, Flemish government, Department of Equal Opportunities, website, [available at: www.gelijkekansen.be/Praktisch/Melddiscriminatie.aspx](http://www.gelijkekansen.be/Praktisch/Melddiscriminatie.aspx).

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| | | <p>2014 reform of the Interfederal Centre for Equal Opportunities, the centres will not only register but also process the discrimination complaints. In addition, these centres will carry out lobbying and networking activities. In Wallonia, the "Espaces Wallonie" are centres where anyone can obtain information on various policies and themes. Individuals may report discrimination to one of the 11 centres albeit they are not specialised reporting centres such as in the Flemish Community. The discrimination complaints will be referred to the Interfederal Centre for Equal Opportunities.¹³⁶ In the future, local reporting centres will also be established in Wallonia.¹³⁷</p> <p>No other tools or measures identified.¹³⁸</p> |
| | <p>In particular, provide information about any legal protection on grounds of nationality, which is not covered by the EU anti-discrimination Directives,¹³⁹ but is a prohibited ground in several Member States. Please explain how unequal treatment on the basis of nationality is treated and provide exemplary cases, if any. Please provide information on the relevant practice and case law (use template in Annex 9)</p> | <p><u>Legislation:</u></p> <p>In a decision of 14 July 1994, the Constitutional Court held the view that any difference of treatment between Belgians and non-nationals must be reasonably and objectively justified, based on articles 10 and 11 of the Constitution prohibiting discrimination. Different treatment is, according to the Constitution, justified in the context of the exercise of political rights, access to public services, and access to the national territory.¹⁴⁰</p> <p>Belgian legislation furthermore provides protection against discrimination based on nationality at all political levels. At the federal level, this legal protection is laid down in anti-racism legislation (and not in anti-discrimination legislation¹⁴¹): Article 12 of the Anti-racism law of 30 July 1981 states that "each form of discrimination is prohibited", whereby the protected criteria include "nationality, a so-called race, skin colour, and national or ethnic origin".¹⁴² Discrimination on the ground of nationality is prohibited in the following areas:</p> <ul style="list-style-type: none"> - Access to goods and services; - Social protection, including social security and healthcare; - Social benefits; |

¹³⁶ Belgium, Cooperation Agreement of 12 June 2013 between the federal authorities, the regions and communities aiming at establishing an Interfederal Centre for Equal Opportunities and opposition to Racism in the form of a common institution in accordance with Art. 92 bis of the Special Law on institutional reform of 8 August 1980 (*Accord de coopération du 12 juin 2013 entre l'autorité fédérale, les Régions et les Communautés visant à créer un Centre interfédéral pour l'égalité des chances et la lutte contre le racisme et les discriminations sous la forme d'une institution commune au sens de l'article 92bis de la loi spéciale de réformes institutionnelles du 8 août 1980*).

¹³⁷ Belgium, information obtained from experts of the Federal Migration Centre and the Interfederal Centre for Equal Opportunities, Mathieu Beys and Paul Borghs (11 March 2015).

¹³⁸ Based on desk research.

¹³⁹ As of Art. 3.2 of the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

¹⁴⁰ Belgium, judgment of the Constitutional Court, No 61/94, 14 July 1994, available at, www.const-court.be/public/n/1994/1994-061n.pdf; Belgium, Bribosia E. and Rorive I. (2014), Belgium country report (2013) on measures to combat discrimination (Directives 2000/43/EC and 2000/78/EC), drafted for the European Network of Legal Experts in the Non-discrimination Field, available at, www.migpolgroup.com/portfolio/country-reports-on-measures-to-combat-discrimination-2013/?utm_source=Migration+Policy+Group+E-newsletter&utm_campaign=376588303f-MPG_e_News_January_2015&utm_medium=email&utm_term=0_bcbdbbf6af-376588303f-9857925, section 4.4, pp. 115-117.

¹⁴¹ Belgium, [Law on the fight against certain forms of discrimination](#) (*Wet ter bestrijding van bepaalde vormen van discriminatie*), 10 May 2007.

¹⁴² Belgium, [Law on the penalisation of certain acts inspired by racism or xenophobia](#) (*Wet tot bestraffing van bepaalde door racisme of xenofobie ingegeven daden/Loi tendant à réprimer certains actes inspirés par le racisme ou la xénophobie*), 30 July 1981, Arts. 12 and 4(4).

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| | | <ul style="list-style-type: none"> - Complementary social security schemes; - Employment; - Mentions in official reports or documents; - Membership to trade-unions; - Access and participation to an economic, social, cultural or political activity open to the public.¹⁴³ <p>Discrimination on the basis of nationality in the areas of employment and access to publicly available goods and services (e.g. housing) is penalised with one month to one year imprisonment and/or a monetary fine of EUR 50 to EUR 1,000.¹⁴⁴ The law also contains provisions on damages for the victim in case of discrimination.</p> <p>In contrast to the other protected grounds¹⁴⁵, i.e. so-called race, skin colour, and national or ethnic origin, the legislation allows a flexible approach to justified difference of treatment on the ground of nationality. Difference of treatment on the ground of nationality can indeed be allowed if objectively justified by a legitimate aim and through appropriate and necessary means. The difference of treatment may not be justified if prohibited under EU law.¹⁴⁶</p> <p>Articles 10 and 11 of the Constitution guarantees equal treatment of Belgians before the law and the enjoyment of rights and freedoms without discrimination. In accordance with the Constitutional Court decision of 1994, non-nationals benefit from the same protection as Belgian nationals under Articles 10 and 11 of the Constitution. As a result, any difference of treatment between Belgians and non-nationals should not be discriminatory, no matter the principle or cause, and such difference must be justified.¹⁴⁷</p> <p>At the regional levels, in the areas of the respective competences of Communities and Regions, discrimination on the basis on nationality is legally prohibited. Regional legislation contains similar provisions on penalisation and damages for the victim and similar allowed justification of difference of treatment on the ground of nationality.¹⁴⁸</p> |
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¹⁴³ Belgium, [Law on the penalisation of certain acts inspired by racism or xenophobia](#) (*Wet tot bestraffing van bepaalde door racisme of xenophobie ingegeven daden/Loi tendant à réprimer certains actes inspirés par le racisme ou la xénophobie*), 30 July 1981, Art. 5.

¹⁴⁴ Belgium, [Law on the penalisation of certain acts inspired by racism or xenophobia](#) (*Wet tot bestraffing van bepaalde door racisme of xenophobie ingegeven daden/Loi tendant à réprimer certains actes inspirés par le racisme ou la xénophobie*), 30 July 1981, Arts. 24-25.

¹⁴⁵ Difference of treatment is allowed for the other protected grounds for limited situations related to employment. Belgium, [Law on the penalisation of certain acts inspired by racism or xenophobia](#) (*Wet tot bestraffing van bepaalde door racisme of xenophobie ingegeven daden/Loi tendant à réprimer certains actes inspirés par le racisme ou la xénophobie*), 30 July 1981, article 8. See also Belgium, Bribosia E. and Rorive I. (2014), Belgium country report (2013) on measures to combat discrimination (Directives 2000/43/EC and 2000/78/EC), drafted for the European Network of Legal Experts in the Non-discrimination Field, available at: http://www.migpolgroup.com/portfolio/country-reports-on-measures-to-combat-discrimination-2013/?utm_source=Migration+Policy+Group+E-newsletter&utm_campaign=376588303f-MPG_e_News_January_2015&utm_medium=email&utm_term=0_bcbdbbf6af-376588303f-9857925, section 4.4, pp. 115-117.

¹⁴⁶ Belgium, [Law on the penalisation of certain acts inspired by racism or xenophobia](#) (*Wet tot bestraffing van bepaalde door racisme of xenophobie ingegeven daden/Loi tendant à réprimer certains actes inspirés par le racisme ou la xénophobie*), 30 July 1981, article 7.

¹⁴⁷ Belgium, Constitutional Court, Case 61/94, 14 July 1994.

Decreet betreffende het Vlaamse inburgeringsbeleid), 28 February 2003, modified by the Decrees of 14 July 2006, 1 February 2008 and 17 February 2012.

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| | | <p><u>Practical implementation:</u></p> <p>In the area of service vouchers, discrimination based on nationality has been and remains a significant problem.¹⁴⁹ Research shows that currently 2 out of 3 service voucher companies discriminate upon request of their clients who, for example, exclusively want Belgian or European cleaning ladies.¹⁵⁰</p> |
| | <p>Please provide information about the application of the legislation concerning discrimination against migrants – on any ground – in accessing law enforcement and judiciary services. In particular please clarify whether and when the latter are considered and treated, or not, as services available to the public, therefore falling within the scope of the directives and the jurisdiction of Equality Bodies.¹⁵¹</p> | <p>The anti-discrimination legislation does not clearly specify whether it applies to law enforcement and judiciary services. The notion of ‘goods and services available to the public’ is interpreted at the Belgian level¹⁵² with reference to EU Council Directive 113/2004 on equality of men and women in the access to and supply of goods and services,¹⁵³ which in turn refers to article 50 of the Treaty establishing the European Community (now article 57 TEU). This provision defines “services” as services normally provided for remuneration, in particular activities of an industrial or commercial character, activities of craftsmen, and activities of the professions. According to the Interfederal Centre for Equal Opportunities, it is unclear whether law enforcement and judiciary services are covered by this notion. However, the Centre notes that, if these services would not be considered as services in the sense of the anti-discrimination legislation, acts of discrimination by individuals belonging to the law enforcement and judiciary system are still covered by other, more specific provisions of the anti-discrimination legislation (e.g. the provision that penalises discrimination on the ground of one of the protected criteria by officials and agents of public authority in the exercise of their duties).¹⁵⁴</p> |
| | <p>Please provide statistical data about numbers of discrimination cases/complaints submitted to competent bodies (Equality Bodies, Administrative Courts), as well as about their outcomes (use the tables in the Annex 8)</p> | |

¹⁴⁸ Belgium, Flemish government, Integrated Action Plan on Integration Policy 2012-2015 (*Geïntegreerd Actieplan Integratiebeleid*), <http://www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf>.

¹⁴⁸ Belgium, Flemish government (2014), Policy Note on Integration 2014-2019, (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>.

¹⁴⁸ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, article 2(13).

¹⁴⁸ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013

¹⁴⁹ Belgium, IDEA Consult (2012), Evaluation of the system of service vouchers for neighbourhood services and jobs 2011, available at, http://www.ideaconsult.be/images/evaluatie_nl_definitief.pdf, p. 134 and following.

¹⁵⁰ Belgium, Minderhedenforum (2015), ‘Minderhedenforum ontgoocheld in reactie minister Muylers’, website Art. of 23 February 2015, available at, www.minderhedenforum.be/actua/detail/minderhedenforum-ontgoocheld-in-reactie-minister-muyters.

¹⁵¹ Please note that these are considered non-economic services by the EU Commission (Services of general interest, including social services of general interest: a new European commitment, COMM 725 (2007) of 20 November 2007, yet not always they are considered by Equality Bodies to fall in the areas of application of the anti-discrimination directives.

¹⁵² Belgium, Federal Parliament, travaux préparatoires 2006/2007, Doc 51-2720/001.

¹⁵³ [Council Directive 2004/113/EC](#) of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, preamble, recital 11.

¹⁵⁴ Belgium, information obtained from experts of the Federal Migration Centre and the Interfederal Centre for Equal Opportunities, Mathieu Beys and Paul Borghs (11 March 2015).

2.2.Implementation of equal treatment of various permit holders

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| | <p>Please summarize <u>briefly</u> in this section any key issues affecting the implementation of equal treatment of permit holders, as defined by the following EU legislation; these could be, for example, practical issues and bottlenecks, administrative delays, coordination and cooperation of public authorities, etc.</p> <p>Please substantiate findings, as far as possible, through formal evaluations, as well as research or studies and case law (use template in Annex 9). Please bear in mind that no assessment of the legal transposition process is required. In regard to the five categories below, please provide <u>statistical data</u> issued in 2014 or valid on 31.12.14. (use annex 3)</p> |
| <p>2.2.1.<u>Long Term Residence (LTR) status holders</u> (Art.11 of the Directive 2003/109/EC)</p> | <p>No information could be identified with respect to LTR status holders.¹⁵⁵</p> |
| <p>2.2.2.<u>Single-permit procedure permit holders</u> (Art.12 and 13 of the Directive 2011/98/EU)</p> | <p>No information could be identified with respect to single permit procedure permit holders.¹⁵⁶</p> |
| <p>2.2.3.<u>Blue card holders</u> (Art.14 and 12 of the Directive 2009/50/EC)</p> | <p>The Interfederal Centre for Equal Opportunities notes that Belgium issues a very limited number of blue cards (e.g. five cards issued for the year 2013, while seven applications were made). No further information could be provided.¹⁵⁷</p> |
| <p>2.2.4.<u>Family reunification permit holders</u> (specifically in terms of access to labour market - Art. 14 of Directive 2003/86/EC)</p> | <p>As a result of the 2013 amendments of the 1999 Royal Decree on the employment of non-national workers,¹⁵⁸ some 'additional family members' (third country nationals) of EU citizens who have the right to family reunification (since 15 May 2014)¹⁵⁹ in addition to the husband/spouse or legally cohabiting partner, and ascendant/descendent, do not have the right to work without a work permit until they have received their residence permit. In practice this means they have no access to the labour market during the waiting period between their arrival in the country and the issuing of the residence permit, which, depending on the municipality, can take a considerable amount of time. This is a result of the work permit legislation not being adapted to the modification in the law on non-nationals.¹⁶⁰</p> |

¹⁵⁵ Belgium, information obtained from experts of the Federal Migration Centre and the Interfederal Centre for Equal Opportunities, Mathieu Beys and Paul Borghs (11 March 2015).

¹⁵⁶ Belgium, information obtained from experts of the Federal Migration Centre and the Interfederal Centre for Equal Opportunities, Mathieu Beys and Paul Borghs (11 March 2015).

¹⁵⁷ Belgium, information obtained from experts of the Federal Migration Centre and the Interfederal Centre for Equal Opportunities, Mathieu Beys and Paul Borghs (11 March 2015).

¹⁵⁸ Belgium, [Royal Decree on the employment of foreign workers](#) (*Koninklijk besluit houdende de uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers/Arrêté royal portant exécution de la loi du 30 avril 1999 relative à l'occupation des travailleurs étrangers*), 9 June 1999.

¹⁵⁹ Belgium, [Law of 15 December 1980 on the access to the territory, the residence, the stay and the removal of non-nationals](#) (Wet betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen/Loi sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers), 15 December 1980, as modified by the Law of 19 March 2014.

¹⁶⁰ Belgium, information obtained from experts of the Federal Migration Centre and the Interfederal Centre for Equal Opportunities, Mathieu Beys and Paul Borghs (11 March 2015); Belgium, Kruispunt Migratie-Integratie, website, [available at: www.kruispuntmi.be/nieuws/mag-eeen-ander-familielid-van-eeen-unieburger-werken-zonder-arbeidskaart](#).

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| 2.2.5. Beneficiaries of international protection long term residence status holders ¹⁶¹ | One of the obstacles faced by recognised refugees and beneficiaries of the status of subsidiary protection in the context of employment are the difficulties linked to the assessment and recognition of foreign diplomas and competences. The lack of a standard tool to assess the qualifications and skills of newcomers leads to the competences of migrants not being fully utilised. This hampers the newcomers' integration and equal treatment in the employment context. ¹⁶² |
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2.3. Key developments and trends

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| | Please include in this section key developments in the area of equal treatment and anti-discrimination that concern only migrants and/or their descendants. Key developments may be new legislation or policies, abolition, update, improvement or reform of existing ones, as well as important case law, court, equality body or administrative cases, that have had or may have an impact on the implementation of the anti-discrimination legislation and equal treatment policies that related to the rights of migrants and/or their descendants (for presentation of case law, use template in Annex | <p>Annual reports of the Federal Migration Centre 2011, 2012 and 2013.</p> <ul style="list-style-type: none"> • New Circular (2013) from the federal government containing guidelines for the judicial authorities on a coherent, effective and efficient investigation and prosecution policy in the area of discrimination and hate crimes. The Circular includes amongst other things the relevant legislation, clarifications as to the expectations towards magistrates and the role of police services.¹⁶³ • In 2011, the Flemish government stated that it will not sign the Council of Europe Minority Convention (1995), as a result of which Belgium cannot ratify the Convention. While the Flemish Community does not have any problems with the spirit of the Convention, it fears that French speakers living in the Flemish Community would invoke the Convention to enforce additional rights, while according to the Flemish government, they cannot be considered as a minority. The participation organisation 'Minderhedenforum' (Forum of Ethnic-cultural Minorities) is currently examining how it can react to this situation.¹⁶⁴ The Minority Convention is important for the integration and social inclusion of migrants as it aims to ensure, amongst other things, that states respect the rights of national minorities, undertake to combat discrimination and promote equality. • A positive evolution seems to be that the anti-discrimination legislation has resulted in a significant decrease in direct discrimination in housing advertisements on the basis of racial criteria.¹⁶⁵ • Between 2011 and 2013, the Commission for Diversity and Equal Opportunities for Education of the Flemish Education Council organised a series of seminars about diversity and |
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¹⁶¹ As per recitals 6 and 7 of Directive [2011/51/EU](#) of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection Text with EEA relevance.

¹⁶² Belgium, Federal Migration Centre (2015), Careers – Analysis of the careers of asylum seekers and refugees in Belgium, available at www.emnbelgium.be/nl/publication/de-lange-en-moeizame-weg-naar-werk-careers.

¹⁶³ Belgium, Circular COL 13/2013 on the investigation and prosecution policy in the area of discrimination and hate crimes, available at www.om-mp.be/extern/getfile.php?p_name=4499864.PDF&pid=5198967.

¹⁶⁴ Belgium, information obtained from the Director of the Minderhedenforum Wouter Van Bellingen in telephone interview (19 March 2015).

¹⁶⁵ Belgium, Interfederal Centre for Equal Opportunities (Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances) (2014), Diversiteitsbarometer Huisvesting, Brussels, Interfederal Centre for Equal Opportunities, available at: www.diversiteit.be/diversiteitsbarometer-huisvesting-0, p. 187.

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| | <p>9). Such developments may also affect the actual situation on the ground, including public debates and perceptions among the native population and migrants.</p> | <p>education. This resulted in a publication on the issue, which pleads for a shift in thinking, discourse, policy and attitude towards diversity, whereby diversity is considered the standard norm.¹⁶⁶</p> <ul style="list-style-type: none"> • Various municipalities took the initiative in the past years to impose a tax for non-nationals on their registration with the local commune. In some of the cases, these regulations were annulled by the provincial governor because they were considered to be in violation of national and European law.¹⁶⁷ • Since 1 September 2011, candidate participants for adult education organised by the Flemish government have to provide evidence, at the moment of registration, of their legal residence or Belgian nationality. Migrants in illegal residence no longer have the right to attend such education.¹⁶⁸ • In 2013, the federal government took a number of austerity measures that changed (i.e. worsened) the legal position of non-nationals in terms of access to certain services, in particular subsistence benefits.¹⁶⁹ • As of 28 June 2014, all non-nationals with a residence permit have the right to do voluntary work. Before this new law, only non-nationals who were exempted from the work permit obligation had this right.¹⁷⁰ • <i>Case law: see Annex 9.</i> |
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3.Participation of migrants and their descendants in society

3.1.Political rights at national level

3.1.1.Citizenship acquisition

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| | In this section please provide information about the specific requirements and criteria for citizenship acquisition, if any, that relate to the applicants active participation in society, |
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¹⁶⁶ Belgium, Interfederal Centre for Equal Opportunities (2014) (Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances), Annual Report on Discrimination and Diversity 2013 (Jaarverslag Discriminatie en Diversiteit 2013/Rapport annuel Discrimination et Diversité 2013), www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf, p. 108.

¹⁶⁷ Belgium, Federal Migration Centre (2014), Annual Report on Migration 2013 (Jaarverslag Migratie 2013/Rapport annuel Migration 2013), www.diversiteit.be/sites/default/files/documents/publication/jvs_cnr_2013_migratie_nl_web.pdf, p. 207.

¹⁶⁸ Belgium, Federal Migration Centre (2014), Annual Report on Migration 2013 (Jaarverslag Migratie 2013/Rapport annuel Migration 2013), www.diversiteit.be/sites/default/files/documents/publication/jvs_cnr_2013_migratie_nl_web.pdf, p. 208.

¹⁶⁹ Belgium, Federal Migration Centre (2014), Annual Report on Migration 2013 (Jaarverslag Migratie 2013/Rapport annuel Migration 2013), www.diversiteit.be/sites/default/files/documents/publication/jvs_cnr_2013_migratie_nl_web.pdf, p. 209-210.

¹⁷⁰ Belgium, [Law amending the law on the right of volunteers what concerns the accessibility of voluntary work for non-nationals](#) (Wet tot wijziging van de wet van 3 juli 2005 betreffende de rechten van vrijwilligers wat het toegankelijk maken van vrijwilligerswerk voor vreemdelingen betreft/Loi modifiant la loi du 3 juillet 2005 relative aux droits des volontaires en vue de rendre le volontariat accessible aux étrangers), 22 May 2014.

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| | <p>genuine links or bond to the society or the country, schooling period or other 'socialization' requirements. -Path to citizenship for foreign born third country nationals (the so-called '1st generation')</p> <p>Please provide information about the specific requirements and criteria for citizenship acquisition, if any, that relate to the applicants active participation in society, genuine links or bond to the society or the country, schooling period or other 'socialization' requirements. -Path to citizenship for country-born (so-called '2nd generation') and country-grown migrant children (so-called '1,5 generation')</p> | <p>On 1 January 2013 the <u>new Belgian Nationality Code</u> of 4 December 2012 entered into force.¹⁷¹</p> <p>After the reform, <u>adult foreigners</u> (in general) acquire the Belgian nationality using one of the following procedures (BE NCP-EMN, 2012, pp. 18-19)¹⁷² (BE NCP-EMN, 2014, p.27)¹⁷³</p> <ul style="list-style-type: none"> • A procedure for a non-national who is <u>born in Belgium</u>, has been <u>living in Belgium ever since</u> and has unlimited residence permit in Belgium (no integration requirements); • A <u>short track for citizenship acquisition</u> after <u>5 years</u> of legal residence: the foreigner has a residence permit of unlimited duration; needs to prove '<u>knowledge of one of the languages of the country</u>' (Dutch, French or German); show evidence of his/her '<u>civic integration</u>', and also of his/her '<u>economic participation</u>' (exceptions for spouses of a Belgian, for parents of a Belgian foreign child, for handicapped or retired (persons over 65 years old), ...); • A <u>long track for citizenship acquisition</u> after <u>10 years</u> of residence: the non-national has a residence permit of unlimited duration; needs to prove '<u>knowledge of one of the languages of the country</u>' (Dutch, French or German), and also his/her '<u>participation to the life of the host community</u>' (not necessary to prove '<u>civic integration</u>' and '<u>economic participation</u>'); • The <u>procedure of naturalisation</u> (by a special commission of the Belgian Chamber of Representatives) became an exceptional procedure for people that made exceptional achievements for Belgium. This procedure is only open for foreigners with unlimited permit of residence who cannot acquire citizenship through any other procedure and who can prove exceptional achievements in science, sports, culture, etc. or who are recognised stateless persons (Expertise Centre KMI, 2014 (a)).¹⁷⁴ <p>For more detailed descriptions of the current citizenship regime, cfr. Foblets et al.¹⁷⁵, 2013 and cfr. Wautelet¹⁷⁶, 2013.</p> <p><u>'Civic integration'</u> requirements in the short track for citizenship acquisition are considered met (general rule, art. 12bis, §1, 2° of the Belgian Nationality Code) when one can show one of the</p> |
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¹⁷¹ Belgium, Law modifying the Belgian Nationality Code to make the acquisition of Belgian nationality neutral from an immigration point of view (*Wet tot wijziging van het Wetboek van de Belgische nationaliteit teneinde het verkrijgen van de Belgische nationaliteit migratieneutraal te maken/Loi modifiant le Code de la nationalité belge afin de rendre l'acquisition de la nationalité belge neutre du point de vue de l'immigration*), 4 December 2012

¹⁷² Belgian National Contact Point for EMN (BE NCP-EMN)(September 2012), *The Organisation of Asylum and Migration Policies in Belgium*. Brussels. available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/migration-policies/the_organisation_of_asylum_and_migration_policies_in_belgium_nov2012_final_report_belgian_emn_ncp.pdf

¹⁷³ Belgian National Contact Point for EMN (BE NCP-EMN)(2014), *Annual Report on Asylum and Migration Policy in Belgium 2013*. Brussels. available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/annual-policy/2013/02a.belgium_apr2013_part2_en_version_final_july2014.pdf

¹⁷⁴ Kruispunt Migratie-Integratie (2014), *Procedures om Belg te worden* (Procedures to become a Belgian).

¹⁷⁵ Foblets, M., Yanasmayan, Z. & Wautelet, P. (2013), *Country Report: Belgium*. EUDO Citizenship Observatory, available at: <http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=2013-27-Belgium.pdf>

¹⁷⁶ Wautelet, P. (February 2013), *Naturalisation Procedures for Immigrants Belgium*. EUDO Citizenship Observatory, available at: <http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=16-Belgium.pdf>

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| | <p>following: a diploma or certificate of at least higher secondary education in one of the languages of the country; proof of having followed a vocational training of minimum 400 hours; proof of having worked as employee or self-employed person uninterruptedly for the last 5 years; or proof of having followed a civic integration course (Expertise Centre KMI, 2014).¹⁷⁷ Civic integration courses for immigrants are now organised in all the regions, according to the respective decrees in the Flemish Community (Civic Integration Decree of 2003 and new Decree on Integration and Civic Integration of 2013) Wallonia (Integration Decree of 2014) and Brussels Capital Region (Civic Integration Decree of 2003 & Decree on Integration and Civic Integration of 2013 for the Dutch-speaking community in Brussels, and Reception Decree of 2013 for the French-speaking community in Brussels).</p> <p>In addition, in this short track procedure, the foreigner has to <u>prove 'Economic participation'</u>, which is considered met when one has worked as employee or statutory appointed public official at least an equivalent of 22 months (486 days) during the past five years or has worked as self-employed at least six quarters of a year (and paid social contributions accordingly) during the past five years (Federal Migration Centre, April 2014, p. 16).¹⁷⁸ For clarification purposes, we point out that proof of work as employee/self-employed can serve to meet either only the 'economic participation requirement' or both the 'economic participation requirement' and the 'civic integration requirement', depending on the number of months that one has worked. In any case one has to reach the minimum threshold for economic participation to apply for nationality after five years, i.e. having worked for 22 months or 6 x 3 months. However if one has worked uninterruptedly for 5 years, this is valued as proof of civic integration as well, and one no longer needs to put forward a diploma or proof of vocational training or of a civic integration course.</p> <p><u>'Participation to the life of the host community'</u> requirements in the <u>long track for citizenship acquisition</u> are considered met (general rule, art. 12bis, §1, 5° of the Belgian Nationality Code) when one can show one of the following: a diploma acquired in Belgium; proof of enrolment in a Belgian school; having followed a civic integration course; proof of participation in associations or societies; proof of work; or other proof of participation in the community (Expertise Centre KMI, 2014).</p> <p>The <u>criterion of 'knowledge of one of the languages of the country'</u> (a condition in both the short and the long track for citizenship acquisition) is set at knowledge of Dutch, French or German at A2-level. This condition is considered met by: proof of having followed a civic integration course or a vocational course; proof of having worked for 5 years uninterruptedly; a Belgian diploma of at least higher secondary level in one of these languages; a certificate of</p> |
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¹⁷⁷ Kruispunt Migratie-Integratie (2014), *Maatschappelijke integratie in het kader van een nationaliteits-procedure* (Civic integration in the framework of a nationality procedure) [available](#) at: www.kruispuntmi.be/thema/vreemdelingenrecht-internationaal-privaatrecht/nationaliteit/belangrijke-begrippen-nationaliteit/maatschappelijke-integratie-in-het-kader-van-een-nationaliteitsprocedure

¹⁷⁸ Federal Migration Centre (Federaal Migratiecentrum) (April 2014), *Becoming Belgian (Belg Worden)* [available](#) at: www.diversiteit.be/sites/default/files/documents/publication/brochure_nationaliteit_def_nl_web.pdf

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| | | <p>Selor (government recruitment office); or a certificate by a public employment service (Actiris, Bruxelles Formation, Forem, VDAB of Arbeitsamt)(Federal Migration Centre, April 2014, p. 17).</p> <p>For <u>non-national children</u>, there are several procedures in which Belgian citizenship is 'automatically awarded' or 'awarded after declaration or parents' without conditions such as for adult applicants (necessary bureaucratic formalities). A large number of procedures can be distinguished, which are only open to applicants who are under the age of 18 (Expertise Centre KMI, 2014).</p> <ul style="list-style-type: none"> • Belgian citizenship at birth (when parents are unknown or when parent is Belgian or when parent is a foreigner born in Belgium who lived for at least 5 years of the preceding 10 years in Belgium) (~i.e. child is third generation); • Belgian citizenship when one of the parents becomes a Belgian; • Belgian citizenship after declaration of parents (before child turns 5) if the child is born abroad and has a Belgian parent who is also born abroad; • Belgian citizenship after declaration of parents (before child turns 12) if the child is born in Belgium and has lived in Belgium since birth, and has no Belgian parents/ parents born in Belgium, but parents have unlimited long-term residence (after minimum 10 years) in Belgium (~i.e. child is second generation); • Belgian citizenship at adoption; • Belgian citizenship to avoid statelessness. <p>For more detailed information on the specific criteria for citizenship acquisition for each possible scenario of a foreign adult or minor, cfr. the brochure 'Becoming Belgian' of the Federal Migration Centre for more detailed information (Federal Migration Centre, April 2014).</p> |
| | <p>Debates, issues and challenges concerning the implementation of citizenship policies</p> | <p>Political discussions on citizenship acquisition preceded the reform of the Nationality Code in 2012. The changes were considered as too harsh for some stakeholders while not strict enough for others. Opponents of the new law claim that it may potentially harm vulnerable persons who may not be able to prove their economic participation to the host community, that new requirements in conjunction with the length of stay appear too demanding. Such reactions were disseminated through awareness campaigns.¹⁷⁹ Those who welcomed the tightening of conditions considered the previous law to be too flexible (the Act of 2000 did not stipulate the need to prove that the applicant was 'integrated'). Such proponents of the tightening of conditions believe that the new law is likely to encourage foreigners to integrate (BE NCP-EMN, 2014, p.27-28)(Wautelet, 2013, p. 1).</p> <p>An analysis of obstacles and opportunities of the new Nationality Code by the Migration Policy Group (MPG) states that: "<i>The path to citizenship would be clearer and quicker, but only for the immigrants who could meet the new language, social, and economic requirements.[...] these requirements can be disproportionate barriers for certain types of people, such as the</i></p> |

¹⁷⁹ For example, see the flyer from Objectief - Beweging voor geluke rechten/ Mouvement pour l'égalité des droits. [available](http://www.allrights.be/sites/www.allrights.be/files/Affiche_Objectief_nov2011FR.pdf) at: www.allrights.be/sites/www.allrights.be/files/Affiche_Objectief_nov2011FR.pdf

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| | | <p><i>elderly, the lower-educated, refugees, other vulnerable groups, and, to a certain extent, women. [...] the new law's integration requirements will only encourage immigrants to succeed if all foreigners can take free and professional courses and language assessments [...] the job requirement may be the major obstacle [...] [the alternative] 10 years is rare across Europe and the maximum allowed under the relevant Council of Europe Convention."</i> (Huddleston, 2012).¹⁸⁰</p> <p>The Expertise Centre KMI also analysed the new Nationality Bill and indicates a number of hurdles (KMI, response to info request, 2015). One of the stated problems is that some requirements are formulated in an unspecific manner, for example 'having followed a civic integration course', which is unspecific on exactly which kind of course or part of integration programme is necessary, and leaves 'having followed' open for interpretation (how many lessons must one be present ?, should one pass tests and at what level?, etc.). Moreover, the list of potential proof to meet the language requirement is limitative and excludes other potential valid ways to proof knowledge of language (KMI, response to info request, 2015).</p> |
| | <p>Key developments and trends – case law (please use the template in the Annex 9 to provide information about the cases – here only a simple reference to the case name is required) or new provisions and reforms.</p> | <p>Belgian legislation regarding citizenship favours <i>ius sanguinis</i> as the criterion for attributing nationality by virtue of parentage, but also allows in a large measure acquisition of Belgian citizenship based on birth in Belgium, i.e. <i>ius soli</i>. The Code, secondly, makes it possible for non-nationals residing in Belgium to obtain citizenship, recognizing that they should have access to all rights deriving from citizenship. It therefore provides, among other things, for different modes for the acquisition of citizenship based on residence (Foblets et al, 2013, p. 1).</p> <p>On 4 December 2012, a new law modifying the Belgian Nationality Code tightened the conditions for acquiring the Belgian nationality. While the former law of 2000 considered the acquisition of the Belgian nationality as a step in the process of integration, the new law reverses the approach, determining <u>integration requirements as a condition in the citizenship acquisition procedure</u> (BE NCP-EMN, 2014, p. 27). The reform aimed at making the legislation more neutral from and immigrant point of view (less discretion for the authorities) and introduced language and integration requirements, taking into consideration the economic participation of the applicant.</p> <p>The <u>minimum terms of legal residence were prolonged</u> (previously a naturalisation track after 3 years and citizenship declaration after 7 years, now naturalisation is exceptional and citizenship acquisition is possible after 5 or 10 years of legal residence).</p> <p>Furthermore, <u>naturalisations</u> granted by the naturalisation commission of the House of Representatives were made exceptional and restricted to persons who have shown or could show "<u>exceptional merits</u>" (BE NCP-EMN, 2014, p. 27). For detailed info on current naturalisation procedures and barriers to this</p> |

¹⁸⁰ Huddleston, T. (20 July 2011), *New Belgian Nationality Law: still something to celebrate?*, Migration Policy Group. [available](http://www.mipex.eu/blog/new-belgian-nationality-law-still-something-to-celebrate) at: www.mipex.eu/blog/new-belgian-nationality-law-still-something-to-celebrate

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| | | <p>procedure - such as lack of promotion, inconsistency of information -, see Wautelet, 2013.</p> |
| | <p>Please indicate key and/or milestone dates – e.g. of major reforms - regarding citizenship acquisition for migrants and/or their descendants.</p> | <p><u>1984: (Act of 28 June 1984): Adoption of the Code of Belgian Nationality:</u> made it possible for foreigners to obtain Belgian nationality after 5 years of residence in Belgium. This was a first step towards full citizenship, which naturalised foreigners could apply for after having been granted the status of naturalised Belgian citizen. The Chamber of Representatives examined for every application closely the extent to which the foreigner had showed intention to 'integrate' (Wautelet, 2013, p. 1).</p> <p><u>2000 (Act of 1 March 2000): Major reform of the Code of Belgian Nationality:</u> brought the minimum residence requirement to qualify for naturalisation down to 3 years (2 years for refugees and stateless persons). At the same time, this act dispensed with any need to prove that the applicant was 'integrated' (Wautelet, 2013, p. 1).</p> <p><u>2012 (Act of 4 December 2012): Major reform of the Code of Belgian Nationality:</u> determining integration-requirements as a condition in citizenship acquisition procedures, which are now organised in a 5 year track or a 10 year track. Naturalisation granted by the naturalisation commission of the House of Representatives - the other option to acquire nationality apart from the 5 or 10 year tracks of citizenship acquisition - were made exceptional and restricted to persons who have shown or could show 'exceptional merits' (BE NCP-EMN, 2014, p. 27).</p> |
| | <p>Naturalisation rate - % of migrants that have been naturalized compared to migrant stock and to general population – listing the most numerous groups on the basis of their previous nationality, by gender and age-group if available. <u>Please provide the latest available data.</u> The most recent data provided by Eurostat concern the year 2012.</p> | |
| | <p>Numbers of naturalisations and citizenship acquisitions in the last 2 years (in 2013 and in 2014) by mode of acquisition, by gender and age-group if available, and for the 10 most numerous groups on the basis of their previous nationality <i>Please provide the latest available statistics - (please use the relevant table in the Annex 6)</i></p> | |
| <p>3.1.2. National elections voting rights - turnout</p> | | |
| | <p>Third county nationals are allowed in exceptional cases to vote in national elections. In this</p> | <p>Third county nationals are not allowed to vote in national elections, where voting rights are strictly linked to nationality. Only Belgian citizens are allowed to vote, including Belgian citizens of any origin. There are no specific requirements for Belgian citizens with migrant background. The same requirements are applicable to any Belgian</p> |

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| | <p>section please provide the specific requirements and criteria for participation of citizens of migrant background (and third country nationals in the very few cases where this is foreseen) in national elections, as well as any available data on their voting turnout. Please specify any differences in different geographic areas or by type of national level voting circumstances (e.g. parliament, referendum, president of the republic etc.). In addition to official data and also if such data are not available, make reference to any relevant quantitative or qualitative academic research concerning the exercise of the right to vote and related drivers and barriers.</p> | <p>voter, regardless of their origin. These requirements are 1° having the Belgian nationality; 2° being 18 years of age or older; 3° being registered in the population register of a Belgian municipality or being registered in the population registers maintained by diplomatic or consular posts; 4° not being in one of the situations of exclusion or suspension as determined by law (Federal Public Service of the Interior, response to info request, 2015).</p> <p>The Belgian Federal Public Service of the Interior reports that there is no data available specifically on voting turnout of Belgians of migrant background (Federal Public Service of the Interior, response to info request, 2015). The authorities can only report the turnout number for the entire population with the right to vote, which was 89.68% in the last national elections of May 2014.¹⁸¹ The elevated level of turnout can be explained by the mandatory character of voting in elections in Belgium. Voter turnout numbers are available per constituency and district, but it is impossible to distinguish voters by Belgian or foreign origin, since the voter turnout number is merely calculated by counting cast ballots. Since voting is secret, ballots cannot be retraced to voters.</p> <p>In the academic field, a large number of studies has been conducted on political participation of persons of migrant background, by the Faculty of Social Sciences (FSS) of the University of Leuven, the Group for research on Ethnic Relations, Migration and Equality (GERME) of the University of Brussels (GERME) and the Centre of Ethnicity and Migration Studies (CEDEM) of the University of Liège, among many other research entities. However, most of this research turns out to have regard to regional or local elections (cfr. References to publications on political participation in section 3.2). The research project Ethnic Social Capital ("Ethnic social capital and its impact on generalised trust and political participation among ethnic minority groups") of the University of Brussels is relevant.</p> |
| | <p>Please indicate any programmes or information campaigns aiming at informing citizens of migrant background about their political rights and encouraging the exercise of the right to vote.</p> | <p>In Belgium voting in elections is mandatory by law, all Belgian citizens are called to vote in election by official letter (which one needs to bring along to cast the vote at election day). The Belgian Federal Public Service of the Interior reports that therefore, there are no special programmes or campaigns aimed at informing citizens of migrant background about their political rights and encouraging the exercise of the right to vote (Federal Public Service of the Interior, response to info request, 2015).</p> |
| <h3>3.1.3.National level election – representation</h3> | | |
| | <p>The number of candidates with migrant background</p> | <p>All candidate lists are publically available on the website of the General Direction on Elections, of the Federal Public Service of the Interior. All candidates in national elections must have the Belgian</p> |

¹⁸¹ Belgium, Federal Public Service of the Interior (Service public federal Intérieur) (2014), *Elections 2014*, available at: http://verkiezingen2014.belgium.be/nl/cha/results/results_graph_CKR00000.html

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| | <p>(where available, specify own or parent's country of birth) at the latest national level elections (specify date)</p> | <p>nationality. Third Country Nationals are excluded, whereas Belgians with a migrant background can be a candidate. However, the Federal Public Service of the Interior reports that it has no data on the background of the candidates (Federal Public Service of the Interior, response to info request, 2015).</p> <p>Within the time frame for information collection of this report, no research findings were found for the latest national level elections. However, some outdated research findings can indicate general trends. According to research by Lambert (Lambert, 2003, p. 69)¹⁸², the first candidates of non-European origin on national electoral lists in Belgium appeared in 1991, on lists of leftist parties (green and socialist parties). Since then, the number of candidates (as well as elected) of foreign origin in national elections has been rising, states Lambert who reports in 2003 on numbers of candidates of Moroccan, Turkish and Subsaharian African origin for the Senate and the Chamber of Representatives (for a few selected voting constituencies) for the 2003 national elections (Lambert, 2003, p. 69-73; 91-93)¹⁸³. Although these research findings are outdated and do not cover all constituencies, they indicate that by 2003 almost all of the ten major political parties (except for the extreme rightist party and the Flemish nationalist party in Flanders) included some candidates of foreign origin on their lists, among which candidates of Moroccan origin were most numerous, followed by candidates of Turkish origin. This is representative for the ethnic composition of foreign origin residents in Belgium. However, also in line with the geographic distribution of foreign origin residents in the country, the inclusion of candidates of foreign origin on lists of the 2003 national elections was highest in the constituency of Brussels, in comparison to constituencies in Flanders and Wallonia (Lambert, 2003, p. 71).</p> |
| | <p>The number of <u>elected representatives</u> with migrant background at national level (e.g. parliament, senate)</p> | <p>Lists of representatives are publically available on the website of the General Direction on Elections, of the Federal Public Service of the Interior. All representatives in national assemblies must have the Belgian nationality. Third Country Nationals are excluded, whereas Belgians with a migrant background can be a representative. However, the Federal Public Service of the Interior reports that it has no data on the background of the representatives (Federal Public Service of the Interior, response to info request, 2015).</p> <p>According to research by Lambert (Lambert, 2003, p. 69)¹⁸⁴, the 1999 elections marked the entry of the first elected representatives of foreign origin at national level (two in the Chamber of Representatives, four in the Senate), after which the number has been rising. In a publication of 2003 on the electoral results, Lambert states that "<i>the elections of 2003 will occupy without doubt an important place in the chronology of the diversification of</i></p> |

¹⁸² Lambert, P. (2003) '[Candidats et élus d'origine non-européenne aux élections fédérales de 2003](#)' [English translation: Non-European candidates and elected representatives in Federal elections of 2003] in Blaise, P. & Coorebyter, V. (eds.) *Les résultats des élections fédérales du 18 mai 2003*, Courrier hebdomadaire (CRISP), pp.69-73 et 91-93.

¹⁸³ Lambert, P. (2003) '[Candidats et élus d'origine non-européenne aux élections fédérales de 2003](#)' [English translation: Non-European candidates and elected representatives in Federal elections of 2003] in Blaise, P. & Coorebyter, V. (eds.) *Les résultats des élections fédérales du 18 mai 2003*, Courrier hebdomadaire (CRISP), pp.69-73 et 91-93.

¹⁸⁴ Lambert, P. (2003) '[Candidats et élus d'origine non-européenne aux élections fédérales de 2003](#)' [English translation: Non-European candidates and elected representatives in Federal elections of 2003] in Blaise, P. & Coorebyter, V. (eds.) *Les résultats des élections fédérales du 18 mai 2003*, Courrier hebdomadaire (CRISP), pp.69-73 et 91-93.

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| | | <i>the elected assemblies in Belgium</i> ” (Lambert, 2003, p. 73). Research findings for the last national elections could not be retrieved within the time frame for data collection of this study. |
| | Those appointed to public office (e.g. ministers, secretaries of state, etc.) by end of 2014. | Lists of appointed officials are publically available on the website of the General Direction on Elections, of the Federal Public Service of the Interior . All officials appointed to public office on a national level must have the Belgian nationality. Third Country Nationals are excluded, whereas Belgians with a migrant background can be appointed. However, the Federal Public Service of the Interior reports that it has no data on the background of the appointed officials (Federal Public Service of the Interior, response to info request, 2015). |

3.2. Political rights at regional/local level

3.2.1. Regional/Local elections voting rights – turnout

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| | | Third Country Nationals (TCN) do not have voting rights in regional or provincial elections. TCN do however have municipal voting rights since 2004 with the Law to grant voting rights to foreigners in municipal elections of March 19 th 2004, implemented in 2006. ¹⁸⁵ TCN are however only allowed to vote, they cannot be elected. TCNs cannot partake in any other type of election apart from the municipal election. Belgians of migrant background on the other hand do enjoy the same automatic voting rights as any other Belgian citizen, and is in fact obliged to vote (voting is mandatory in Belgium). |
| | Specify what regional/local voting rights are given to third country nationals and any different entitlements according to residence status, permit type or length of stay etc | <p>There are some extra conditions for TCN to exercise the right to vote in local elections (Van Caudenberg et al., 2015)¹⁸⁶(Lafleur, 2013)¹⁸⁷, in addition to the general voting regulations (restrictions based on age, mental disability and prisoner sentences):</p> <ul style="list-style-type: none"> - they have resided legally in Belgium for at least five years without interruption before the election; - they need to register themselves if they want to vote contrary to Belgian citizens who are registered automatically (once TCNs are registered to vote, the principle of mandatory voting that exists in Belgium applies to them as well); - they need to hand in a formal declaration, by which the person swears to respect the country’s laws, its Constitution and the European Convention on Human Rights, together with the voter registration form. <p>Once registered as voters and included in the electoral roll, these TCN are however automatically re-registered for subsequent local elections. In addition to local elections, TCN are also invited to take part in local non-binding referenda (which are extremely infrequent in Belgium), as long as they are 16 years old or older, and if they are registered in the population registers (which is the case for any legal inhabitant of Belgium). Contrarily to local elections, TCN are</p> |

¹⁸⁵ Belgium, [Law aiming at providing the right to vote to municipal elections to foreigners](#) (*Wet tot toekenning van het actief kiesrecht bij de gemeenteraadsverkiezingen aan vreemdelingen* /Loi visant à octroyer le droit de vote aux élections communales à des étrangers), 19 March 2004.

¹⁸⁶ Van Caudenberg (2015), *Second national report for ASSESS*. Currently in draft.

¹⁸⁷ Lafleur, J.M. (2013), *Access to Electoral Rights – Belgium*, San Domenico di Fiesole (FI): EUDO Citizenship Observatory, p.5

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| | automatically registered as eligible voters for referenda and voting is not mandatory. |
| Key and/or milestone dates regarding the voting and/or election rights for migrants and/or their descendants at regional/local level | After political debate the <i>Law to grant voting rights to foreigners in municipal elections</i> was approved in 2004 and implemented in 2006. ¹⁸⁸ Since then, Third Country Nationals are allowed to vote in municipal elections if they fulfil the necessary requirements and have registered as voters. |
| Please indicate any programmes or information campaigns aiming at informing citizens of migrant background about their political rights and encouraging the exercise of the right to vote. | <p>Little information could be found on concrete policy measures to encourage voting participation of TCN or Belgian citizens of migrant background. According to a response to information requests, there can be some facilities to help 'vulnerable population' (including foreign origin Belgians among others) cast their vote. A given example is the accompaniment in the voting booth and electoral instructions are written in a clear and comprehensible language for voters who do not understand perfectly the national language in which the respective election is held (Public Service Wallonia, DGO Pouvoirs Locaux, response to info request, 2015).</p> <p>Also, an academic evaluation of campaigns to raise awareness on voting rights for foreigners in the Walloon Region was conducted after the municipal elections of October 2006 (Zibouh, 2011 (b)).¹⁸⁹ In this publication a number of different tools to inform TCN and raise awareness on their voting rights are listed, including affiches, leaflets, stickers, tv commercials, DVD's etc. According to this research, the awareness raising campaigns have had an undeniable positive effect on the level of registration of TCN to vote, as the highest registration levels can be observed in Wallonia (cfr. statistics below), where considerable efforts were made to mobilize and raise awareness among TCN.</p> <p>Civil society organisations or migrant organisations sometimes develop ad-hoc initiatives during election time; e.g. activities to raise awareness on the issue of municipal elections to talk about what the municipality stands for, what it implicates for them (Van Caudenberg, 2015). One of the political parties (Groen) also reported on specific targeted measures in the form of information campaigns: the campaign 'How to Vote' in French, English, Turkish and other languages, and the online campaign in the run-up to the 2012 municipal elections in 8 languages to motivate TCN potential voters to register as voter (Groen, response to info request, 2015).</p> |
| In addition to official data and also if such data are not available, make reference to any relevant quantitative or qualitative academic research concerning the | <p>The response to this question on data on the exercise of the right to vote, i.e. voter turnout, needs to be distinguished by a) a difference between TCN and Belgians with migrant background, and b) the level of elections. The last local (municipal) elections took place in 2012. The last regional elections took place in 2014.</p> <p>Belgians with a migrant background have a right to vote (actually the duty to vote) in all elections just as any other Belgians. However, for none of the elections (municipal in 2012 or regional in 2014) official data exists on the background of the voters (Public</p> |

¹⁸⁸ Belgium, [Law to grant voting rights to foreigners in municipal elections](#), 19 March 2004.

¹⁸⁹ Zibouh, F.(2011 (b)), [Evaluation de la campagne de sensibilisation au droit de vote des étrangers en Région wallonne](#) [English translation : Evaluation of the sensibilisation campaign on the right to vote of foreigners in the Walloon Region]. Liège : Université de Liège, CEDEM.

exercise of the right to vote and related drivers and barriers.

Service Wallonia, DGO Pouvoirs Locaux, response to info request, 2015). The authorities can only report the turnout number for the entire population, which is quite high (on average around 90%) because voting is mandatory in Belgium, for any Belgian citizen. In official data, it is impossible to distinguish voters by Belgian or foreign origin, since the voter turnout number is calculated by counting cast ballots (which are anonymous).

Third Country Nationals are not allowed to vote in regional elections, but are only allowed to vote in municipal elections on the condition that they are registered. No systematic information is collected on TCN voter turnout (ballot casting) in the municipal elections. However, the [Federal Public Service \(FPS\) of the Interior \(General Direction for Institutions and Population\)](#) keeps a list of all the TCNs who registered to vote for the municipal elections of 2012 and 2006 and calculated the share of registered TCN voters among all potential TCN voters. This can be considered a good proxy for the actual voter turnout, as voting is mandatory once a TCN has registered to vote (in line with the mandatory character of the general voting system in Belgium)(Van Caudenberg et al., 2015). According to this data 14 % of the potential TCN voters (i.e. TCN resident in Belgium for more than 5 years) registered to vote in the municipal elections of the last municipal elections (2012). There is disparity among the regions, with a higher turnout observed in Wallonia and Brussels and a lower turnout in Flanders. Compared to the municipal elections in 2006 (the first municipal election in which TCN could vote) the share of registered voters has dropped (Van Caudenberg et al., 2015). These figures are also published in the Flemish Migration and Integration Monitor, by major groups of origin.¹⁹⁰

| TCN registered voters as percentage of total potential TCN voters | | |
|---|-----------------------------|-----------------------------|
| | local elections 2006 | local elections 2012 |
| Flanders | 12.6 % | 10.1% |
| Brussels Capital Region | 15.7% | 15.5% |
| Wallonia | 21.3% | 19.3% |
| Belgium | 15.7% | 14% |

Table from Van Caudenberg et al., (2015) ASSESS second annual report. In draft.

[Data Source: Federal Public Service of the Interior]

In addition, we refer to a number of academic publications (published in the reference period of 2014-2015) on political participation of persons of migrant background, which needs further scrutiny to find data on voting behaviour and related drivers and barriers for persons of migrant background:

¹⁹⁰ Van Duynslager, L. , Wets, J. Noppe, J. & Doyen, G. (2013), [Vlaamse Migratie- en Integratiemonitor](#) (Flemish Migration and Integration Monitor)

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| | <p>Apart from official data, extensive research has been carried out on political participation of TCN or of Belgians of foreign origin in Belgium.</p> <p>A general overview of the most relevant academic literature on this topic is given by Zibouh (Zibouh, 2011 (a))¹⁹¹: “<i>The academic literature in the area of the political participation of people of foreign origin in Belgium began in the 1990s. By focusing on the relationship between ethnic group and political authority, Martiniello (1992)</i>¹⁹² was among the first in Belgium to question the role played by political stakeholders in the integration of ethnic communities. Work regarding political participation in Belgium was then carried out by taking into consideration foreign origin in general (Martiniello, 1998)¹⁹³; (Lambert, 1999)¹⁹⁴; (Réa, 2002)¹⁹⁵; (Jacobs, Martiniello, Réa, 2002)¹⁹⁶; (Jacobs, Bousetta, Réa, Martiniello, Swyngedouw, 2006)¹⁹⁷; (Réa, Jacobs, Teney, Delwit, 2010)¹⁹⁸.” This list of authors can be considered as the primary scholars in Belgium on this research topic.</p> <p>From these references (cfr. titles in footnote), it is clear that a large part of existing research on political participation of foreigners or persons of foreign origin in Belgium has regard to regional or local level elections, with Brussels being the most covered region. This makes sense, as Brussels is the Region with the highest share of residents of foreign origin in the country (estimations go from 40% to more than half of the population in Brussels Region being of foreign descent).</p> <p>With regard to Brussels, researchers agree that immigrants of non-EU origin have acquired ‘<i>considerable political clout</i>’, in comparison to newcomers of EU origin who are ‘<i>almost invisible in local politics in Brussels</i>’ (Teney, Jacobs, Rea & Delwit, 2010, p274).¹⁹⁹ With regard to voting turnout, a study by Swyngedouw, Fleichman, Phalet & Baysu on political participation of Belgians of Turkish and Moroccan origin (in the report referred to as the second generation) based on a large scale survey, states that there are no significant differences in voting turnout by groups Belgian citizens of different ethnic origin in the 2006 municipal elections</p> |
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¹⁹¹ Zibouh, F. (2011(a)), ‘[The Political Representation of Muslims in Brussels](#)’, *Brussels Studies*, N°55 (online journal).

¹⁹² Martiniello, M. (1992). *Leadership et pouvoir dans les communautés d’origine immigrée*, Paris, L’Harmattan, 1992

¹⁹³ Martiniello, M. (1998). ‘Les élus d’origine étrangère à Bruxelles: une nouvelle étape de la participation politique des populations d’origine immigrée’, in *Revue Européenne des Migrations Internationales*, vol.14 (2), 1998, pp.123-149

¹⁹⁴ Lambert, P.-Y. (1999). *La participation politique des allochtones en Belgique*, Louvain-La-Neuve, Academia-Bruylant

¹⁹⁵ Rea, A. (2002). *La représentation politique des Belges d’origine étrangère aux élections communales de 2000 : le cas de Bruxelles*, Les Cahiers du CEVIPOL.

¹⁹⁶ Jacobs, D., Martiniello, M. & Rea, A. (2002). ‘Changing Patterns of Political Participation of Citizens of Immigrant Origin in the Brussels Capital Region : The October 2000 Elections’, in *Journal of International Migration and Integration*, vol. 3 (2), 2002, pp. 201-240.

¹⁹⁷ Jacobs, D., Bousetta, H. Rea, A., Martiniello, M. & Swyngedouw, M. (2006) *Qui sont les candidats aux élections bruxelloises ? Le profil des candidats à l’élection au parlement de la Région de Bruxelles-Capitale du 13 juin 2004*, Louvain-La-Neuve, Academia Bruylant

¹⁹⁸ Rea, A., Jacobs, D., Teney, C. & Delwit, P. (2010). ‘Les comportements électoraux des minorités ethniques à Bruxelles’, in *Revue Française de Science Politique*, vol.60 (4) August 2010, pp.691-718.

¹⁹⁹ Teney, C. Jacobs, D. Rea, A. & Delwit, P. (2010), ‘[Ethnic voting in Brussels: Voting patterns among ethnic minorities in Brussels \(Belgium\) during the 2006 local elections](#)’, *Acta Politica*, 45 (3): 273-297.

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| | <p>(Swyngedouw et al., 2010, p. 10)²⁰⁰. This makes sense given the mandatory character of voting in Belgium, at least for Belgian citizens. TCN on the other hand have the freedom to vote (after registration), yet only in local elections. In a publication by Jacobs & Thys, an interesting table shows the registration rate of TCN in the Brussels region, divided by nationality. Of the three largest TCN nationality groups in Brussels (Moroccan, Turkish and Congolese), apparently the Congolese TCN showed the highest registration rate (28,9% of the potential voters). Only 15% of the potential Turkish TCN voters in Brussels registered to vote for the 2006 local elections, and for the Moroccan TCN in Brussels, the registration rate was as low as 10,7%. (Jacobs & Thys, 2009)²⁰¹.</p> <p>Also, studies (based on exit polls) were undertaken to measure the voting behaviour and political preference (party preference) of certain groups of foreign origin residents in certain municipalities of the Brussels Region (Teney, Jacobs, Rea & Delwit, 2010)²⁰² (Jacobs & Teney, 2010, p. 96-97)²⁰³ (Rea, Jacobs, Teney & Delwit)²⁰⁴ (Swyngedouw et al., 2010, p. 10)²⁰⁵. In these articles, the researchers go into research questions such as whether non-EU immigrant origin voters have a particular party preference which cannot be explained by other background variables such as educational level or socio-economic position, and they look into the issue of preferential voting for candidates of immigrant origin. The articles also go into the phenomenon of 'ethnic voting' (e.g. voters of Moroccan origin voting for candidates of Moroccan origin) and 'symbolic voting' (native or foreign voters voting symbolically for more diversity), based on exit polls after the municipal elections in Brussels in 2006. In these research findings, the profile of voters who vote for a foreign origin candidate is analysed (by variables such as origin, gender, age, political preference, education level, associational activities, values and religious beliefs, etc. of the voters), as well as the voting behavior of foreign origin voters (in terms of party preference) (Jacobs & Teney, 2010, p. 96-97)²⁰⁶. The researchers prove – at least for local and regional elections in the Brussels region – the existence of the so-called 'ethnic vote', in the sense of specific voting behaviour of voters of foreign origin,</p> |
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²⁰⁰ Swyngedouw, M., Fleischmann, F., Phalet, K. & Baysu, G. (2010), [Politieke participatie van Turkse en Marokkaanse Belgen in Antwerpen en Brussel: Resultaten van het TIES onderzoek](#). Rapport voor de Stad Antwerpen [English translation: Political participation of Turkish and Moroccan Belgians in Antwerp and Brussels. Results of the THIES research. Report for the City of Antwerp.]. Leuven: University of Leuven

²⁰¹ Jacobs, D. & Thys, R. (2009), 'Netwerken van Marokkaanse en Turkse verenigingen en politieke integratie van migranten in Brussel' [English translation: Networks of Moroccan and Turkish associations and the political integration of immigrants in Brussels], pp.111-140 in Mertens, S. (ed.) *Burgerschap & democratie in een veranderende wereld*. [English translation: Citizenship and democracy in a changing world]. Gent: Academia Press.

²⁰² Teney, C. Jacobs, D. Rea, A. & Delwit, P. (2010), '[Ethnic voting in Brussels: Voting patterns among ethnic minorities in Brussels \(Belgium\) during the 2006 local elections](#)', *Acta Politica*, 45 (3): 273-297.

²⁰³ Jacobs, D. & Teney, C. (2010), 'De allochtone stem te Brussel' [English translation: The foreigner's voice in Brussels], pp.89-112 in Celis, K., Meier, P. & Wauters, B. (eds.) *Gezien, gehoord, vertegenwoordigd? Diversiteit in de Belgische Politiek*. [English translation: Seen, heard and represented? Diversity in Brussels' politics]. Gent: Academia Press.

²⁰⁴ Rea, A., Jacobs, D., Teney, C. & Delwit, P. (2010). '*Les comportements électoraux des minorités ethniques à Bruxelles*', in *Revue Française de Science Politique*, vol.60 (4) August 2010, pp.691-718.

²⁰⁵ Swyngedouw, M., Fleischmann, F., Phalet, K. & Baysu, G. (2010), [Politieke participatie van Turkse en Marokkaanse Belgen in Antwerpen en Brussel: Resultaten van het TIES onderzoek](#). Rapport voor de Stad Antwerpen [English translation: Political participation of Turkish and Moroccan Belgians in Antwerp and Brussels. Results of the THIES research. Report for the City of Antwerp.]. Leuven: University of Leuven

²⁰⁶ Jacobs, D. & Teney, C. (2010), 'De allochtone stem te Brussel' [English translation: The foreigner's voice in Brussels], pp.89-112 in Celis, K., Meier, P. & Wauters, B. (eds.) *Gezien, gehoord, vertegenwoordigd? Diversiteit in de Belgische Politiek*. [English translation: Seen, heard and represented? Diversity in Brussels' politics]. Gent: Academia Press.

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| | <p>which sometimes differs significantly from voters of native origin. The researchers make the reflection in their conclusion that improved 'descriptive representation' (<i>'are all population segments sufficiently represented?'</i>), potentially contributes to improved 'substantial representation' (<i>'are the interests of a specific societal group adequately defended?'</i>) and increased legitimacy of political institutions (based on increased identification with the decision makers). With regard to party preference, the results show that persons of Moroccan or Turkish origin are more likely to vote for leftist parties. Another interesting research finding with regard to the exercise of the right to vote by voters of foreign origin, is the fact that they are more likely to cast preference votes (voting for a specific candidate or candidates) than native Belgian voters do (Swyngedouw et al., 2010, p. 11)²⁰⁷.</p> <p>Although Brussels receives the bulk of academic attention on this topic, there is also research available on political representation in the other regions (Flanders and Wallonia) either a regional level or local level (focusing on specific consitutenties). For example, an academic evaluation of campaigns to raise awareness on voting rights for foreigners in the Walloon Region, along with an analysis of obstacles for registration to vote by TCN was conducted after the municipal elections of October 2006 (Zibouh, 2011 (b))²⁰⁸. The general enrolment rates presented in this study are the same as presented in the table above, but the researchers make a further distinction to analyse internal disparities between constituencies within the Walloon region (and find for example higher participation rates in the Walloon provinces of Hainaut and Liège) as well as between groups of TCN of different ethnic background. For example, the researchers find that Congolese TCN have more numerously registered than TCN of Turkish nationality and explain this by differences in the density of associative organizations in the different ethnic communities, by differences in the electoral campaigns of candidates of a certain foreign origin, among other factors which are indicated as subject for further research. According to this research, the awareness raising campaigns have had an undeniable positive effect on the level of registration of TCN to vote, as there appears a clear pattern of elevated turnout levels in those constituencies where considerable efforts were taken to mobilize and raise awareness among TCN (Zibouh, 2011 (b))²⁰⁹. Also, in this research a number of factors are identified as obstacles for TCN registration to vote, including the bureaucratic hurdle to register in advance, the extra conditions imposed on TCN to register to vote (also sometimes subjectively as they can be experienced as discriminatory), lack of awareness of the right to vote and lack of understanding of the Belgian political system, difficulty to comprehend the language, lack of interest in politics or</p> |
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²⁰⁷ Swyngedouw, M., Fleischmann, F., Phalet, K. & Baysu, G. (2010), [Politieke participatie van Turkse en Marokkaanse Belgen in Antwerpen en Brussel: Resultaten van het TIES onderzoek](#). Rapport voor de Stad Antwerpen [English translation: Political participation of Turkish and Marrocan Belgians in Antwerp and Brussels. Results of the THIES research. Report for the City of Antwerp.].Leuven: University of Leuven

²⁰⁸ Zibouh, F.(2011 (b)), [Evaluation de la campagne de sensibilisation au droit de vote des étrangers en Région wallonne](#) [English translation : Evaluation of the sensibilisation campaign on the right to vote of foreigners in the Walloon Region]. Liège : Université de Liège, CEDEM.

²⁰⁹ Zibouh, F.(2011 (b)), [Evaluation de la campagne de sensibilisation au droit de vote des étrangers en Région wallonne](#) [English translation : Evaluation of the sensibilisation campaign on the right to vote of foreigners in the Walloon Region]. Liège : Université de Liège, CEDEM.

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| | | <p>distrust in politics (sometimes based on experiences in country of origin), failure to reach certain categories of potential voters such as older persons, housewives or in general persons who are not involved in associations, ... (Zibouh, 2011 (b))²¹⁰.</p> <p>A similar analysis was made for the registration of non-EU citizens for the 2006 municipal elections in Leuven and Mechelen (Stubbe & Hooghe, 2008)²¹¹ In this dissertation, information campaigns by the municipalities are described and analysed in detail (including letters sent out to TCN residents, brochures addressed specifically at informing TCN of their voting rights and the need to register, etc.), and the significant difference in registration (proxy for voting turnout) between the two Flemish cities (14.3% in Leuven versus 3.4% in Mechelen) is studied. A number of determining factors for registration by TCN are distinguished, both in the field of information (use of low-threshold information campaign material, efforts by public actors to reach this population, activities by intermediaries such as ethnic associations, CSO's, ...) as well as political involvement (interest in politics, trust in institutions, knowledge of parties and political issues, etc.). Interviews brought forth a number of reasons for non-participation (no registration to vote), including: lack of interest, lack of information, lack of knowledge of politics, feeling of discrimination and distrust in democratic institutions, to name just a few. (Stubbe & Hooghe, 2008)²¹²</p> <p>Another example is the study by Swyngedouw, Fleischman, Phalet & Baysu on political participation of Belgians of Turkish and Moroccan origin (in the report referred to as the second generation) in the city of Antwerp (Swyngedouw et al., 2010)²¹³. The 'political participation' measured in this study has regard to a number of dependent variables of a broad scope, including voting turnout and voting behavior (preference vote and party choice) in the 2006 municipal elections. Although these 2006 municipal elections was the first edition for TCN to cast a vote in municipal elections, the study does not go into TCN but has only regard to Belgian citizens of Turkish or Moroccan origin. Concerning voting turnout, the findings state that there are no significant differences between Belgian citizens of native origin and Belgian citizens of Moroccan or Turkish origin, at least for the studied sample in Antwerp, with regard to the 2006 local elections (Swyngedouw et al., 2010, p.10)²¹⁴. The analysis further covers the share of preference voting</p> |
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²¹⁰ Zibouh, F.(2011 (b)), [Evaluation de la campagne de sensibilisation au droit de vote des étrangers en Région wallonne](#) [English translation : Evaluation of the sensibilisation campaign on the right to vote of foreigners in the Walloon Region]. Liège : Université de Liège, CEDEM.

²¹¹ Stubbe, M. & Hooghe, M. (2008). "Niet geïnteresseerd of niet geïnformeerd? De registratie van niet-EU-burgers voor de gemeenteraadsverkiezingen van 2006 in Leuven en Mechelen" [English translation: not interested or not informed? The registration of non-EU-citizens for the municipal elections of 2006 in Leyven and Mechelen]. Dissertation. Leuven: University of Leuven

²¹² Stubbe, M. & Hooghe, M. (2008). "Niet geïnteresseerd of niet geïnformeerd? De registratie van niet-EU-burgers voor de gemeenteraadsverkiezingen van 2006 in Leuven en Mechelen" [English translation: not interested or not informed? The registration of non-EU-citizens for the municipal elections of 2006 in Leyven and Mechelen]. Dissertation. Leuven: University of Leuven

²¹³ Swyngedouw, M., Fleischmann, F., Phalet, K. & Baysu, G. (2010), [Politieke participatie van Turkse en Marokkaanse Belgen in Antwerpen en Brussel: Resultaten van het TIES onderzoek](#). Rapport voor de Stad Antwerpen [English translation: Political participation of Turkish and Marrocan Belgians in Antwerp and Brussels. Results of the THIES research. Report for the City of Antwerp.].Leuven: University of Leuven.

²¹⁴ Swyngedouw, M., Fleischmann, F., Phalet, K. & Baysu, G. (2010), [Politieke participatie van Turkse en Marokkaanse Belgen in Antwerpen en Brussel: Resultaten van het TIES onderzoek](#). Rapport voor de Stad Antwerpen [English translation:

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| | <p>(which is done more by foreign origin voters in comparison to native voters), shares of 'ethnic votes' (which are cast more by voters of Turkish origin versus Moroccan origin) and party choice (which reveals a higher likelihood among foreign origin voters to vote for leftist parties than is the case for the general population, which is in line with their on average lower socio-economic status) (Swyngedouw et al., 2010)²¹⁵.</p> <p>Other research looks into determinants of political participation of immigrants in Belgium, for example research by Quintelier based on a representative survey of 16-year-olds in Belgium (Quintelier, E., 2009)²¹⁶. In her introduction, Quintelier summarizes a number of reasons for lower participation of ethnic minorities which were brought forth in academic literature: "<i>they are a minority group, they contend with language problems, and they operate in a lower socio-economic bracket; or simply because of their different origins. Fewer opportunities to participate as well as lower levels of social capital have been cited as additional reasons [...] immigrants also suffer from a lack of political representation, which may in turn also discourage their political participation.</i>" (Quintelier, 2009, p. 919)²¹⁷.</p> <p>The results of her study (focusing on young immigrants) demonstrate that young immigrant people do not have lower levels of political participation, but that there are clear differences: participation is influenced by gender, socio-economic situation, mother tongue and sense of group identity, not by citizenship status, television or religion. It is claimed that a high sense of group identity and intensity of association, along with the presence of ethnically diverse friends, makes young people more likely to participate.</p> <p>In footnote, we refer to a number of additional academic publications on political participation of persons of migrant background, which needs further scrutiny to find data on voting behaviour and related drivers and barriers²¹⁸</p> |
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Political participation of Turkish and Moroccan Belgians in Antwerp and Brussels. Results of the THIES research. Report for the City of Antwerp.].Leuven: University of Leuven.

²¹⁵ Swyngedouw, M., Fleischmann, F., Phalet, K. & Baysu, G. (2010), [Politieke participatie van Turkse en Marokkaanse Belgen in Antwerpen en Brussel: Resultaten van het TIES onderzoek](#). Rapport voor de Stad Antwerpen [English translation: Political participation of Turkish and Moroccan Belgians in Antwerp and Brussels. Results of the THIES research. Report for the City of Antwerp.].Leuven: University of Leuven.

²¹⁶ Quintelier, E. (2009), ['The Political Participation of Immigrant Youth in Belgium'](#), *Journal of Ethnic and Migration Studies*, Vol 35(6),919 – 937.

²¹⁷ Quintelier, E. (2009), ['The Political Participation of Immigrant Youth in Belgium'](#), *Journal of Ethnic and Migration Studies*, Vol 35(6),919 – 937.

²¹⁸ Jacobs, D. & Tillie, J. (2011), 'Ethnic Social Networks, Social Capital, and Political Participation of Immigrants', pp.296-314 in Azzi, A., Chrysoschoou, X., Klandermans, B. & Simon, B. (eds.) *Identity and Participation in Culturally Diverse Societies. A Multidisciplinary Perspective*, Chichester: Wiley-Blackwell.

Jacobs, D. & Thys, R. (2009), '*Netwerken van Marokkaanse en Turkse verenigingen en politieke integratie van migranten in Brussel*' (Networks of Moroccan and Turkish associations and the political integration of immigrants in Brussels)], pp.111-140 in Mertens, S. (ed.) *Burgerschap & democratie in een veranderende wereld*. © Citizenship and democracy in a changing world). Gent: Academia Press.

Jacobs, D. & Tillie, J. (2008), '*Social Capital and Political Participation of Immigrants in Europe – Key developments in empirical studies*', pp. 47-58 in D. Vogel (ed.) *Highly Active Immigrants. A resource for European civil societies*. Peter Lang: Frankfurt am Mai.

Phalet, K., Swyngedouw, M. & De Rycke, L. (2007), '*Les orientations socio-politiques des Turcs et des Marocains à Bruxelles*' (Socio-political orientations of Turks and Moroccans in Brussels). In Delwit P., Rea A., Swyngedouw M. (Eds.), *Bruxelles ville ouverte: immigration et diversité culturelle au coeur de l'Europe*. (Brussels open city : immigration and cultural diversity in the heart of Europe)Paris, Harmattan, pp. 235-254.

3.2.2. Regional/local level election – representation

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| | <p>The number of candidates that were third country nationals and/or with migrant background at the latest regional/local level elections (specify date)</p> | <p>Third Country Nationals cannot be a candidate in elections on any level (national, regional, provincial or municipal) of elections in Belgium. Belgian citizens with a migration background, on the other hand, enjoy an equal right to be a candidate as any other Belgian citizen. Candidates' lists are public, but no official data is available on the number of registered by background.</p> <p>However, the Minority Forum (association of migrant organisations) published a report on the diversity on the candidate lists for the last municipal elections in 2012 (Meknouzi, 2012)²¹⁹. A significant limitation of this study has regard to the research method, were the numbers of candidates with migrant background were calculated based on name and visual recognition as 'of foreign origin', which of course excludes a significant part of Belgians with migrant background who do not look like a foreigner or who do not have a foreign name. The report concludes that the composition of the candidates' lists is not representative for the ethnic diversity in the constituencies. However, the report indicates that the number of candidates with a migrant background is rising. The researchers calculated that 6.97% of the candidates in the 2006 municipal elections had a migrant background, whereas the share rose to</p> |
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- Swyngedouw, M. & Dirk Jacobs (2006), 'Qui a voté en 2003 pour les candidats d'origine étrangère en Flandre (Belgique)?' (Who has voted in 2003 for candidates of foreign origin in Flanders (Belgium)?), pp.159-176 in Khader, B., Martinello, M., Rea, A. & Timmerman, C. (eds.) *Penser l'immigration et l'intégration autrement. Une initiative belge inter-universitaire.* (Thinking of immigration in a different way. A Belgian inter-university initiative), Bruxelles, Bruylant
- Jacobs, D., Boussetta, H., Rea, A., Martiniello, M. & Swyngedouw, M. (2006), *Qui sont les candidats aux élections bruxelloises? Le profil des candidats à l'élection au parlement de la Région de Bruxelles Capitale du 13 Juin 2004* (Who are the candidates in the Brussels local elections? Profil of candidates in the election of the parliament of the Brussels Capital Region), Bruxelles, Academia Bruylant, collection Cahiers Migrations.
- Jacobs, D., Phalet, K. & Swyngedouw, M. (2006), 'Political participation and associational life of Turkish residents in the capital of Europe', *Turkish Studies*, Vol. 7 (1): 145-161.
- Boussetta, H., Gsir, S. & Jacobs, D. (2005), [Active Civic Participation of Immigrants in Belgium](#). Country Report prepared for the European research project POLITIS. Oldenburg: ULB.
- Jacobs, D. & Swyngedouw, M. (2005), 'La participation politique des Belges d'origine marocaine à Bruxelles et en Belgique: un bref aperçu' (The political participation of Belgian of Moroccan origin in Brussels and in Belgium: a brief appraisal), pp.119-128 in Boussetta, H., Gsir, S. & Martiniello, M. (eds) *Les migrations marocaines vers la Belgique et l'Union européenne. Regards croisés.* (Migration of Moroccans to Belgium and the EU. Perspectives), Bilbao, Université de Deusto & HumanitarianNet.
- Jacobs, D., Phalet, K. & Swyngedouw, M. (2004), 'Associational membership and political involvement among ethnic minority groups in Brussels' *Journal of Ethnic and Migration Studies*, 30(3): 543-559
- Jacobs, D. & Tillie, J. (2004), 'Introduction: Social Capital and Political Integration of Migrants', *Journal of Ethnic and Migration Studies*, 30 (3), 419-427.
- Jacobs, D. & Swyngedouw, M. (2003), [Politieke participatie en zelforganisatie van allochtonen in de Brusselse gemeenten. Een verkenning](#)' (Political participation and self-organisation of foreigners in Brussel communes. An exploration), pp.261-290 in Witte, E., Alen, A., Dumont, H., Vandernoot, P. & De Groof, R. (eds) *De Brusselse negentien gemeenten en het Brussels model.* (The Brussels nineteen communities and the Brussels model)], Brussel, Larcier.
- Lambert, P. (2002), [Électeurs, candidats et élus allochtones aux élections communales de 8 octobre 2000](#)' (Voters, candidates and elected foreigners in municipal elections of 8 October 2000) in Arcq, E., Blaise, P. et De Coorebyter, V. (eds). *"Les résultats des élections communales du 8 octobre 2000"* (Results of the municipal elections of 8 October 2000), *Courrier hebdomadaire (CRISP)*, n° 1753-1754, 2002, pp.48-54
- Jacobs, D., Rea, A. & Martiniello, M. (2002), [Changing Patterns of Political Participation of Citizens of Immigrant Origin in the Brussels Capital Region: The October 2000 Elections](#)', *Journal of International Migration and Integration*, vol 3, N°2, 2002, pp. 201-221.
- Lambert, P. (2001), 'Les personnes d'origine étrangère dans les assemblées politiques belges' [English translation: Persons of foreign origin in Belgian parliaments], *Migrations Société*, vol. 13 - n° 77.
- ²¹⁹ Meknouzi, S. E. (2012), *Kleur op de lijst. Tweede rapport etnische diversiteit in de lokale politiek* (Colour on the list. Second report on ethnic diversity in local politics), Schaarbeek, Minderhedenforum.

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| | | <p>9.46% in the last local elections Devriendt et al., 2014)²²⁰. This source also states that the more the party is oriented on the left side of the political spectrum, the more candidates with migrant background it has on its lists.</p> <p>In another report by the Minority Forum (Devriendt et al., 2014)²²¹, researchers calculated by the same method the number of candidates of migrant background on candidate lists of the last regional elections (2014), for the five provinces of Flanders. The results of this calculation show great disparity, similar to diverging shares of inhabitants of migrant background: in Antwerp: 10.78% of the candidates had a migrant background; in Limburg 11.39%, in East-Flanders 5.98%, in Flemish-Brabant 5.95% and in West-Flanders 1.88%, (Devriendt et al., 2014).</p> <p>Based on an analysis of electoral strategies and the mobilisation of social resources, Zibouh presents in a publication of 2010 conclusions on the relation between the ethnicity of elected representatives of Maghreb origin in the regional elections in Brussels and the strategies they apply to collect votes and win in the elections.²²² In her conclusion, Zibouh identifies three types of electoral campaigns used by candidates & elected representatives of Maghreb origin in regional elections in Brussels: 1) A "differentialist approach", focusing on specific political issues of the community of origin (less than one third of the studied sample) 2) A "universalist-communitarian approach", maintaining a discourse on values of general interest, while taking advantage of their roots and ethnic specificity (over a third of the studied sample); 3) An "assimilationist approach" characterized by a distancing from any relationship with the country of origin or the relationship to religion (at least one third of the studied sample). Moreover, once elected, representatives of immigrant communities tend to assume the values of the party they joined. Zibouh finds that the orientation of elected of foreign origin is less determined by their ethnic or national membership, than by their social origin and professional career (Zibouh, 2010)²²³.</p> |
| | <p>The number and % of elected representatives with migrant background at regional/local level (e.g. municipalities, regions, prefectures etc.)</p> | <p>Third Country Nationals cannot be elected as representatives. Belgians with a migration background, on the other hand, can be elected in the same way as any other Belgian citizen. However, no systematic official data collection currently exists for this group either (Van Caudenberg, 2015).</p> <p>The Minority Forum did however publish some figures based on a count (by their own research method) of the number of representatives with a migrant background in municipal councils in Brussels and Flanders after the last municipal elections of 2012</p> |

²²⁰ De Vriendt, C. & Charkaoui, N. (2014), *Diversiteit op de Kieslijsten*. [English translation: Diversity on the candidate lists]. Schaarbeek: Minderhedenforum. Retrieved from: <http://www.minderhedenforum.be/download/media/264/20140516-rapport-diversiteit-kieslijsten-verkiezingen-2014.pdf>

²²¹ De Vriendt, C. & Charkaoui, N. (2014), *Diversiteit op de Kieslijsten*. (Diversity on the candidate lists), Schaarbeek, Minderhedenforum.

²²² Zibouh, F. (2010), *La participation politique des élus d'origine maghrébine. Elections régionales bruxelloises et stratégies électorales* [English translation: The political participation of elected officials of Maghreb origin. Brussels regional elections and electoral strategies]. Louvain-la-Neuve, Academia-Bruylant (coll. Cahiers Migrations).

²²³ Zibouh, F. (2010), *La participation politique des élus d'origine maghrébine. Elections régionales bruxelloises et stratégies électorales* [English translation: The political participation of elected officials of Maghreb origin. Brussels regional elections and electoral strategies]. Louvain-la-Neuve, Academia-Bruylant (coll. Cahiers Migrations).

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| | <p>(Messiaen, 2012)²²⁴. However, this study has again the limitation that the numbers of candidates with migrant background were calculated based on name and visual recognition as 'of foreign origin', which excludes a significant part of Belgians with migrant background who do not look like a foreigner or who do not have a foreign name. According to this report, the share of municipal council members with a migrant background can be situated around 8% (according to their data 8.6% after the municipal elections in 2006; 8.4% after the last municipal elections in 2012)(Devriendt et al., 2014).</p> <p>For the regional elections (last in 2014), the Minority Forum has conducted a similar study based on the same research method. In the respective report (Devriendt et al., 2014)²²⁵, the share of representatives in the regional parliament of Flanders after the 2014 regional elections was estimated at 5.64 %.</p> <p>Academic research, by Jacobs & Teney, reports the number of foreign origin candidates and elected representatives in Brussels, and states that there has been a significant increase in politicians of foreign origin in Belgium (in general, but especially in the Brussels Region)(Jacobs & Teney, 2010)²²⁶. This publication states that after the municipal elections of 2000 in the Brussels region, no less than 90 local council members of foreign origin were elected across the different municipalities in Brussels, which equals a share of around 13.8% of elected representatives at the local level in Brussels Region. According to Jacobs, Martiniello & Rea "the October 2000 elections did constitute a landmark for the political participation of citizens of immigrant origin" (Jacobs, Martiniello & Rea, 2002)²²⁷. On a higher level, at the regional elections in 2004, a share of 20% of the elected representatives in the Brussels Regional Parliament were counted, the majority of which being in the French-speaking part of Brussels parliament (Jacobs & Teney, 2010, p. 107)²²⁸. The researchers state that at the time of the local (municipal) elections of 2006, the increase of politicians of foreign origin in Brussels had become an irreversible trend. In the 2006 local elections, no less than 20% of the local representatives in Brussel was of foreign origin. However, the expansion of voting rights to TCN (first applied in the 2006 local elections), does not appear to be a major determinant for the continued growth in the success of politicians of foreign descent, as the registration of TCN turned out to be rather low (cfr. % stated above) (Jacobs & Thys,</p> |
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²²⁴ Messiaen, M. (2012), *Koplopers van de politieke participatie. Rapport etnische diversiteit bij lokale mandatarissen*, (Frontrunners of political participation. Report on ethnic diversity among local public officials), Schaarbeek, Minderhedenforum.

²²⁵ De Vriendt, C. & Charkaoui, N. (2014), *Diversiteit op de Kieslijsten*. [English translation: Diversity on the candidate lists]. Schaarbeek: Minderhedenforum. Retrieved from: <http://www.minderhedenforum.be/download/media/264/20140516-rapport-diversiteit-kieslijsten-verkiezingen-2014.pdf>

²²⁶ Jacobs, D. & Teney, C. (2010), 'De allochtone stem te Brussel' [English translation: The foreigner's voice in Brussels], pp.89-112 in Celis, K., Meier, P. & Wauters, B. (eds.) *Gezien, gehoord, vertegenwoordigd? Diversiteit in de Belgische Politiek*. [English translation: Seen, heard and represented? Diversity in Brussels' politics]. Gent: Academia Press.

²²⁷ Jacobs, D., Martiniello, M. & Rea, A. (2002). 'Changing Patterns of Political Participation of Citizens of Immigrant Origin in the Brussels Capital Region : The October 2000 Elections', in *Journal of International Migration and Integration*, vol. 3 (2), 2002, pp. 201-240.

²²⁸ Jacobs, D. & Teney, C. (2010), 'De allochtone stem te Brussel' [English translation: The foreigner's voice in Brussels], pp.89-112 in Celis, K., Meier, P. & Wauters, B. (eds.) *Gezien, gehoord, vertegenwoordigd? Diversiteit in de Belgische Politiek*. [English translation: Seen, heard and represented? Diversity in Brussels' politics]. Gent: Academia Press.

2009, p. 113)²²⁹. Subsequently, in the 2009 (again higher level) regional elections around 25% of the parliamentary representatives in the Brussels regional parliament were of foreign origin. These figures are illustrated in the figure inserted below (copy from Teney et. al, not for reproduction, 2010, p. 276)²³⁰.

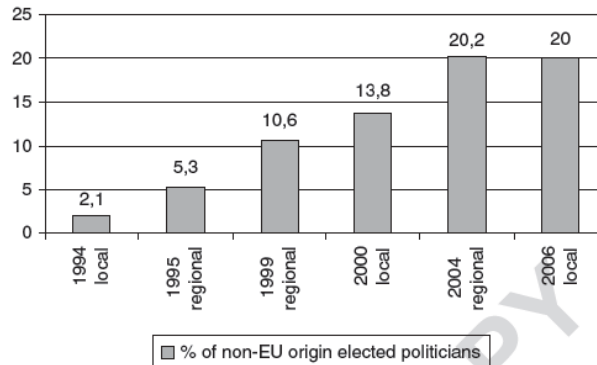


Figure 1: Percentage of non-EU origin elected politicians in the local and regional elections of the Brussels Capital Region.

Furthermore, these researchers point out that the majority of those elected representatives of non-EU origin in Brussels, are of Moroccan origin. Even though Moroccans do constitute the largest group of foreigners in Brussels, their overrepresentation (at least in the reference period of the studies, in the beginning of the millennium) is remarkable, especially since prior research had shown that participation levels in associative life of Turks was much higher than those of Moroccans, and most observers claim that social cohesion and social networks are stronger among Turks than among Moroccans (cfr research findings presented in Section 3.6 below). The authors conclude that most probably the higher political involvement of Moroccans is related to their overall level of language proficiency in French, the dominant political language in Brussels (Jacobs, Martiniello & Rea, 2002)²³¹ (Jacobs & Thys, 2009)²³².

Those who were **elected** or **appointed** to a high public office (e.g. mayor, vice mayor etc.) by end of 2014.

Belgians with a migration background can be appointed to public office in the same way as any other Belgian citizen. However, we have not found official data on public officials registered by background.

According to the Minority Forum, the composition of municipal governments does not reflect ethnic-cultural diversity in its

²²⁹ Jacobs, D. & Thys, R. (2009), 'Netwerken van Marokkaanse en Turkse verenigingen en politieke integratie van migranten in Brussel'[English translation: Networks of Moroccan and Turkish associations and the political integration of immigrants in Brussels], pp.111-140 in Mertens, S. (ed.) *Burgerschap & democratie in een veranderende wereld*. [English translation: Citizenship and democracy in a changing world]. Gent: Academia Press.

²³⁰ Teney, C. Jacobs, D. Rea, A. & Delwit, P. (2010), '[Ethnic voting in Brussels: Voting patterns among ethnic minorities in Brussels \(Belgium\) during the 2006 local elections](#)', *Acta Politica*, 45 (3): 273-297.

²³¹ Jacobs, D., Martiniello, M. & Rea, A. (2002). 'Changing Patterns of Political Participation of Citizens of Immigrant Origin in the Brussels Capital Region : The October 2000 Elections', in *Journal of International Migration and Integration*, vol. 3 (2), 2002, pp. 201-240.

²³² Jacobs, D. & Thys, R. (2009), 'Netwerken van Marokkaanse en Turkse verenigingen en politieke integratie van migranten in Brussel'[English translation: Networks of Moroccan and Turkish associations and the political integration of immigrants in Brussels], pp.111-140 in Mertens, S. (ed.) *Burgerschap & democratie in een veranderende wereld*. [English translation: Citizenship and democracy in a changing world]. Gent: Academia Press.

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| Please identify related limitations and challenges or public debates, as well as relevant research, studies and assessments. | constituency. Moreover, diversity among local public officials was mainly concentrated in larger cities (Devriendt et al., 2014) ²³³ . |
| | <p><u>With regard to TCN</u>, the impossibility for TCN to stand as candidate in elections could be considered the major limitation for political representations of migrants. Only Belgian citizens qualify for representation, including Belgian citizens of migrant background. A second major obstacle for political participation of TCN is the fact that TCN have to be proactive if they want to vote (they need to register). Since less than one fifth of the eligible TCN voters do register, we could conclude that there are definitely barriers and challenges for this political participation. A number of barriers such as unawareness of procedures, lack of political interest etc. can lead to the observed self-exclusion of TCN from voting in municipal elections. The topic of foreign residents' voting rights has been controversial in Belgian politics since the 1980s (Lafleur, 2013). Please see Jacobs, D. (1999), 'The Debate over the Enfranchisement of Foreign Residents in Belgium', <i>Journal of Ethnic and Migration Studies</i>, vol. 24, No. 4, pp. 649-663, for more info on the political debate on the enfranchisement of foreigners in Belgium.</p> <p><u>With regard to Belgian citizens of migrant background</u>, the authors of this study have not come across info on limitations and challenges in this limited information collection process. According to researchers (Zibouh, 2011 (a), p.7)²³⁴ the electoral system in Belgium is in fact a driver for political participation of citizens of migrant background. In Belgium unlike most other countries, voting is mandatory. In other countries where this is not the case, it is most often vulnerable groups (including migrants) who do not go to vote (self-exclusion (Zibouh, 2011 (a), p.7)).²³⁵ There is also more 'room for diversity' because the system guarantees proportional representation. Zibouh states that '<i>participation [of citizens of migrant background] in political life is completely normalized and professionalized. Not only representatives in parliament, but also staff in public office is very diverse</i>' " (De Cort & Hendrickx, interview with Fatima Zibouh, Brusselnews.be, 24.04.2014).²³⁶</p> <p>With regard to the remarkably elevated level of elected representatives of foreign origin in Brussels, researchers name a few factors that play a positive role in the rising number of candidates and elected representatives of foreign origin: a) the openness of political parties towards diversity on the candidates lists (recognition of the importance of having varied profiles on the lists to attract votes of different groups in society), b) a rising number of voters (of Belgian nationality) of foreign origin (a part of whom cast 'ethnic votes', according to the researchers), and c) the weight of the preference vote in the electoral system in</p> |

²³³ De Vriendt, C. & Charkaoui, N. (2014), *Diversiteit op de Kieslijsten*. [English translation: Diversity on the candidate lists]. Schaarbeek: Minderhedenforum. Retrieved from: <http://www.minderhedenforum.be/download/media/264/20140516-rapport-diversiteit-kieslijsten-verkiezingen-2014.pdf>

²³⁴ Zibouh, F. (2011(a)), '[The Political Representation of Muslims in Brussels](#)', *Brussels Studies*, N°55 (online journal).

²³⁵ Zibouh, F. (2011(a)), '[The Political Representation of Muslims in Brussels](#)', *Brussels Studies*, N°55 (online journal).

²³⁶ Goele De Cort en Kris Hendrickx (24/04/2014), 'Moslimidentiteit belangrijker dan land van herkomst bij stemgedrag' [English translation: Muslim identity more important than country of origin in voting behaviour] in *Brusselnieuws.be*. Retrieved from: <http://www.brusselnieuws.be/nl/brussel-kiest/moslimidentiteit-belangrijker-dan-land-van-herkomst-bij-stemgedrag>.

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| | | <p>Belgium (Jacobs & Teney, 2010)²³⁷. The researchers point out that it is because of the personal preference votes that these candidates of non-EU origin managed to obtain, that they were successful in beating out candidates who were initially better positioned on the lists. The election of representatives of foreign origin in Brussels, can be partly explained by 'ethnic voting' (voters with a non-EU background support these candidates), as well as 'symbolic voting' (autochthonous electors wished to make clear to the parties that they support the inclusion of politicians of immigrant descent into the political system.) (Jacobs, Martiniello & Rea, 2002).²³⁸</p> <p>Please consult the numerous academic publications on political participation of persons of migrant background in Belgium referred to in the sections above, as well as the website Suffrage Universel by researcher Pierre-Yves Lambert (with references to academic and other research on the political participation of foreign minorities in Belgium), to distinguish more drivers and barriers for electoral candidacy and representation by Belgian citizens of foreign descent.</p> |
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3.3.Consultation

3.3.1.Consultative bodies at national/regional/local level

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| | <p>Are there any migrants' consultative bodies in place at national / regional/ local level foreseen and/or operational in practice? Since when and on which legal basis (please provide reference). Please specify whether migrants' consultative/advisory /representative bodies are established by law or other type of normative regulation, policy or practice.</p> | <p>The overview below covers the main consultative/advisory/representative bodies in the field of migration and integration in Belgium. Some of these bodies are formally recognised in a regulatory framework (national law or regional decree) as consultative/advisory/representative bodies, while other ones are not formally recognised as such. Also the latter can nevertheless play a significant role in informing and advising government institutions.</p> <p>Federal level</p> <p>There are no migrants' representative bodies at the federal level. However, some bodies have in their mission to advice on and promote the interests and rights of migrants.</p> <ul style="list-style-type: none"> • Federal Migration Centre/Interfederal Centre for Equal Opportunities (Federaal Migratiecentrum - Centre Fédérale Migration/Interfederaal Gelijkekansencentrum - Centre interfédéral pour l'égalité des chances)²³⁹ <p>The Federal Migration Centre and the Interfederal Centre for Equal Opportunities are independent, federal/interfederal (respectively) public institutions. The Federal Migration Centre specialises in the analysis of migration flows, the protection of the fundamental</p> |
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²³⁷ Jacobs, D. & Teney, C. (2010), 'De allochtone stem te Brussel' [English translation: The foreigner's voice in Brussels], pp.89-112 in Celis, K., Meier, P. & Wauters, B. (eds.) *Gezien, gehoord, vertegenwoordigd? Diversiteit in de Belgische Politiek*. [English translation: Seen, heard and represented? Diversity in Brussels' politics]. Gent: Academia Press.

²³⁸ Jacobs, D., Martiniello, M. & Rea, A. (2002). 'Changing Patterns of Political Participation of Citizens of Immigrant Origin in the Brussels Capital Region : The October 2000 Elections', in *Journal of International Migration and Integration*, vol. 3 (2), 2002, pp. 201-240.

²³⁹ Belgium, [Federal Migration Centre/Interfederal Centre for Equal Opportunities](#),

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| | <p>rights of non-nationals and the fight against human trafficking and human smuggling. This Centre is charged with contributing to a better understanding of these matters in the government and the citizens, including by formulating advice and recommendations to governmental and other institutions, and should carry out its activities in a spirit of dialogue and consultation with all governmental and private actors involved in the reception and integration policy of migrants. The Interfederal Centre for Equal Opportunities specialises in the policy on equal opportunities and non-discrimination, working to promote equal opportunities and rights for all citizens and to fight discrimination.²⁴⁰</p> <p>The Centres were established many years ago (1993) via national laws,²⁴¹ but were reformed in 2014.²⁴²</p> <p>Because the integration and participation of migrants is a regional competence (since 1980), the Federal Migration Centre is not competent to act in these areas. Since 2014, the Centre for Equal Opportunities is an interfederal institution, as a result of which it became competent for regional non-discrimination legislation.²⁴³ In other words, the Interfederal Centre for Equal Opportunities acts as an advisory body for the various (federal and regional) governments in areas where integration and participation links with equal opportunities and non-discrimination.</p> <ul style="list-style-type: none"> • <u>Advisory Commission for Non-nationals</u> (Commissie van Advies voor Vreemdelingen - Commission consultative des étrangers) <p>The national law on non-nationals of 1980 provides the legal basis for the establishment of an Advisory Commission for Non-nationals.²⁴⁴ This Commission, composed of judges, lawyers and</p> |
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²⁴⁰ Belgium, [Federal Migration Centre, Interfederal Centre for Equal Opportunities](#)

²⁴¹ Belgium, [Law establishing a Centre for Equal Opportunities and Opposition to Racism](#) (*Wet tot oprichting van een Centrum voor gelijkheid van kansen en voor racismebestrijding/Loi créant un Centre pour l'égalité des chances et la lutte contre le racisme*), 15 February 1993; Belgium, [Law establishing a federal Centre for the analysis of migration flows, the protection of the fundamental rights of non-nationals and the fight against human trafficking](#) (*Wet tot oprichting van een federaal Centrum voor de analyse van de migratiestromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen de mensenhandel/Loi créant un Centre fédéral pour l'analyse des flux migratoires, la protection des droits fondamentaux des étrangers et la lutte contre la traite des êtres humains*), 15 February 1993.

²⁴² Belgium, Federal Migration Centre, Interfederal Centre for Equal Opportunities, website information, [available at: www.diversiteit.be/het-centrum-hervormd-en-druk-geraadpleegd-2014](#); Belgium, [Law approving the cooperation agreement of 12 June 2013 establishing an interfederal Centre for Equal Opportunities and Opposition to Discrimination and Racism](#) (*Wet houdende instemming met het samenwerkingsakkoord van 12 juni 2013 tot oprichting van een interfederaal Centrum voor gelijke kansen en bestrijding van discriminatie en racisme/Loi portant assentiment à l'accord de coopération du 12 juin 2013 visant à créer un Centre interfédéral pour l'égalité des chances et la lutte contre le racisme et les discriminations*), 19 January 2014; Belgium, [Law modifying the law of 15 February 1993 establishing a Centre for Equal Opportunities and Opposition to Racism with a view to transforming it into a federal Centre for the analysis of migration flows, the protection of the fundamental rights of non-nationals and the fight against human trafficking](#) (*Wet tot wijziging van de wet van 15 februari 1993 tot oprichting van een Centrum voor gelijkheid van kansen en voor racismebestrijding met het oog op de omvorming ervan tot een federaal Centrum voor de analyse van de migratiestromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen de mensenhandel/ Loi adaptant la loi du 15 février 1993 créant un Centre pour l'égalité des chances et la lutte contre le racisme en vue de le transformer en un Centre fédéral pour l'analyse des flux migratoires, la protection des droits fondamentaux des étrangers et la lutte contre la traite des êtres humains*), 17 August 2013.

²⁴³ Belgium, Federal Migration Centre, Interfederal Centre for Equal Opportunities, website information, <http://www.diversiteit.be/het-centrum-hervormd-en-druk-geraadpleegd-2014>.

²⁴⁴ Belgium, [Law of 15 December 1980 on the access to the territory, the residence, the stay and the removal of non-nationals](#) (*Wet betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen/Loi sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers*), 15 December 1980, Arts. 32 and following; Belgium, [Royal Decree on the Advisory Commission for Non-nationals](#) (*Koninklijk besluit*

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| | <p>individuals defending the interests of the non-nationals, is charged with providing advice to the competent minister on specific decisions concerning a non-national. For example, the Commission advises the minister on the reasonableness of deporting a non-national who has committed a serious crime. Apart from certain situations stipulated in the law, in which the minister must request the advice of the Commission, the minister can request the Commission's advice on any other decision concerning a non-national. However, in practice this does not happen frequently.²⁴⁵</p> <p>Flemish Community</p> <ul style="list-style-type: none"> • <u>Minderhedenforum</u> (Forum of Ethnic-cultural Minorities)²⁴⁶ <p>The Decree of 7 June 2013 on the Flemish integration and civic integration policy²⁴⁷ provides that one organisation is recognised by the Flemish government as 'participation organisation', acting as a forum of organisations representing the following persons:</p> <ul style="list-style-type: none"> - Legally and long-term residing persons in Belgium who did not possess the Belgian nationality at birth, or with at least one parent who did not possess the Belgian nationality at birth, in particular disadvantaged persons. (A long-term residence is a legal residence not limited to a maximum of 3 months); - Legally residing persons in Belgium who live or lived in a caravan, or whose parents did this (Roma).²⁴⁸ <p>This organisation has the mission to promote the participation of these persons in society, including and especially at the local level. Its tasks include as a minimum:</p> <ul style="list-style-type: none"> - Advocacy; - Representation of the target groups vis-à-vis the Flemish government; - Promoting the empowerment and emancipation of the target groups; - Developing policy recommendations; - Working on a correct public perception of the target groups.²⁴⁹ <p>The organisation carries out its activities in an independent manner and receives yearly funding from the Flemish government.²⁵⁰</p> |
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betreffende de Commissie van advies voor vreemdelingen/Arrêté royal relatif à la Commission consultative des étrangers), 28 July 1981.

²⁴⁵ Belgium, information obtained from staff member (advisor) on migration of the federal government Nicole de Moor (10 March 2015).

²⁴⁶ Belgium, Minderhedenforum, website, available at: www.minderhedenforum.be/.

²⁴⁷ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013. The various provisions of this Decree enter into force on different dates. Some have already entered into force (November 2013, July and September 2014).

²⁴⁸ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Arts. 8 and 3.

²⁴⁹ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 8.

²⁵⁰ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Arts. 10-11.

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| | <p>Since 14 January 2011, the Minderhedenforum (Forum of Ethnic-cultural Minorities) is recognised by the Flemish government as 'participation organisation' for an indefinite duration. This decision was taken on 29 March 2011 by the minister of integration (Ministerial Decree).²⁵¹</p> <p>The Minderhedenforum unites 17 member organisations, most of which are recognised federations of ethnic-cultural minorities that represent together 2,000 local self-organisations.²⁵² The organisation has a supporting and advocacy role vis-à-vis the federal, Flemish and Brussels governments.²⁵³ It is not a formal advisory/consultative body itself but participates (both <i>ad hoc</i> and in a structural manner) in various consultative forums as the representative body of ethnic-cultural minorities.²⁵⁴</p> <ul style="list-style-type: none"> • <u>Kruispunt Migratie-Integratie</u> (Junction Migration-Integration)²⁵⁵ <p>On 22 November 2013, on the basis of the Decree of 7 June 2013 on the Flemish integration and civic integration policy,²⁵⁶ the Flemish government has established the External Independent Agency for Integration and Civic Integration (<i>Extern Verzelfstandigd Agentschap (EVA) Integratie en Inburgering</i>).²⁵⁷ This Agency is the support organisation for the Flemish integration policy. It covers reception bureaus, social translation and interpretation services, integration centres (see below) and a centre of expertise <i>Kruispunt Migratie-Integratie</i>. The Agency has been operational since 1 January 2015. Other support structures, apart from the Agency for Integration and Civic Integration, are the non-profit organisations Integration and Civic Integration Antwerp (<i>vzw Integratie en Inburgering Antwerpen</i>) and In Gent (<i>In-Gent vzw</i>), which cover similar services (civic integration, participation, translation and interpretation, promoting equal opportunities and co-existence in society).²⁵⁸</p> <p><i>Kruispunt Migratie-Integratie</i> develops and provides knowledge and expertise on migration, integration and diversity; develops methodologies; provides for coordination; organises training courses; and gives advice. It also supports the reception bureaus, acts as the centre of expertise on civic integration, and promotes the coordination of the integration sector on the one hand and the civic integration on the other hand. Any organisation or institution</p> |
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²⁵¹ Belgium, Flemish government, [Ministerial Decree on the recognition of the Minderhedenforum as participation organisation](#) (*Ministerieel Besluit tot erkenning van het forum van etnisch-culturele minderheden (Minderhedenforum) VZW als participatieorganisatie*), 29 March 2011,

²⁵² Belgium, Flemish government, [Integrated Action Plan on Integration Policy 2012-2015](#), p. 12; Belgium, Minderhedenforum (2014), 'Wegwijs in de structuren en organisaties van etnisch-culturele minderheden', available at: http://www.interculturaliseren.be/uploads/media/Brochure_wie_is_wie_minderhedenforum.pdf, p. 4.

²⁵³ Belgium, Minderhedenforum (2014), '[Wegwijs in de structuren en organisaties van etnisch-culturele minderheden](#)', p. 4.

²⁵⁴ Belgium, Minderhedenforum, website, [available at: www.minderhedenforum.be/thema](http://www.minderhedenforum.be/thema).

²⁵⁵ Belgium, Kruispunt Migratie-Integratie, website, [available at: www.kruispuntmi.be/](http://www.kruispuntmi.be/).

²⁵⁶ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013. The various provisions of this Decree enter into force on different dates. Some have already entered into force (November 2013, July and September 2014), Arts. 16 and following.

²⁵⁷ Belgium, Flemish government, [Governmental Decree on the establishment of the private law external independent agency for integration and civic integration in the form of a private Foundation](#), 22 November 2013.

²⁵⁸ Belgium, Flemish government, website of the Agency for Home Affairs, department of integration, available at: <http://integratiebeleid.be/ondersteuningsstructuren/vzw-integratie-en-inburgering-antwerpen> and <http://integratiebeleid.be/ondersteuningsstructuren/gent-vzw>.

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| | <p>working on migration, integration or civic integration can rely on <i>Kruispunt Migratie-Integratie</i> for support: cities and municipalities; the Flemish government; social services, institutions and organisations; integration centres, reception bureaus, integration services and services for social translation and interpretation. <i>Kruispunt Migratie-Integratie</i> is an independent organisation, funded by the Flemish government.²⁵⁹</p> <p>Although <i>Kruispunt Migratie-Integratie</i> is a Flemish body and now forms part of the Flemish administration,²⁶⁰ it has developed over the years as an advisory body also of the <i>federal government</i> (in the area of asylum and migration).²⁶¹</p> <ul style="list-style-type: none"> • <u>Integration centres</u> <p>Since 1 January 2015, the Flemish integration centres (non-profit organisations) belong to the External Independent Agency for Integration and Civic Integration. There are in total eight centres: one in each of the cities of Brussels, Ghent and Antwerp, and one in each Flemish province. The integration centres are charged with supporting and encouraging cities, municipalities, provinces and other relevant policy institutions and organisations in the pursuit of a coordinated and inclusive integration policy across all domains. The centres analyse, evaluate and support integration policies; inform and provide advice and training to organisations, associations, services and administrations on accessibility, participation and co-existence in diversity; encourage and support innovative projects and develop methodologies; and support transformation processes of services, organisations or associations.²⁶²</p> <ul style="list-style-type: none"> • <u>Vluchtelingenwerk Vlaanderen</u> (Flemish Refugee Action)²⁶³ <p>Flemish Refugee Action, an independent, non-governmental and non-profit organisation, promotes, amongst other things, the integration of asylum seekers and refugees. The organisation formulates, together with their (about 50) member organisations, views and positions, and makes concrete propositions in order to improve the position of asylum seekers and refugees on the labour market.²⁶⁴ Lobbying is one of the organisation's main activities.</p> |
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²⁵⁹ Belgium, Flemish government, [Integrated Action Plan on Integration Policy 2012-2015](#), p. 12; Belgium, Flemish government, website of the Agency for Home Affairs, department of integration, available at: <http://integratiebeleid.be/ondersteuningsstructuren/kruispunt-migratie-integratie>.

²⁶⁰ Already before the establishment of the External Independent Agency for Integration and Civic Integration in 2013, *Kruispunt Migratie-Integratie* acted as the Flemish government's consultative/advisory body on migration and integration. It was first established and recognised in 1998 under the name 'Flemish Centre for Minorities' as the Flemish centre of expertise on migration and integration (non-profit organisation) by the 1998 Decree on the Flemish integration policy.²⁶⁰ In 2010, the organisation changed its name to *Kruispunt Migratie-Integratie* in order to better reflect its new role and activities as provided for by the modified Decree (in 2009).²⁶⁰ While funded by the government, it was an independent organisation. Since the establishment of the External Agency in 2013 (operational since January 2015), to which *Kruispunt Migratie-Integratie* has transferred the totality of its activities, it is probable that the organisation will have less 'independent' policy influencing capacity than before.

²⁶¹ Belgium, information obtained from staff member (advisor) on migration of the federal government Nicole de Moor (10 March 2015).

²⁶² Belgium, Flemish government, [Integrated Action Plan on Integration Policy 2012-2015](#), p. 13; Belgium, Flemish government, website of the Agency for Home Affairs, department of integration, available at: <http://integratiebeleid.be/ondersteuningsstructuren/integratiecentra>.

²⁶³ Belgium, Vluchtelingenwerk Vlaanderen, website, [available at: www.vluchtelingenwerk.be/](http://www.vluchtelingenwerk.be/).

²⁶⁴ XXX <http://www.vluchtelingenwerk.be/integratie>.

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| | <p>While there is no formal framework for its advisory role, this body is often consulted in practice and therefore relevant for decision-making.²⁶⁵</p> <ul style="list-style-type: none"> • <u>Commission for Integration Policy</u> (Commissie Integratiebeleid) <p>In order to carry out a horizontal policy, the Commission for Integration Policy was established as a coordinating body. This body aims to ensure that each relevant policy domain assumes its responsibility regarding the integration policy.²⁶⁶ The Commission is formed by representatives of the various policy domains (officials), the target group and civil society. It monitors, evaluates and updates the Flemish integration policy, via an 'integrated action plan' that develops integration goals and measures for the various policy domains.²⁶⁷</p> <ul style="list-style-type: none"> • <u>Commission for Diversity</u> (Commissie Diversiteit) <p>The Commission for Diversity forms a part of the Flemish Socio-Economic Council (<i>Sociaal-Economische Raad van Vlaanderen, SERV</i>), which is the consultative and advisory body of the Flemish employers' and workers' organisations. The Commission for Diversity represents population groups that do not participate in a proportionate manner in socio-economic life (mainly persons of migrant origin and persons with disabilities). The Commission is formed by representatives of various organisations, including those representing the target groups (e.g. the Minderhedenforum).²⁶⁸</p> <p>Walloon Region</p> <ul style="list-style-type: none"> • There is no equivalent 'Minderhedenforum' (Forum of Ethnic-cultural Minorities) at the French-speaking level.²⁶⁹ • <u>Regional Integration Centres</u> <p>The Regional Integration Centres (non-profit organisations) are charged with various types of activities, including: supporting local integration initiatives; promoting social, economic, cultural and political participation of non-nationals and intercultural exchanges; coordination, orientation and assistance of newcomers; and providing training on integration and intercultural dialogue to staff of different services.²⁷⁰ While there is no formal framework for their advisory role, some of these Centres are sometimes consulted in practice and are therefore relevant for decision-making.²⁷¹</p> |
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²⁶⁵ Belgium, information obtained from staff member (advisor) on migration of the federal government Nicole de Moor (10 March 2015).

²⁶⁶ Belgium, Flemish government, [Integrated Action Plan on Integration Policy 2012-2015](#), p. 12.

²⁶⁷ Belgium, Flemish government, Agency for Home Affairs, website, available at: <http://integratiebeleid.be/vlaams-integratiebeleid/co%C3%B6rdinatie-vlaams-integratiebeleid>.

²⁶⁸ Belgium, [Commission for Diversity](#)

²⁶⁹ Belgium, confirmed by the Director of the Minderhedenforum Wouter Van Bellingen in telephone interview (19 March 2015).

²⁷⁰ Belgium, Walloon government, website of the Department of Social action and Health, Integration of Non-nationals, available at: <http://socialsante.wallonie.be/?q=action-sociale/integration-personne-origine-etrangere/dispositifs/centre-regional-integration>.

²⁷¹ Belgium, information obtained from staff member (advisor) on migration of the federal government Nicole de Moor (10 March 2015).

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| | | <ul style="list-style-type: none"> • <u>Coordination et initiatives pour réfugiés et étrangers (Ciré)</u> (Coordination and Initiatives for refugees and non-nationals)²⁷² <p>Ciré, a non-profit organisation, is the Walloon counterpart of the Flemish Refugee Action and carries out similar activities. While there is no formal framework for its advisory role, this body is often consulted in practice and therefore relevant for decision-making.²⁷³</p> <ul style="list-style-type: none"> • <u>Association pour le droit des étrangers (ADDE)</u> (Association for the Law on non-nationals)²⁷⁴ <p>ADDE, a non-profit organisation, provides similar services as the legal department of the Flemish <i>Kruispunt Migratie-Integratie</i>. While there is no formal framework for its advisory role, this body is sometimes consulted in practice and therefore relevant for decision-making.²⁷⁵</p> <p>Brussels Region</p> <ul style="list-style-type: none"> • The <u>Minderhedenforum</u> (Forum of Ethnic-cultural Minorities) is active in Brussels. See above. • <u>Centre bruxellois d'Action Interculturelle (CBAI)</u> (Brussels Centre for Intercultural Action)²⁷⁶ <p>The Brussels Centre for Intercultural Action, a non-profit organisation, aims to actively promote intercultural relations in Brussels and in Belgium in general, through: providing training to professionals working with a multicultural public; providing information on migration realities; cultural diffusion; and supporting the associative sector.²⁷⁷ While there is no formal framework for its advisory role, this body is sometimes consulted in practice and therefore relevant for decision-making.²⁷⁸</p> |
| | <p>What is the mandate of the body – duration and procedures? In particular specify if and by which modalities these bodies are competent to participate in consultations only on migration or</p> | <p>As explained in the previous section, some of the consultative/advisory bodies in the field of migration and integration are formally recognised in a regulatory framework (national law or regional decree). This is the case at the federal and Flemish levels only. Other bodies are not formally recognised as consultative/advisory bodies, but nevertheless can play an important role in informing and advising government institutions. The modalities and procedures of consultation, both what concerns the formally recognised and the other consultative/advisory bodies, are not stipulated in a regulatory framework. Most of the consultation activities in the area of migration and integration are</p> |

²⁷² Belgium, Ciré, website, [available at: www.cire.be/](http://www.cire.be/).

²⁷³ Belgium, information obtained from staff member (advisor) on migration of the federal government Nicole de Moor (10 March 2015).

²⁷⁴ Belgium, ADDE, website, available at: www.adde.be.

²⁷⁵ Belgium, information obtained from staff member (advisor) on migration of the federal government Nicole de Moor (10 March 2015).

²⁷⁶ Belgium, CBAI, website, [available at: www.cbai.be/](http://www.cbai.be/).

²⁷⁷ Belgium, Centre bruxellois d'Action Interculturelle, website, [available at : www.reseau-idee.be/adresses-utiles/fiche.php?&org_id=730](http://www.reseau-idee.be/adresses-utiles/fiche.php?&org_id=730).

²⁷⁸ Belgium, information obtained from staff member (advisor) on migration of the federal government Nicole de Moor (10 March 2015).

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| <p>integration issues or if they participate also in consultations on other issues? How do these bodies work in practice?</p> | <p>carried out by the respective governments (federal/regional) and the respective public services and agencies (asylum and migration/integration/equal opportunities) in an informal manner. Depending on the political party in charge of the respective department, the civil society advisory bodies are consulted frequently or rarely.²⁷⁹</p> <p>As an example, in 2013, the Minderhedenforum participated, amongst others, in the Commission for Integration Policy, the Flemish Education Council, the Flemish Socio-Economic Council, the stakeholder's forum of the Flemish Employment Agency (VDAB), the Flemish Caravan Commission (regarding the Roma population), and the stakeholder's forum of the Flemish Radio and Television Broadcasting Organisation VRT.²⁸⁰ In other words, the organisation provides advice in various types of consultative and advisory bodies linked to organisations dealing with different matters (integration, employment, media, etc.).</p> |
| <p>Frequency of convening of the body/ies/ meetings with competent public authorities. What is foreseen and how is it implemented in practice?</p> | <p>See previous section: the modalities and procedures of consultation, both what concerns the formally recognised and the other consultative/advisory bodies, are not stipulated in a regulatory framework.</p> |
| <p>Role in relation to other public or private bodies. Is there a statutory role of coordination and cooperation with other public or private stakeholders foreseen? How is this implemented in practice?</p> | <p>There are no specific provisions on the role of the consultative bodies in relation to other bodies.</p> |
| <p>Participation in decision-making (consultative, observer status, voting right etc.). Are such bodies competent to participate in decision-making at national/regional/local level in regard to the design, implementation,</p> | <p>Generally, the consultative bodies only have advisory power, no decision-making power. The bodies formulate recommendations, make suggestions and provide information and insights in the area of migration and integration to governmental (and other) institutions. <i>See first subsection of section 3.3.1.</i></p> <p>The Minderhedenforum, as representative body, is a member of the Board of the External Independent Agency for Integration and Civic Integration. In this context, the Minderhedenforum has decision-making power in regard to integration and migration policies including funding issues.²⁸¹</p> |

²⁷⁹ Belgium, information obtained from staff member (advisor) on migration of the federal government Nicole de Moor (10 March 2015).

²⁸⁰ Belgium, information obtained from the Director of the Minderhedenforum Wouter Van Bellingen in telephone interview (19 March 2015).

²⁸¹ Belgium, information obtained from the Director of the Minderhedenforum Wouter Van Bellingen in telephone interview (19 March 2015).

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| | <p>assessment and/or review of integration-specific, migration or other policies of general interest? Are such bodies and/or their representatives participating in any way to allocation, distribution, monitoring, evaluation or management of funding social inclusion and integration policies, measures and programmes at national level?</p> | |
| | <p>What are the modalities for representation and participation of migrants, e.g. elections, designation etc.? What is foreseen and how is it implemented in practice?</p> | <p>The modalities for representation of migrants in the participation organisation (Minderhedenforum) are stipulated in a governmental Decree, according to which the General Assembly of the organisation must be formed by (1) minimum 50% of the organisations recognised as socio-cultural association whose members are persons with a migration background; (2) minimum 1 person from the Roma population or a Roma organisation; and (3) organisations active in other domains or persons with a migration background.²⁸² No further details are provided.</p> |
| | <p>On which criterion are migrant groups represented (migrant status, foreign-born, foreign nationality etc.)? What is foreseen and how is it implemented in practice?</p> | <p>The Minderhedenforum represents all individuals with a migration background, without further specification.²⁸³</p> |
| | <p>Is there any evidence through formal evaluations or academic research on awareness about such national level consultative bodies among migrants and their descendants, and among the general public?</p> | <p>According to the Director of the Minderhedenforum, there is much space for improvement as to the awareness about the existence of the participation organisation, especially at the local level. A project aiming to strengthen the local anchoring of the organisation was carried out in 2013.²⁸⁴</p> <p>No further information identified.²⁸⁵</p> |

²⁸² Belgium, Flemish government, Governmental Decree implementing the Flemish Integration Decree, 12 November 2010, Art. 30.

²⁸³ Belgium, Minderhedenforum, website information, [available at: www.minderhedenforum.be/over-ons](http://www.minderhedenforum.be/over-ons).

²⁸⁴ Belgium, information obtained from the Director of the Minderhedenforum Wouter Van Bellingen in telephone interview (19 March 2015).

²⁸⁵ Based on desk research.

3.4. Participation in trade-unions and professional association

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| In this section based on available data, research, surveys, studies, etc. please provide information about: | |
| Membership and participation of migrant workers in <u>workers' unions and craft associations</u> : | |
| Are there any legal or practical limitations or barriers for the membership of migrant workers in trade-unions and craft associations? | <p>There are no legal limitations or barriers for the membership of migrant workers, including temporary or seasonal labour migrants, in trade-unions and craft associations.²⁸⁶ In fact, direct or indirect discrimination to access membership of a trade union (or any professional associations) based, among others, on nationality, so-called race, skin colour, descent or national or ethnic origin is strictly prohibited by the legislation.²⁸⁷</p> <p>The temporary nature of employment of 'mobile migrant workers' poses a practical challenge in terms of membership in trade-unions. While trade-unions provide certain forms of advice and assistance to non-members, membership implies more extensive services, in particular legal aid. However, membership requires a regular financial contribution. Temporary workers therefore do not have the tendency to become members of trade-unions. The trade-union ACV, one of the major trade-unions, is currently examining whether alternative forms of membership could solve this problem. More generally, the trade-unions are reflecting on how to achieve a better information flow towards temporary labour migrants in order to be able to offer better services to these groups.²⁸⁸ With respect to mobile EU workers, for example, the trade-unions ACV and ABVV have carried out a one-year research and published the results in February 2015.²⁸⁹</p> |
| Do workers' associations encourage and support membership and participation of migrant workers? E.g. through information and raising awareness initiatives in more | Diversity and adequate representation are important issues for the trade-unions. In the context of the coming social elections, the appropriate representation of migrants is a core focus for the Christian trade-union ACV/CSC, one of the largest trade-unions in Belgium, in order to increase its support base. Several actions have been organised in this respect, and the issue is strongly present in the trade-union's communication. For example, multilingual leaflets on the trade-union and what it offers have been developed several years ago. ²⁹⁰ However, existing initiatives target EU migrant workers rather than third country nationals. ²⁹¹ Another large trade- |

²⁸⁶ Based on desk research and information obtained from staff member of trade union ACV, Marian Willekens (10 March 2015); confirmed by information obtained from Diversity Coordinator of trade union ACV, Stefaan Peirsman (26 March 2015).

²⁸⁷ Belgium, Act aiming at punishing certain acts inspired by racism and xenophobia (*Loi tendant à réprimer certains actes inspirés par le racisme ou la xénophobie/ Wet tot bestraffing van bepaalde door racisme of xenophobie ingegeven daden*), 30 July 1981, available at:

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1981073035&table_name=wet.

²⁸⁸ Belgium, information obtained from Diversity Coordinator of trade union ACV, Stefaan Peirsman (26 March 2015).

²⁸⁹ Belgium, ACV and ABVV (2015), 'De mobiele EU-werknemer: aanbevelingen voor een integrale aanpak' (The mobile EU worker: recommendations for an integrated approach), extract available at: <http://www.vlaamsabvv.be/art/pid/29144/De-nieuwe-mobiele-werknemer.htm#para26568>.

²⁹⁰ Belgium, information obtained from Diversity Coordinator of trade union ACV/CSC, Stefaan Peirsman (26 March 2015).

²⁹¹ For example, the trade-union ACV has an awareness raising project going on with respect to the Polish migrant workers' community. The trade-union regularly publishes articles in two Polish newspapers on general information regarding the trade-union as well as specific information about migrant workers' rights and how to claim these rights. The trade-union has chosen the Polish community for this project because of their well-organised structure (in contrast to, for example, the Bulgarian migrant workers, who are increasingly migrating to Belgium but who are less organised as a group): information obtained from Diversity Coordinator of trade union ACV/CSC, Stefaan Peirsman (26 March 2015).

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| | languages, translation and language support services etc. | union, the FGTB/ABVV (the General Federation of Work of Belgium) has in its mission the defence of all workers, including migrant workers. ²⁹² It regularly takes action to support migrant workers including consultation with the relevant authorities. ²⁹³ |
| | What is the rate of participation (figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available) of migrant workers in the most representative workers' unions and associations? Please specify the geographic and workforce range/type of associations (referring to national, regional, local and to the range of workers represented and degree of association). | According to the 2012 IPSOS study, which examined amongst other things the membership of immigrants in trade-unions for the year 2011 in the cities of Antwerp, Brussels and Liège, respectively 11.8%, 19.6% and 19.9% of the target group were members – compared to 15.1% of the general population (data from 2008). ²⁹⁴ While the electronic registration system for membership in trade-union ACV/CSC includes the possibility to insert the nationality of the member, in practice this is often not done. Therefore, it is impossible to provide accurate statistics on the rate of participation of migrant workers. However, the ACV/CSC estimates that the participation rate amounts to 15-20% (members of migrant origin). This relatively high number is linked to the fact that ACV/CSC particularly represents workers in the industrial sectors (low skill), where many of the migrant workers are employment. ACV/CSC is currently reflecting on how to improve the availability of statistical data as well as how to increase the migrant participation rate. |
| | Are migrant workers elected as representatives of trade-unions and workers' or craft associations? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced by migrant workers. | See above: in the context of the coming social elections in the trade-union ACV/CSC, the appropriate representation of migrants is a core focus, in order to, amongst other things, increase its support base. ²⁹⁵ |
| | Are there differences between associations for high and low skill workers, different industries and trades, and/or different geographic area of country of origin, citizenship or birth or gender? | No information identified. ²⁹⁶ |

²⁹² [FGTB/ABVV missions](#)

²⁹³ See FGTB/ABVV, [press releases in relation to diversity](#)

²⁹⁴ King Baudouin Foundation (2012), [Immigrant Citizens Survey – How immigrants experience integration in 15 European cities](#), p. 48.

²⁹⁵ Belgium, information obtained from Diversity Coordinator of trade union ACV/CSC, Stefaan Peirsman (26 March 2015).

²⁹⁶ Belgium, information obtained from Diversity Coordinator of trade union ACV/CSC, Stefaan Peirsman (26 March 2015).

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| Membership and participation of migrant entrepreneurs and expert professionals to professional and scientific associations: | |
| <p>Are there any legal or practical limitations or barriers for the membership of migrant workers in professional, employer and scientific associations (such as medical, engineer, bar associations)?</p> | <p>For reasons of time limitations, a selection was made of three professional/scientific associations. As mentioned above, direct or indirect discrimination to access membership of a professional association based, among others, on nationality, so-called race, skin colour, descent or national or ethnic origin is strictly prohibited by the legislation.²⁹⁷</p> <p>Bar associations: Every practising lawyer is obliged to become a member of a local bar association. The local bar associations are represented by the regional bar association (Flemish Bar Association and Association of the French-speaking and German-speaking Bars).²⁹⁸ There are no legal limitations or barriers for the membership of migrant workers in the bar associations. However, membership requires a law degree offering access to the legal profession. This may create practical barriers, in particular difficulties in terms of recognition of diplomas.</p> <p>Medical Association: Every practising medical doctor is obliged to become a member of the Medical Association.²⁹⁹ There are no legal limitations or barriers for the membership of migrant workers in the Medical Association.</p> <p>Flemish Royal Association for Engineers: There are no legal limitations or barriers for the membership of migrant workers of the Flemish Royal Association for Engineers.³⁰⁰ While engineers of migrant origin thus can become a member, there are some practical obstacles. All communication from the Association towards the members is exclusively in Dutch, which means that the foreign engineer must speak and understand Dutch. Secondly, the members should hold a diploma from a Flemish university. If the person holds a diploma from a foreign university, the Association may carry out an equivalence test. Only if the diploma is considered equivalent to the Flemish diploma, can the engineer become a member of the Association.³⁰¹</p> |
| <p>Do professional associations encourage and support membership and participation of migrant professionals? E.g. through information and raising awareness initiatives in more languages,</p> | <p>Membership of the Bar Associations and the Medical Association is compulsory for lawyers and medical doctors respectively.</p> <p>The Flemish Royal Association for Engineers does not particularly encourage and support membership and participation of migrant professionals.³⁰²</p> |

²⁹⁷ Belgium, Act aiming at punishing certain acts inspired by racism and xenophobia (Loi tendant à réprimer certains actes inspirés par le racisme ou la xénophobie/ Wet tot bestraffing van bepaalde door racisme of xenophobie ingegeven daden), 30 July 1981, available at:

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1981073035&table_name=wet.

²⁹⁸ Belgium, [Flemish Bar Association](#),;Belgium, [Association of the French-speaking and German-speaking Bars](#).

²⁹⁹ Belgium, [Medical Association](#).

³⁰⁰ Belgium, [Flemish Royal Association for Engineers](#).

³⁰¹ Belgium, information obtained from the Flemish Royal Association for Engineers (telephone interview, 18 March 2015).

³⁰² Belgium, information obtained from the Flemish Royal Association for Engineers (telephone interview, 18 March 2015).

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| | translation and language support services etc. | |
| | What is the rate of participation and membership (figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available) of migrant professionals in the most representative professional, employers' and scientific unions and associations? Please specify the geographic and workforce range/type of associations (referring to national, regional, local and to the range of professional represented and degree of association) | <p>The Medical Association does not register the migration background or nationality of their members. The requested information is therefore unavailable.</p> <p>The Flemish Royal Association for Engineers does not register the migration background or nationality of their members. However, currently there are almost no members of migrant origin.³⁰³</p> <p>The Bar Associations:³⁰⁴ Waiting for further replies from stakeholders, see evaluation sheet.</p> <ul style="list-style-type: none"> - Bruges: no registration of migration background of lawyers. - Antwerp: the bar registers nationality and birth place of lawyers. Privacy legislation does however not allow the Bar to disclose the information. - Brussels (French-speaking): on 1 December 2014, 100 lawyers were registered with a non-EU nationality.³⁰⁵ This amounts to 2.7% of the total number of registered lawyers (3,711). |
| | Are migrants elected as representatives of professional, employers' and/or scientific associations? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced. | <p>Brussels Bar Association: only one lawyer with a non-EU nationality has been elected so far as a member of the Council of the Bar Association.³⁰⁶</p> <p>No further information identified.³⁰⁷</p> |
| | Are there differences between associations for different professions, different skill levels and/or | No information identified. ³⁰⁸ |

³⁰³ Belgium, information obtained from the Flemish Royal Association for Engineers (telephone interview, 18 March 2015).

³⁰⁴ Belgium, information obtained from the different bar associations contacted per telephone and/or email (19 March 2015).

³⁰⁵ Belgium, information obtained from the Brussels Bar Association (French-speaking division), François Bruyns (24 March 2015).

³⁰⁶ Belgium, information obtained from the Brussels Bar Association (French-speaking division), François Bruyns (24 March 2015).

³⁰⁷ Based on desk research, telephone interviews and email contact with the [Flemish Royal Association for Engineers](#), the [Medical Association](#) and the Bar associations (18 March 2015 and 19 March 2015).

³⁰⁸ Based on desk research.

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| | types of enterprise, different industries and trades, and/or different geographic area of country of origin, citizenship or birth or gender? | |
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3.5.Participation in social, cultural and public life

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| | In this section based on available data, research, studies, etc. provide information about the membership and participation of migrants and their descendants in media, cultural organisations and public life: | |
| Are there any legal or practical limitations or barriers for the membership of migrants in professional associations related to the media, sports and culture? | Direct or indirect discrimination based, among others, on nationality, so-called race, skin colour, descent or national or ethnic origin to access, participate or any other activity exercise in relation to economic, social, cultural or political activities accessible to the public is strictly prohibited by the legislation. ³⁰⁹ | No further information identified. ³¹⁰ |
| Do media, sports, culture professional associations encourage and support membership and participation of third country nationals as members? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc. | No information identified. ³¹¹ | |
| What is the rate of participation in the most representative professional associations? (figures and % of association members, figures and % of migrant professionals as members, or | No information identified. ³¹² | |

³⁰⁹ Belgium, Act aiming at punishing certain acts inspired by racism and xenophobia (Loi tendant à réprimer certains actes inspirés par le racisme ou la xénophobie/ Wet tot bestraffing van bepaalde door racisme of xenophobie ingegeven daden), 30 July 1981, Article 5(8), available at:

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1981073035&table_name=wet.

³¹⁰ Based on desk research; the contacted stakeholder (Minderhedenforum).

³¹¹ Based on desk research; the contacted stakeholder (Minderhedenforum).

³¹² Based on desk research; the contacted stakeholder (Minderhedenforum).

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| | descriptive data if statistical data is not available) | |
| | Are migrants elected as representatives of professional associations related to the media, sports and culture? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced. | No information identified. ³¹³ |
| | Is there a visible or notable presence (or absence) of migrants and their descendants as media professionals? | <p><u>Flemish Community:</u></p> <p>For many years, the public broadcasting organisation VRT (Flemish Radio and TV) measures diversity in the radio and TV context. In 2003, the Charter on Diversity was launched by the Director of the VRT. The aim of this plan was to reflect diversity in society both behind and before the television scenes. These aspirations were included in the management agreement for the period 2007-2011. Indicative data on the representation of persons of migrant origin within the VRT show that little has been achieved, notwithstanding significant efforts (e.g. provision of media training for individuals from the target group, fully paid internship, etc.). In 2008, only about 2.2% of the staff were of migrant origin. The reasons for this are not clear, but may be linked to the fact that diversity is not entirely integrated in the human resources policy; that the public broadcasting, by presenting migrants in a way that does not reflect how migrants feel, does not encourage them to apply there for a job; that language requirements are high; and that candidates often have to be highly skilled.³¹⁴</p> <p>The VRT management agreement for the period 2012-2016 emphasised the need for an integrated approach towards diversity in the radio and TV context, whereby targets were determined. The composition of the workforce must increasingly reflect the Flemish social reality. An Action Plan was developed for the period 2013-2014. By the end of 2014, the target for labour participation of immigrants was set at 4%.³¹⁵ No information was found on whether this target was met.</p> <p><u>Walloon and Brussels Region:</u></p> <p>The <i>Fédération Wallonie Bruxelles</i> High Audio-visual Council launched in 2010 a three year plan for diversity and equality in the medias. Under the plan, the High Audio-visual Council published a barometer of diversity in medias and gathered annually for three years best practices in the audio-visual medias.³¹⁶</p> |

³¹³ Based on desk research; the contacted stakeholder (Minderhedenforum).

³¹⁴ Belgium, Apache, (2010), online news site, available at, www.apache.be/2010/04/07/openbare-omroep-vindt-nauwelijks-allochtone-medewerkers/.

³¹⁵ Belgium, [Media Website of the Flemish government](#); Belgium, [VRT website](#).

³¹⁶ Belgium, High Audio-visual Council, [Equality and Diversity Plan](#).

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| <p>Are migrants and/or their descendants present, visible and actively participating in public? (E.g. in public events, TV and electronic media, cultural events). Please substantiate on the basis of existing data or contacts with relevant authorities, actors and stakeholders, making sure to cover a wide spectrum and obtain as much as possible objective information.</p> | <p>Based on a 2013 diversity study in the audio-visual media, carried out by the French-speaking Community, the following was found:</p> <ul style="list-style-type: none"> - In 3 years, there has been a significant progress in the visibility of minorities on the TV screen: an increase from 10.26% to 16.98%; - Concerning local information programmes, about 13.53% of intervening persons had a migration background, corresponding to an increase of 5.72% compared to 2011, while the increase registered in national information programmes amounts to 3.48% only; - Nevertheless, intervening persons with migration background more frequently appear on the TV screen as extras than as experts. About one out of two persons with a migration background intervenes in an anonymous manner.³¹⁷ <p>Based on a 2012 study, 6.2% of the 'speaking actors' on Flemish public TV (for the year 2012) were immigrants. This exceeds the set target of 5%.³¹⁸</p> <p>A 2009 study, carried out for the Centre for Equal Opportunities, showed that 2 out of 3 persons interviewed (persons with a migration background) were of the view that their ethnic group is underrepresented in the Belgian media. In particular Sub-Saharan Africans and East-Europeans held this view.³¹⁹</p> |
| <p>Are there legal or practical limitations for the media, culture or other type of public events by migrants and/or their descendants? (E.g. are there national language requirements for TV or radio stations, bureaucratic and representation requirements, etc.)</p> | <p>As mentioned above, the language requirements for media professionals are generally high. This may be one of the reasons for the low number of immigrants as media professionals.</p> <p>In 2013, the Interfederal Centre for Equal Opportunities received 281 complaints of discrimination in relation to media, including internet. Most of the complaints related to racism and religious convictions. Many of the complaints related to remarks made by politicians or public figures in the media. According to the Centre, it is due to the fact that "the anti-discrimination legislation does not allow acting upon such incentives to hatred, violence or discrimination against a person or a group characterised by a protected criterion, namely the nationality here, the alleged race, skin colour, descent, national or ethnic origin."³²⁰</p> |
| <p>Are there positive measures for promoting or restrictions/barriers to the operation of migrant and ethnic minority (owned, directed or audience specific) media?</p> | <p>No information identified.³²¹</p> |
| <p>Are there practical measures encouraging and promoting the</p> | <p>Regarding TV presence: (<i>see above</i>)</p> <ul style="list-style-type: none"> - The VRT has made significant efforts to attract immigrants as media professionals, e.g. through the |

³¹⁷ Belgium, High Audio-visual Council (2013), [Diversity and Equality Barometer 2013](#).

³¹⁸ Belgium, [VRT website](#).

³¹⁹ Belgium, Independent Research Bureau (IRB Europe) (2009), [Results overview of a research in foreign population groups in Belgium](#), carried out for the Centre for Equal Opportunities, available at: pp. 28-29.

³²⁰ Belgium, Interfederal Centre for Equal Opportunity, Annual report 2013, p.119.

³²¹ Based on desk research.

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| <p>visibility, voice and public presence of migrants and/or their descendants in the media, culture or other type of public events? (E.g. are there programmes and information provided by the media in other than the country official language, and migrants' languages, quotas for journalists and public programmes reflecting the diversity in society etc.?)</p> | <p>provision of media training for individuals from the target group and fully paid internships.³²²</p> <ul style="list-style-type: none"> - The VRT has set targets for representation of immigrants on TV, which were met: while the target was set at 5% immigrants as 'speaking actors', a one-year study in 2012 showed that this target was achieved (6.2%).³²³ <p>The Department of Equal Opportunities of the Flemish government has developed an expert database, which refers to experts belonging to various target groups (immigrants, women, persons with disability, etc.). This database is exclusively intended for use by journalists and journalism students.³²⁴</p> <p>No further information identified.³²⁵</p> |
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3.5.1. Diversity in the public sector

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| <p>In this section based on available data, research, studies, etc. please provide information about recruitment of migrants and their descendants in the public sector:</p> | |
| <p>Please describe how <u>legal</u> provisions allow or prevent the recruitment of third country nationals in the public sector. Please indicate specific areas, requirements, quotas if any, upward mobility and promotion limitations if any, as well as if and how these provisions are applied in practice.</p> | <p>Regions and Communities</p> <p>Most of the Regions and Communities have opened access to employment in their civil service to non-nationals (both EU citizens and third country nationals) during the past years. Exceptions to that are certain functions related to the exercise of public power and the protection of national sovereignty.</p> <ul style="list-style-type: none"> • Walloon Region: Decree modifying, for the public service of the Walloon Region, the Decree of 15 March 2012 broadening the nationality conditions to access public service employment of the Walloon Region (<i>Décret modifiant, pour la fonction publique en Région wallonne, le décret du 15 mars 2012 élargissant les conditions de nationalité pour l'accès aux emplois de la fonction publique de la Région wallonne</i>), 10 July 2013. • Brussels Region : Ordinance broadening the nationality conditions to access public service employment of the Region (Ordonnance élargissant les conditions de nationalité pour l'accès aux emplois de la fonction publique régionale), 11 July 2002. • Flemish Community : The Flemish Community opens access to non-Belgian outside the EU/EEA countries only for contractual position. It considers that the Constitution |

³²² Belgium, Apache, (2010), online news site, available at: www.apache.be/2010/04/07/openbare-omroep-vindt-nauwelijks-allochtone-medewerkers/.

³²³ Belgium, [VRT website](#).

³²⁴ Belgium, [Expert Database](#).

³²⁵ Based on desk research.

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| | | <p>(Article 10) does not allow the Community to regulate the Belgian nationality condition for civil service positions.³²⁶</p> <ul style="list-style-type: none"> • French Community : Decree broadening the nationality conditions to access public service employment of the French Community (<i>Décret élargissant les conditions de nationalité pour l'accès aux emplois de la fonction publique de la Communauté française</i>), 19 April 2012. • German Community : None • COCOF : Decree broadening the nationality conditions to access public service employment of the French Community Commission (Décret élargissant les conditions de nationalité pour l'accès aux emplois de la Fonction publique au sein des services de la Commission communautaire française), 19 March 2004. • COCOM : Ordinance broadening the nationality conditions to access public service employment of the Joint Community Commission and public welfare centers and local associations they create as well as their umbrella organisation (<i>Ordonnance élargissant les conditions de nationalité pour l'accès aux emplois dans les services du Collège réuni de la Commission communautaire commune et dans les centres publics d'aide sociale et les associations locales qu'ils créent ainsi que leur association faitière</i>), 1 April 2004. • COCON : None <p>Federal</p> <p>By contrast, the federal government has only committed to examine the opportunity of opening access to public services to legally residing third country nationals who respect public order and public security requirements (except for certain functions related to the exercise of public power and the protection of national sovereignty), without further action so far.³²⁷</p> |
| | <p>Please indicate if citizens of migrant descent can also be affected by limitation – e.g on the basis of their ethnic origin or migrant background or naturalisation - in public sector recruitment, for example in education, law</p> | <p>Discrimination on the basis of origin exists both in the public and private employment sector. However, this is not linked to <u>legal</u> limitations. According to the Interfederal Centre for Equal Opportunities, there is no clear explanation for the generally lower social and economic position of various ethnic minorities as this is linked to a complex combination of factors. Nevertheless, discrimination and tolerance seem to play a significant role in this. Because discrimination based on ethnic origin often takes subtle forms in the employment context – employers are well aware of its illegality – it is difficult to discern and map it. In addition, it is often impossible to draw a clear line between different treatment on the basis of origin and different treatment based on religion.³²⁸</p> |

³²⁶ Belgium, Flemish government, Equal opportunities and diversity plan 2015 (*Gelijkekansen-en Diversiteitsplan Vlaamse Overheid 2015*), available at <https://www.vlaanderen.be/nl/publicaties/detail/gelijkekansen-en-diversiteitsplan-vlaamse-overheid-2015>.

³²⁷ Belgium, Federal Governmental Agreement, 1 December 2011, p. 160; Belgium, Bribosia E. and Rorive I. (2014), (Directives 2000/43/EC and 2000/78/EC), drafted for the European Network of Legal Experts in the Non-discrimination Field, available at: www.migpolgroup.com/portfolio/country-reports-on-measures-to-combat-discrimination-2013/?utm_source=Migration+Policy+Group+E-newsletter&utm_campaign=376588303f-MPG_e_News_January_2015&utm_medium=email&utm_term=0_bebdbbf6af-376588303f-9857925, section 4.4, pp. 115-117.

³²⁸ Belgium, Interfederal Centre for Equal Opportunities (*Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances*) (2012), , available at: www.diversiteit.be/sites/default/files/documents/publication/de_diversiteitsbarometer_werk_0.pdf, pp. 72 and following.

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| enforcement, judiciary, etc. | Please indicate proportion of recruitment (% on the total of posts for this category or service) for the interested categories of third country nationals, if any. | In the Flemish Community, the amount of staff with migrant origins reaches 4,3% of the staff in 2014. ³²⁹ In the Walloon Region public administration, the percentage of staff of non-Belgian nationality reached 1.8% in 2009, while it reached 0.60% in the Federal public administration in 2008. ³³⁰ |
| Please indicate any affirmative action and positive action either for third country nationals or citizens with a migrant background, if any, e.g. quotas, reserved posts for people of migrant background etc. as well as promising practices in this area. Please provide information specifically for law enforcement, judiciary, and education. | | On the Flemish level , the minister of integration has expressed in October 2014 that she wants to increase the number of Flemish officials with a migration background. While 3.1% of the staff had a migration background in 2013 (1,344 persons), by 2020 this number should be 10% (target). ³³¹ The notions of 'persons with a migration background'/'persons of migrant origin' cover both third country nationals and EU citizens. ³³² In almost all policy areas and entities of the Flemish government, 'diversity officials' have been operating since 2014. In total, there are 70 diversity officials who coordinate the actions on equal opportunities and diversity in the local workplace. They are supported by the service for Diversity Policy, which supports and advises the Flemish government in realising its equal opportunities and diversity policy. Every two months, the diversity officials meet in Brussels in the Commission for Diversity of the Flemish government, in order to exchange information on good practice and agree on initiatives on equal opportunities and diversity. ³³³ The service for Diversity Policy has recently published its 'Equal Opportunities and Diversity Plan 2015 for the Flemish Government'. ³³⁴ No action could be identified for the for the Walloon and Brussels level . |

3.6. Political activity – active citizenship

Membership and participation of migrants in migrant and/or diaspora organisations and associations:

³²⁹ Belgium, Flemish authority, Administrative Affairs (*Bestuurszaken*), Personal diversity numbers (*Personeel – cijfers diversiteit*) available at <http://www.bestuurszaken.be/bedrijfsinformatie/cijfers-diversiteit>

³³⁰ Belgium, Nouria Ouali and Pasquale Cennicola, Étude sur la discrimination en Belgique et en Wallonie : analyse des positions sur le marché du travail selon le genre et la nationalité, WEPS, 2013, available at <http://www.iweps.be/sites/default/files/tr01.pdf>.

³³¹ Belgium, Flemish government (2014), , (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>, p. 18.

³³² Belgium, Knack online news site, article, 'Homans wil meer vreemdelingen bij Vlaamse overheid: Mag het ook een Nederlander zijn?', available at: www.knack.be/nieuws/belgie/homans-wil-meer-vreemdelingen-bij-vlaamse-overheid-mag-het-ook-een-nederlander-zijn/article-normal-494653.html.

³³³ Belgium, Flemish government, department of Management Affairs, website, [available at: www.bestuurszaken.be/diversiteitsambtenaren](http://www.bestuurszaken.be/diversiteitsambtenaren).

³³⁴ Belgium, Flemish government, Service for Diversity, Equal Opportunities and Diversity Plan 2015 for the Flemish Government, available at: www.bestuurszaken.be/sites/default/files/documenten/personeel/diversiteit-en-gelijke-kansen/Diversiteitsbeleid_deel3_Actieplan2015.pdf.

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| | <p>Are there any legal or practical limitations or barriers for the self-organisation membership of migrants in migrant and or diaspora associations and organisations?</p> | <p>Since the right of association and of freedom of speech is guaranteed by constitution in Belgium, everybody who lives in the country (Belgians and foreign citizens alike) has the right to become a member of associations or start an association.³³⁵</p> <p>In response to an information request, the Minority Forum (association of ethno-cultural federations in Flanders – see below) replied that there can be a number of practical barriers that limit membership of migrants or persons of migrant background in migrant associations. For example, the main language spoken in an organisation and customs practised in organisation can be a barrier and exclude migrants who do not master the language or who practise different customs. In a report of Share Forum for migrant organisations, there is reference to the “<i>risk of ghetto-forming by migrant associations</i>” (without further clarification), which could relate to the observation that many migrant organisations in Belgium target a very specific population with a shared ethno-cultural identity (Share, 2012)³³⁶. An example other than language might be the mode of consultation (which is often organised formally in Flanders), with which certain migrants are not familiar and experience problems. Beliefs, principles and customs of persons of migrant background can be a barrier to participation in any public activity in general (whether in migrant associations, or unions, volunteer associations, leisure organisations, etc.), for example for women who are according to their beliefs and customs not allowed to partake in activities with men, or cannot move freely without a (male) escort. In addition, the respondent of the Minority Forum reported that migrant organisations are often characterized by high social control internally, which can in some instances be a barrier for individuals to participate (e.g. an association dominated by men who discourage public activities of women; or organisations in which members put pressure on other members with regard to private life decisions)(Minority Forum, response to info request, 2015). Refugee Work Flanders (Vluchtelingenwerk Vlaanderen), the umbrella organisation for organisations involved with refugees and asylum seekers in Flanders also reported a number of practical barriers to self-organisation, specifically for refugees and asylum seekers. For starters, the precarious and insecure situation of this vulnerable group of migrants (left everything behind, harsh journey, poverty, complicated asylum procedure, lack of knowledge of the structures, customs and language of the host country, etc.) makes survival strategies in general a more important priority than self-organisation. Persons who do not have a secure residence status in the host country participate rarely in self-organisations. Secondly, many refugees and asylum seekers wish to distance themselves from the identity of refugee. In addition, lack of self-confidence and belief in their own ability to be organised was reported as a hurdle. Moreover, bad experiences with associational life in the home country can be an obstacle for individuals. The respondent</p> |
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³³⁵ Jacobs, D. (1998), ‘Nieuwkomers in de politiek. Bedenkingen over de politieke participatie van vreemdelingen’, (Newcomers in politics: Reflections on the political participation of foreigners), in *Op-stap naar gelijkwaardigheid, Jaarverslag 1997 Centrum voor Gelijkheid van Kansen en voor Racismebestrijding* (Steppingstone to equality. Annual report 1997 of the Centre of Equal Opportunities and Fight against Racism), pp 168-184.

³³⁶ Share (2012), *Samenvatting van de bijeenkomsten met de migrantenverenigingen in de Vlaamse gemeenschap*, (Summary of the meeting of migrant associations in the Flemish Community), [available](http://www.shareforum.be/download/SHARE%20-%20Samenvatting%20van%20de%20Vlaamse%20Gemeenschap.pdf) at: www.shareforum.be/download/SHARE%20-%20Samenvatting%20van%20de%20Vlaamse%20Gemeenschap.pdf

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| | | <p>concludes that being a dependent recipient of public service (reception, benefits, programmes, ...) for years might not be stimulating autonomy, which is crucial to set up self-organisations (Vluchtelingenwerk Vlaanderen, response to info request, 2015).</p> <p>Moreover, generic barriers (not specifically for migrants) to participation in organisations (of any kind) can be applicable here, such as problems of childcare during meetings, the inconvenient timing of meetings (e.g. at day time when potential participants are at work, or at night time when going out is not always desirable), or general lack of time (due to work, household tasks etc.)(Minderhedenforum, response to info request, 2015). Lack of motivation also constitutes a major hurdle for self-organisation of migrants and diaspora in associations (Vluchtelingenwerk Vlaanderen, response to info request, 2015). Participating in organisations, let alone setting up and running and organisation themselves, is simply not a high priority for many migrants. The complexity of structures and rules in Belgium creates an additional hurdle to overcome to get self-organised as migrants or diaspora. An often heard critique is that migrants do not know the relevant channels to the authorities and would not know how to get started with organising themselves in an association, which requires external stimulation and support (Vluchtelingenwerk Vlaanderen, response to info request, 2015).</p> <p>Nevertheless, the number of ethnic-cultural federations in Flanders and Brussels (for which numbers are reported³³⁷) is rising, not in the least because of the enabling legal framework (no formal barriers against migrant associations exist) and financial support by governments at regional and local level (Minority Forum & FOV, 2010).³³⁸</p> <p>An interesting reference regarding opportunities, limitations and barriers of self-organisations based on a shared ethno-cultural identity in Flanders and Brussels, is the book (in Dutch) of 2014 by dr. Bert Anciaux Zelforganisaties in Vlaanderen. Onderzoek naar plaatselijke (zelf)organisaties op basis van etnisch-culturele identiteit (English translation: Self-organisation in Flanders: Research on local (self-) organisations based on ethnic-cultural identity).</p> |
| | <p>Are there notable cases of active migrant and/or diaspora associations and organisations? Please indicate the most known, active or representative ones on the basis of existing data about membership – please include size/numbers</p> | <p>Migrant associations or organisations of ethnic-cultural groups are very diverse. Some of them focus on a particular group within the diaspora (from a specific country or region), while others have a more general scope or assemble specific vulnerable groups (women, children, asylum seekers, etc.).</p> <p>In Flanders, there is a system of 13 overarching <u>ethno-cultural Federations</u> (each comprising numerous local organisations within their scope), these are 1) Multicultural Federation of self-organisations (AIF); 2) Federation of Progressive Associations (CDF); 3) Christian associations of Italian workers – Flanders (ACLI-Flanders); 4) Federation of World Women; 5) Federation of</p> |

³³⁷ Under the Ethno-cultural federation resorted 1,119 local organisations in Flanders and Brussels in 2007. This has grown to 1,269 in 2008, 1,567 in 2009 and 2,638 in 2010. (Minderhedenforum & FOV (2010). *Van alle markten thuis*. Brussels, p 15)

³³⁸ Minderhedenforum & FOV (2010). *Van alle markten thuis*, (At home in every market), Brussels, [available](http://www.fov.be/ecf/download/Van_alle_markten_thuis.pdf) at: www.fov.be/ecf/download/Van_alle_markten_thuis.pdf

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| | <p>of members - and through contacts with competent actors and stakeholders. Please specify their character and eventual differences, including aspects concerning their religious, culture or geographic scope.</p> | <p>Anglophone Africans in Belgium (FAAB); 6) Federation of Moroccan Associations (FMV); 7) Federation of self-organisations in Flanders (FZO-VL); 8) International Committee (IC); 9) Latin American Federation (LAF); 10) Federation of Global Democratic Organisations (FMDO); 11) Platform of African Communities (PAG); 12) Turkish Union in Belgium and 13) Union of Turkish Associations (UTV). Based on this classification, one can conclude that migrant organisations and diaspora associations in Belgium have a diverse range of ethnic and cultural scope. Similarly, they diversify strongly in their mission. These 13 federations comprise around 1,700 local organisations or more (data for 2010: 1,638 local organisations (307 in Brussels, 462 in Antwerp, 363 in Limburg, 93 in Flemish-Brabant, 343 in East-Flanders and 70 in West-Flanders). All these organisations are autonomous self-organisations, with diverse missions and structures, working 100% on volunteer work. The federations coach these organisations and support them logistically or through advocacy (Minority Forum & FOV, 2010).</p> <p>The Minority Forum (Minderhedenforum) is an independent umbrella organisation for the intercultural civil society in Flanders which fulfils an important participative role in integration policy (formally embedded in policy declarations). The Minority Forum includes 18 member organisations, among which the 13 Ethno-cultural federations (listed above) and other umbrella organisations or un-federated associations (Merhaba, Our life – the Union of trailer dwellers, PAJ - Platform of non-native youth, Platform of Russian-speaking, the RVDAGE Council of African communities in Europe/Flanders) and individual representatives of ethno-cultural minorities (as a symbolic 19th member). It represents a total of more than 1,700 local organisations in Flanders and Brussels.</p> <p>Share Forum of Migrants, is a national platform of ethnic-cultural minority associations. Current member organisations are the European Council on Refugees and Exiles (ECRE), the Council of African communities in Europe/Flanders (RVDAGE), the Coordination and Initiatives for Refugees and Foreigners (CIRE), the Crossroads of Cultures (Carrefour des Cultures), the Iranian Centre of research (RAZI), the Platform of African Communities, the Cultural Centre Omar Khayam, Na'oura, Moja, Mwindi Kitoko, Friends of the world (Les amis du monde entire), Chehupo Tolikya, The Russian House, Hispano-Belga, Abraço, Brussels Centre for Intercultural Action (CBAI), Educational Centre André Genot (EPAG), the Red Cross, El Andino and Mayera. However, it is unclear whether Share Forum of Migrants is still active (last activity on website was in December 2013 and no response was obtained from any of the contacted staff of this forum).</p> <p>The large majority of migrant organisations in Belgium are either socio-cultural or religious organisations (Van Caudenberg et al., 2015). No info on membership size of organisations was acquired through info requests or could be identified based on desk research (online searches & reports). The federations and networks that have responded to information requests reported that there is no centralised data for membership size of organisations. Data could be requested at individual associations or organisations, but this requires primary data collection. Equally, gathering information on</p> |
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| | | <p>the religious, cultural and geographic scope of migrant organisations in Belgium requires contacting all the individual organisations (over a 1,700 in Flanders and Brussels alone) as the range and composition of migrant organisations in Belgium can be characterised as very diverse.</p> <p>Based on this observation, we could not list 'the most important migrant organisations' (in terms of membership size). By lack of selection criteria we wish to not single out particular organisations for reference, but we refer to the overarching federations/forums (cfr. hyperlinks above). Regarding the question on contacts with authorities, the Minority Forum (as association of the ethno-cultural federations in Flanders and Brussels) is the most relevant organisation because it is included in Flemish integration policy strategies as the participatory organisation (consultative body) to participate in the development and follow-up of the Flemish integration and civic integration policy.</p> |
| | <p>Please provide any data on the participation of migrants and their descendants in the most representative migrant and/or diaspora organisations and associations? (figures and % of migrants and/or persons with the specific ethnic or other background as members, or descriptive data if statistical data is not available).</p> | <p>No info on participation and membership of migrants and their descendants in migrant associations was acquired through info requests (addressed at higher level federations and networks: Minority Forum, FOV, VV, SHARE, ...) or could be identified based on desk research (online searches and reports). Data could potentially be requested by individual associations or organisations, but this requires primary data collection. Statistics might be available in research publications, but this would require more extensive literature research.</p> <p>We can however refer to the Immigrant Citizens Survey³³⁹, containing responses of a representative sample of immigrants in certain regions in Belgium (as well as other countries), which was conducted and analysed by The King Baudouin Foundation and the Migration Policy Group. In this survey, 11% of migrant respondents in Antwerp stated to be member of a migrant or ethnic organisation, whereas for Brussels the membership rate was 13% of the respondents and in Liège 6%.</p> <p>Moreover, we can refer to <u>academic research</u> on the subject of associational membership and self-organisation of migrants, by scholars Bert Anciaux, Dirk Jacobs, Marc Swyngedouw and Karen Phalet, to name just a few (see footnotes)³⁴⁰. The research project</p> |

³³⁹ King Baudouin Foundation and the Migration Policy Group (no date) *Immigrant Citizens Survey*, available at: www.immigrantsurvey.org/politics.html

³⁴⁰ Anciaux, B. (2014), *Zelforganisaties in Vlaanderen. Onderzoek naar plaatselijke (zelf)organisaties op basis van etnisch-culturele identiteit*. (Self-organisation in Flanders: Research on local (self-)organisations based on ethnic-cultural identity), Brussels, ULB

Jacobs, D., Phalet, K., Swyngedouw, M. (2010), 'Associational membership of ethnic minorities and perception of group discrimination'. in: Datta A. (eds), *Zukunft der transkulturellen Bildung - Zukunft der Migration*. Frankfurt: Brandes & Apfel, 132-147.

Jacobs, D. & Thys, R. (2009), 'Netwerken van Marokkaanse en Turkse verenigingen en politieke integratie van migranten in Brussel', (Networks of Moroccan and Turkish associations and the political integration of immigrants in Brussels), pp.111-140 in Mertens, S. (ed.) *Burgerschap & democratie in een veranderende wereld*, (Citizenship and democracy in a changing world), Gent, Academia Press.

Jacobs, D. (2007), 'La vie associative allochtone dans la Région de Bruxelles-Capitale' (Associational life of foreigners in Brussels Capital Region) in Delwit P., Rea A., Swyngedouw M. (Eds.), *Bruxelles ville ouverte: immigration et diversité culturelle au coeur de l'Europe*, (Brussels open city : immigration and cultural diversity in the heart of Europe), Paris, Harmattan,

Jacobs, D., Phalet, K. & Swyngedouw, M. (2006), 'Political participation and associational life of Turkish residents in the capital of Europe', *Turkish Studies*, Vol. 7 (1): 145-161.

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| | <p>Ethnic Social Capital ("Ethnic social capital and its impact on generalised trust and political participation among ethnic minority groups") of the University of Brussels is also worth to mention.</p> <p>For example the study by Jacobs & Thys (Jacobs & Thys, 2009)³⁴¹, based on a survey of Turkish and Moroccan organisations in Brussels in 2004, on the embeddedness (in networks) and profile of ethnic organisations provides relevant answers to the questions of this section. This study provides an interesting mapping of Turkish and Moroccan associations in Brussels, of the networks that connect them and of the overlapping mandates of actors involved in several organisations. The research shows that Turkish associations in Brussels are more numerous than Moroccan associations, even though Moroccans are a larger group of residents in Brussels. The authors state that in the Brussels context, one can really speak of a tight Turkish community (as a consequence of 'chain migration' from a limited number of Anatolian villages), whereas this is less the case for the Moroccan community. Survey results show that 80% of the surveyed persons of Turkish descent claim that they have an own ethnic community in Brussels, whereas only 40% of the surveyed persons of Moroccan descent make such a claim (Jacobs & Thys, 2009, p. 120)³⁴². On the other hand, Moroccan associations prove to be more interconnected and embedded in one large network, whereas networks of Turkish associations are more fragmented. In other research, active associational membership was already surveyed for Turkish and Moroccan ethnic minorities in Brussels (Jacobs, Phalet & Swyngedouw, 2004)³⁴³. From those results, it stands again clear that associational membership in an ethnic association is significantly higher among the Turkish origin population in Brussels and significantly lower for the Moroccan origin population in Brussels: 68% of the Turkish respondents participated in at least one activity of a Turkish association and 35% is member of such an association, in comparison to only 19% of the Moroccan respondents took part in at least one activity of a Moroccan association, and only 10% is member of such an association (Jacobs, Phalet & Swyngedouw, 2004, p. 546)³⁴⁴. In the article of 2004, the researchers studied the relationship between</p> |
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Jacobs, D. (2006), 'Collectieve belangenbehartiging bij allochtonen', (Collective advocacy by foreigners), pp.187-200 in Brems, E. & Stockx, R. (eds.) *Recht en Minderheden, De ene diversiteit is de andere niet*, (Law and Minorities. Not every diversity is similar), Tegenspraak, Cahier 26, Brugge, Die Keure.

Jacobs, D. & Swyngedouw, M. (2006), 'La vie associative marocaine et turque dans la Région de Bruxelles-Capitale' [English translation : associational life of Moroccans in Brussels Capital Region], pp.135-158 in Khader, B., Martinello, M., Rea, A. & Timmerman, C. (eds.) *Penser l'immigration et l'intégration autrement. Une initiative belge inter-universitaire*, (Thinking of immigration in a different way. A belgian inter-university initiative), Bruxelles, Bruylant

Jacobs, D., Phalet, K. & Swyngedouw, M.(2004), 'Associational membership and political involvement among ethnic minority groups in Brussels' *Journal of Ethnic and Migration Studies*,30(3): 543-559

³⁴¹ Jacobs, D. & Thys, R. (2009), 'Netwerken van Marokkaanse en Turkse verenigingen en politieke integratie van migranten in Brussel' [English translation: Networks of Moroccan and Turkish associations and the political integration of immigrants in Brussels], pp.111-140 in Mertens, S. (ed.) *Burgerschap & democratie in een veranderende wereld*. [English translation: Citizenship and democracy in a changing world]. Gent: Academia Press.

³⁴² Jacobs, D. & Thys, R. (2009), 'Netwerken van Marokkaanse en Turkse verenigingen en politieke integratie van migranten in Brussel' [English translation: Networks of Moroccan and Turkish associations and the political integration of immigrants in Brussels], pp.111-140 in Mertens, S. (ed.) *Burgerschap & democratie in een veranderende wereld*. [English translation: Citizenship and democracy in a changing world]. Gent: Academia Press.

³⁴³ Jacobs, D., Phalet, K. & Swyngedouw, M.(2004), '[Associational membership and political involvement among ethnic minority groups in Brussels](#)' *Journal of Ethnic and Migration Studies*,30(3): 543-559

³⁴⁴ Jacobs, D., Phalet, K. & Swyngedouw, M.(2004), '[Associational membership and political involvement among ethnic minority groups in Brussels](#)' *Journal of Ethnic and Migration Studies*,30(3): 543-559

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| | <p>associational membership and political involvement, yet find that respondents of Turkish origin score high on a number of indicators of 'ethnic civic community', whereas it is the Moroccans who have a higher level of political involvement. Moreover, on the individual level, Jacobs, Phalet & Swyngedouw did not find proof of a strong positive link between membership participation in ethnic associations as such and political involvement.</p> <p>Jacobs and Thys do find in this difference of associational membership, an explanation for the fact that more Turkish TCN (15%) than Moroccan TCN (10,7%) had registered to vote in the Brussels elections of 2006. It provides on the other hand at first sight not an explanation for the remarkable success of foreign origin elected representatives in local and regional elections in Brussels, which were primarily of Moroccan origin (which the researchers attribute in the first place to knowledge of the French language, which is more widespread among Moroccans than among Turkish, and in second place the larger Moroccan electorate). The researchers conclude that associational membership of ethnic organisations as such is not a significant determinant of active participation in politics in Brussels. On the other hand, the researchers do find indications that ethnic association play a positive role as driver for political participation, after analysis of the extent of political activities (protests, manifestations, contacting authorities, press statements, dissemination of information to influence the public opinion, collection signatures in a petition, etc.) organized by these ethnic associations, which is higher among the Moroccan associations in Brussels than the Turkish ones. Interestingly, the statistical results force the researchers to reject the hypothesis of a link between the measure of 'embeddedness' of an ethnic organisation in a larger network (or 'interconnectedness') and the measure of 'political activities' (Jacobs & Thys, 2009, p. 132)³⁴⁵.</p> <p>Based on the survey of Turkish and Moroccan organisations in Brussels in 2004, the researchers can also draw a 'profile' of these self-organisations of Turkish and Moroccan migrants and diaspora in Brussels. Turkish associations proved to be larger in membership, with a median number of 90 members for the Turkish associations in contrast to a median number of 31 members for the Moroccan associations. It is also reported that there are two major Turkish associations that cover the entire country and have respectively 10.000 and 6.000 active members. In contrast, such mass self-associations do not exist for Moroccan migrants and diaspora in Belgium (Jacobs & Thys, 2009, p. 126-257)³⁴⁶. The main activities of these associations are related to sports (29,4% of the Moroccan, 42,3% of the Turkish) or of cultural nature (17,6% of the Moroccan, 23,1% of the Turkish). Regarding the support for ethnic self-associations, it is interesting to point out the</p> |
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³⁴⁵ Jacobs, D. & Thys, R. (2009), 'Netwerken van Marokkaanse en Turkse verenigingen en politieke integratie van migranten in Brussel' [English translation: Networks of Moroccan and Turkish associations and the political integration of immigrants in Brussels], pp.111-140 in Mertens, S. (ed.) *Burgerschap & democratie in een veranderende wereld*. [English translation: *Citizenship and democracy in a changing world*]. Gent: Academia Press.

³⁴⁶ Jacobs, D. & Thys, R. (2009), 'Netwerken van Marokkaanse en Turkse verenigingen en politieke integratie van migranten in Brussel' [English translation: Networks of Moroccan and Turkish associations and the political integration of immigrants in Brussels], pp.111-140 in Mertens, S. (ed.) *Burgerschap & democratie in een veranderende wereld*. [English translation: *Citizenship and democracy in a changing world*]. Gent: Academia Press.

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| | | <p>difference between the 'Flemish approach' and the 'French-speaking' approach that is mentioned by the authors. Flemish actors are stated to stimulate a model of identity-based group formation and collective mobilisation as a step in integration process. In line of this, Flemish actors encourage self-organisation of ethnic minorities and incorporate them in consultative bodies. French-speaking political actors on the other hand, opt for an approach that focusses on individual assimilation of newcomers and in the first place wish to integrate migrants in existing structures, associations and networks (Jacobs & Thys, 2009, p. 123)³⁴⁷. A clear example of this, is the fact that Flemish authorities in Brussels subsidize ethnic organisations, whereas French-speaking authorities do not.</p> |
| | <p>Are such associations and organisations encouraged and/or supported financially or in other means (e.g. offices) by the national, regional or local authorities? Is there in place a mechanism linking such associations at national level? (e.g. network of migrant associations).</p> | <p>Yes, in fact most of migrant organisations or associations depend in a large part on financial support by government (subsidies by the government departments responsible for Culture – at regional and local level). The Flemish government for example supports 1.200 migrant organisations by subsidies. The 13 ethno-cultural federations depend for 91% of their income on subsidies (Vermeersch et al., 2012)³⁴⁸. The King Baudouin Foundation maintains an 'Observatory for the non-profit sector' in which financial figures of associations (non-profit associations in general, not clear if disaggregated data is available for migrant organisations only) are maintained. Annually a Barometer of Associations is published, containing financial information of associations (in Dutch and French).</p> <p>However, it was reported that in times of budget cuts by governments, public spending is often reduced for support to civil society and migrant associations (Minderhedenforum, response to info request).</p> <p>In the Flemish region there are a number of linking measures to bring together migrant associations. For starters, 13 overarching ethno-cultural federations function as umbrella systems for numerous local organisations in Flanders and Brussels within their scope. The 13 ethno-cultural federations in Flanders and Brussels are recognised and/or supported by the Flemish government (by a decree on socio-cultural work). On a higher level, the Minority Forum unites the 13 ethnic-cultural federations. Another higher-level linking system is the Federation for Socio-cultural work (FOV) (Federatie Socio-cultureel Werk), which unites all socio-cultural organisations and federations who receive public financial support (subsidies) or who pursue such support. Over a 130 socio-cultural organisations and federations who are currently subsidised, are a member of FOV (including the ethno-cultural federation listed above and also individual members under them, but also organisations who are not characterised as migrant organisation or diaspora association). Finally also the United Associations</p> |

³⁴⁷ Jacobs, D. & Thys, R. (2009), 'Netwerken van Marokkaanse en Turkse verenigingen en politieke integratie van migranten in Brussel' [English translation: Networks of Moroccan and Turkish associations and the political integration of immigrants in Brussels], pp.111-140 in Mertens, S. (ed.) *Burgerschap & democratie in een veranderende wereld*. [English translation: Citizenship and democracy in a changing world]. Gent: Academia Press.

³⁴⁸ Vermeersch, L. Sels, J. & Vandenbroucke, A. (2012). *Vol van verwachting? Studie naar de (mis)match tussen de verwachtingen ten aanzien van de etnisch-culturele federaties en hun mogelijkheden om daar aan te voldoen*. (Full of expectations? Study on the (mis)match between expectation about the ethno-cultural federation and their capacities to realise these). Leuven, HIVA, available at: www.fov.be/ecf/download/Vol_van_verwachting.pdf

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| | | <p>(Verenigde Verenigingen)(VV) is an open network of hundreds of civil society organisations (including but not limited to migrant organisations) that wish to unite forces, exchange promising practices, and cooperate.</p> <p>Through information requests and desk research, we have not acquired information on an overarching structure for migrant associations in Wallonia or the French-speaking community of Brussels (which does not necessarily mean such is absent).</p> <p>There was a limited initiative (project) to build a national network among migrant associations under the name of SHARE, Forum of Migrants, by the model of the Minority Forum in Flanders. It is unclear whether this initiative is still running and will be carried on in the future. In any way, it has a much more limited reach in terms of number of organisations involved when compared to the Minority Forum (see above). No response was obtained from any of the contacted staff of this forum.</p> |
| Membership and participation of migrants in civil society organisations and voluntary work: | | |
| Are there any legal or practical limitations or barriers for the membership of migrants in civil society organisations? | | <p>Information for this section was collected through information requests addressed at federations of civil society organisation in Belgium. For the Flemish Community the coalition 11.11.11 was consulted, which is an umbrella organisation of civil society organisations of all sorts (volunteer organisations, youth movements, unions, political movements, etc. who are in any way engaged in development cooperation, cooperation between countries in the global north and south, sustainable development). This coalition unites 60 member organisations³⁴⁹ in the Flemish Community. The NGO-federation for Flemish NGOs was also contacted, which groups 62 member NGOs³⁵⁰ officially recognized by the federal DG for Development cooperation, but no response was obtained within the info collection time frame. For Wallonia (and the French-speaking community in Brussels), the umbrella organisation CNCDC was consulted, which is the counterpart of the Flemish 11.11.11 and unites almost 90 member organisations³⁵¹</p> |

³⁴⁹ABVV Solidariglobe; ACLVB Liberale Vakbond;ACV; AEFJN Belgium; BCHV Vluchtelingen; BOS+; Broederlijk Delen; Caritas International; CATAPA ; Chiro ; Christenen vh Socialisme; Congodorpen vzw; Damiaanactie; Dienst Buitenlandse studenten; Dierenartsen Zonder Grenzen; Djapo vzw; Fair Trade Original; Fos-socialistische solidariteit ; Geneeskunde voor de Derde Wereld; Gezinsbond; Globelink; Hand in hand; Intal; Jong CD&V; Jong Groen!; Jong VLD; Jongsocialisten; KBA/FONCABA; KIYO; L2 JongProgressieven; Memisa; Miel Maya Honing; Ned. Vrouwenraad; Netwerk Bewust Verbruiken; NKO (Onthaal DW-studenten); OR.C.A.; Orbi Pharma; Oxfam-Solidariteit; Oxfam-Wereldwinkels; Palestina Solidariteit; Pax Christi; PHOS; Protos; Sensoa; Solidagro; Solidariteitsfonds; sp.a-studiedienst; Steunfonds Derde Wereld; Studio Globo; Trias; UCOS; Vermeylenfonds; VIVA – SVV; Vlaams Guatemala Comité; Vluchtelingenwerk; Vrede; Vredesactie; Vredeseilanden; VRV Umubano; VVN - Verenigde Naties; Wereldsolidariteit; WIZAWIZA.

³⁵⁰ 11.11.11 - Koepel van de Vlaamse Noord-Zuidbeweging; ACTEC ; Apopo vzw; AZG - Artsen Zonder Grenzen; AZV - Artsen Zonder Vakantie; BOS+ tropen; Broederlijk Delen; Caritas International België; Congodorpen VZW; Cunina Vzw; Damiaanactie vzw; Djapo; Dierenartsen Zonder Grenzen; Fairtrade Belgium VZW; FOS - Socialistische Solidariteit; Fracarita Belgium; Geneeskunde voor de Derde Wereld vzw; Globalize Solidarity; Handicap International; IPIS - Internationale Vredesinformatiedienst; KBA/FONCABA - Kadervorming voor Afrikanen; KIYO; Light for the world; Memisa België; Miel Maya Honing vzw; NKO - Nationaal Komitee voor Onthaal derdewereldstudenten en –stagiairs; OWW - Oxfam Wereldwinkels; Oxfam-Solidariteit; Plan België; Protos; Rode Kruis Vlaanderen Internationaal; Vereniging van de Belgische Rotaryclubs voor Ontwikkelingssamenwerking; SHC - Sensorial Handicap Cooperation; Solidariteit Derde Wereldstudenten ; Solidagro; SOS Kinderdorpen België vzw; Studio Globo vzw; Tearfund - Hulp- & ontwikkelingsorganisatie binnen de Evangelische Alliantie Vlaanderen; Trias vzw; UCOS - Universitair Centrum voor Ontwikkelingssamenwerking; Umubano - Vlaams-Rwandese Vereniging; UNICEF België; VIA Don Bosco; Viva Africa vzw; Vredeseilanden vzw; Wereldsolidariteit; WWF-Belgium vzw

³⁵¹ ACDA ; achACT (ex - Campagnes Vêtements propres) ; Action-développement parrainages mondiaux (ADPM) ; Afghanistan-Europe ; Aide au Développement Gembloux (ADG) ; Asmae ; Association Angkor-Belgique ; Association

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| | | <p>(NGOs, unions, advocacy associations etc.) engaged in international solidarity in the Wallonia, Brussels (French-speaking community) and the German-speaking region of Belgium. Finally, ACODEV, the French-speaking and German-speaking federation of NGOs was consulted, which groups over 80 NGOs³⁵².</p> <p>Federations of civil society organisations reported that there are no formal legal barriers for migrants to be a member of or participate in civil society organisation (11.11.11., CNCD, ACODEV, responses to info requests, 2015). The right of association is guaranteed by constitution in Belgium, every legal inhabitant has the right to become a member of associations. For voluntary work, a legal barrier may arise due to the legislation of work permits for TCN. We have however not acquired sufficient information on the</p> |
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Belgo-Palestinienne (ABP) ; Association pour l'action de développement communautaire (AADC) ; Auto-développement pour l'Afrique ; Autre Terre ; CADTM ; Caritas international ; Centrale Générale des Syndicats Libéraux de Belgique (CGSLB) ; Centre Placet asbl ; Centre Tricontinental (CETRI) ; CEPAG (Centre d'Education Populaire André GENOT) ; Collectif d'échanges pour la Technologie Appropriée (COTA) ; Collectifs Stratégies Alimentaires (CSA) ; Comité national d'accueil (CNA-NKO) ; Commission Justice et Paix ; Communauté mauritanienne de Belgique (CMB) ; Confédération des Syndicats Chrétiens (CSC) ; Coordination et Initiatives pour Réfugiés et Étrangers (CIRÉ) ; Dynamo international ; Echos Communication ; Education globale & développement ; Entraide & Fraternité ; Escalpe Nord-Sud ; Espérance Revivre au Congo (ERC) ; Femmes Prévoyantes Socialistes ; FERAD ; FERDEDSI asbl ; FGTB wallonne ; FIAN Belgium ; Foncaba ; Fonds André Ryckmans ; Forum Nord-Sud ; Frères des Hommes ; Frontière de vie ; FUCID ; Geomoun ; GRESEA ; IDAY-International ; Ingénieurs sans frontières (ISF) ; Intal ; ITECO ; Laïcité & humanisme en Afrique centrale ; Le Monde selon les femmes (LMSF) ; Le Village du monde ; Ligue des Familles ; Louvain Coopération ; Médecine pour le Tiers-Monde ; Médecins du Monde ; Memisa ; Miel Maya Honing ; Mouvement d'Actions à Travers-Monde (MATM) ; Mouvement ouvrier chrétien – MOC ; ONG Partenaire ; Oxfam - Magasins du monde ; Oxfam-Solidarité ; PAC - Agir pour la Culture ; Petits pas ; Peuples Solidaires ; Pro-Action Développement asbl ; PROTOS ; Quinoa ; RéSO-J ; RCN Justice & Démocratie ; Selavip ; Service civil international (SCI) ; Service Laïque de Coopération au Développement (SLCD) ; Société de Saint-Vincent de Paul ; Solidarité Afghanistan Belgique (SAB) ; Solidarité Belgique-Sénégal ; Solidarité mondiale ; Solidarité protestante ; Solidarité socialiste (Solsoc) ; SOS Faim ; Tourisme Autrement ; UniverSud-Liège ; Vétérinaires Sans Frontières (VSF)

³⁵² AADC, Association pour l'Action de Développement Communautaire ; AAPK, Association pour l'Aide aux Populations du Kivu ; ADA (ex-ABRwa), Auto-Développement pour l'Afrique ; ACDA, Action et Coopération pour le Développement dans les Andes ; ACTEC, Association for Cultural Technical & Educational Cooperation ; ACTION DAMIEN, ADG, Aide au Développement Gembloux ; AGAT, Les Amis de Gatagara ; AQUADEV ; ARCB-CD, Association des Rotary Clubs Belges pour la Coopération au Développement ; AUTRE TERRE ; AVOCATS S/FONTIÈRES BELGIUM ; CACTM, Comité d'aide aux Calaminois du T-M ; CADTM, Comité pour l'Annulation de la Dette du Tiers Monde ; CCAEB, Conseil des Communautés Africaines en Europe ; CEC, Coopération par l'Education et la Culture ; CEMUBAC, Centre Scientifique et Médical de l'Université Libre de Bruxelles pour ses Activités de Coopération ; CETRI, Centre Tricontinental ; CDE-B, Chaîne de l'Espoir-Belgique ; CI Caritas ; CNA, Comité National d'Accueil (Etudiants du Tiers Monde) ; CNCD, Centre National de Coopération au Développement ; CJP, Commission Justice et Paix ; CODEART, Coopération au Développement de l'Artisanat ; COTA, Collectif d'Echange pour la Technologie Appropriée ; CRB, Croix Rouge de Belgique ; CSA, Collectif Stratégies Alimentaires ; DBA, Défi Belgique Afrique ; DISOP, Organisation de Coopération internationale pour des Projets de développement ; DYNAMO International ; ECHOS, Echos Communication ; EF, Entraide et Fraternité ; ETM, Enfance Tiers Monde ; FAR, Fonds André Ryckmans ; FDH, Frères des Hommes ; FIAN-Belgique, Foodfirst Information and Action Network - section belge ; FIR, Fonds Ingrid Renard ; FONCABA, asbl, Formation des Cadres Africains ; FUCID, Forum Universitaire de Coopération Internationale et de Développement ; GEOMOUN ; GRESEA, Groupe de Recherche pour une Stratégie Economique Alternative ; GROUPE ONE ; HIB, Handicap International Belgium ; IAP, Institut des Affaires Publiques ; IdP, Iles de Paix ; ISF, Ingénieurs sans Frontières ; ITECO, Centre de formation pour le développement ; KIYO, ONG des droits de l'enfant ; LE CORON ; LHAC, Laïcité et Humanisme en Afrique Centrale ; LMSF, Le Monde Selon Les Femmes ; LOUVAIN DEVELOPPEMENT, Louvain Coopération au Développement ; LUMIERE POUR MONDE ; M3M – G3W ; MH, Max Havelaar ; MdM, Médecins du Monde ; MEKONG PLUS ; MEMISA, Medical Mission Action ; MMH, Miel Maya Honing ; MMOXF, Magasins du Monde Oxfam ; MSF, Médecins sans Frontières ; OB-CE, Œuvre Belgo-Colombienne de l'Enfance ; OXFAM, Oxfam Solidarité ; PETITS PAS ; PEUPLES SOLIDAIRES ; PLAN Belgique ; QUINOA ; RCN Justice & Démocratie, Réseau des Citoyens Justice et Démocratie ; SAB, Solidarité Afghanistan Belgique ; SCI, Service Civil International ; SEDIF, Service d'Information et de Formation Tiers Monde ; SETM, Solidarité Etudiants du Tiers Monde ; SHC, Sensorial Handicap Cooperation ; SLCD, Service Laïque de Coopération au Développement ; SM, Solidarité Mondiale ; SOLSOC, Solidarité Socialiste – Formation, Coopération et Développement ; SONGES, Soutien aux ONG à l'Est et au Sud ; SOS VE, SOS Village d'Enfants Belgique Aide le Monde ; SP, Solidarité Protestante ; SOSL, SOS Layettes – Solidarité & Développement ; SOSF, SOS Faim ; UNICEF, Comité Belge pour l'Unicef ; UniverSud-Liège ; VIVA AFRICA ; VIA DON BOSCO ; VSF, Vétérinaires Sans Frontières ; WWF-Belgium, World Wildlife Fund – Belgium.

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| | | <p>current application of the labour regulations on voluntary work by foreigners. If the TCN has all the necessary legal documents to work in Belgium however, there is no legal obstacle for voluntary work (CNCD, response to info request, 2015).</p> <p>There do however appear to be practical barriers, as it was reported by one respondent that participation of migrants in mainstream civil society organisations is rather low (11.11.11. response to info request, 2015). The respondent reported a gap between mainstream civil society organisations such as the so-called North-South movement (civil society engaged in international cooperation and solidarity), and migrant organisations or ethnic-cultural federations. However, no further information was obtained through info requests and desk research on what might constitute potential barriers.</p> |
| | <p>Do civil society organisations encourage and support membership and participation of migrants and/or their descendants? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</p> | <p>While there is a large amount of civil society organisations for and by migrants, mainstreaming of the diversity aspect in other civil society organisations that are not directly involved with migrant groups or intercultural issues remains a challenge (Van Caudenberg et al., 2015)³⁵³.</p> <p>Sporadic outreach activities towards migrants exist, and a few major organisations (such as 11.11.11) are working towards more structural measures to reach migrants and their descendants as a specific target group, for example through structural cooperation with the network Refugee Work Flanders (Vluchtelingenwerk Vlaanderen)(11.11.11. response to info request, 2015). Measures taken to encourage and support membership and participation of migrants strongly diverge among the organisations. There is no uniform procedure (CNCD, response to info request, 2015).</p> |
| | <p>Please provide any data on the participation and membership of migrants and their descendants in the most representative civil society organisations? (figures or % of organisation members, % of migrants and/or with migrant background</p> | <p>No information on participation and membership of migrants and their descendants in civil society organisations was acquired through info requests (responses from higher level federations and umbrella organisations of civil society: 11.11.11; CNCD; ACODEV) or could be identified based on desk research (online searches and reports). The federations report that they themselves do not register members by background, but that it might be possible that some individual civil society organisations have such data (ACODV, CNCD, 11.11.11, responses to info requests, 2015). It is however more likely that many of them do not register members by nationality or origin. Statistics might be available in research publications³⁵⁴, but this would require more extensive literature research.</p> |

³⁵³ Van Caudenberg et al. (2015), *Second national report for ASSESS*. Antwerp: CeMIS. (currently in draft).

³⁵⁴ For example three (random) publications were sent to us by respondents:

Sempels, Q. & Ketelslegers, B. (January 2014), *De aanwezigheid en betrokkenheid van personen van buitenlandse herkomst in verenigingen waar armen het woord nemen*, (The presence and involvement of persons of foreign origin in associations where pour persons speak up), [available at: www.netwerktegenarmoede.be/documents/Onderzoek-personen-buitenlandse-herkomst-in-de-verenigingen.pdf](http://www.netwerktegenarmoede.be/documents/Onderzoek-personen-buitenlandse-herkomst-in-de-verenigingen.pdf)

Roumans, M. (2009). *Allochtonen en vrijwilligerswerk: een onderzoek naar de mogelijke motieven en hinderpalen om een engagement op te nemen in een Nederlandstalige organisatie*. (Foreigners and volunteer work: a research on the potential motives and barriers to be committed to a Dutch-speaking organisation), Brussels, available at: www.vub.ac.be/wetenschapswinkel/publicaties/2008-2009/masterproefWWMarijnRoumans.pdf

Mebis, S. (2006). *Een verkennend onderzoek naar de interesse en betrokkenheid van allochtone jongeren in ontwikkelingssamenwerking*, (An exploratory research on the interest and involvement of foreign youngsters in development cooperation), Xios Hogeschool BrusselS, available at: <http://doks.xios.be/doks/do/record/Get?dispatch=view&recordId=Sxhl8ae57e8c0df94839010e0de9f8ed0078>

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| | <p>as members, or descriptive data if statistical data is not available).</p> | <p>To briefly touch upon research on this subject, we can - by way of case study - present some of the findings of a recent study on the presence and involvement of persons of foreign origin in civil society organisations active in 'representation of the poor'. Although this is far from representative for the civil society in Belgium as a whole, a few relevant research findings can be extracted which have regard to involving persons with a foreign background in mainstream civil society organisations on a more general level and could potentially also be valid for other types of civil society organisations (such as CSO's active in the domains of development cooperation, sustainable development, etc.). The study of Sempels & Ketelslagers (Sempels & Ketelslagers, 2014)³⁵⁵ goes into the difficulties and opportunities of poverty organisations to reach persons of foreign and the involvement of persons of foreign origins in such organisations, based on a survey and interviewing of 39 poverty organisations (coordinators). Through the survey and interviews, the researchers looked into barriers for the involvement of persons of foreign origin in the workings of the surveyed poverty organizations. The primary and most obvious barrier to participation is the language barrier, which is problematic for involving foreigners in basic activities of the organisations, but especially in the structural work (which mostly involves meetings, reporting, dialogue). The second most important barrier, according to this research, is not feeling welcome among a majority of native members or participants. Thirdly, cultural barriers were reported, such as a disconnection with the specific needs and values of ethnically diverse subgroups and the gender mixed character of organized activities (which is a significant obstacle for many Muslim women). Furthermore, barriers such as unfamiliarity with consultation mechanisms, and difficulties to discuss certain topics (in this case poverty) in public, were named, next to practical barriers (Sempels & Ketelslagers, 2014, pp. 15-16)³⁵⁶. With regard to reaching persons of foreign origin, eight out of ten surveyed organisations claim that they have seen the number of participants of foreign origin rise significantly over the past 5 years, which is in line with the growing diversity in society, but which might also be indicative of the growing poverty among the foreign origin population (Sempels & Ketelslagers, 2014, pp. 9-10)³⁵⁷. Regarding the profile of those foreigners reached, the organisations mainly appear to be reaching 'newcomers', both with a precarious residency situation as those with permanent permits. On involvement, the research found the seven out of ten surveyed organisations report a rising involvement of persons of foreign origin, which implies for example volunteer work and regular participation in activities. A little under half of the surveyed associations (44%) stated that they have persons of foreign origin</p> |
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³⁵⁵ Sempels, Q. & Ketelslegers, B. (January 2014). *De aanwezigheid en betrokkenheid van personen van buitenlandse herkomst in verenigingen waar armen het woord nemen*. [The presence and involvement of persons of foreign origin in associations where poor persons speak up]. Retrieved from: <http://www.netwerktegenarmoede.be/documents/Onderzoek-personeen-buitenlandse-herkomst-in-de-verenigingen.pdf>

³⁵⁶ Sempels, Q. & Ketelslegers, B. (January 2014). *De aanwezigheid en betrokkenheid van personen van buitenlandse herkomst in verenigingen waar armen het woord nemen*. [The presence and involvement of persons of foreign origin in associations where poor persons speak up]. Retrieved from: <http://www.netwerktegenarmoede.be/documents/Onderzoek-personeen-buitenlandse-herkomst-in-de-verenigingen.pdf>

³⁵⁷ Sempels, Q. & Ketelslegers, B. (January 2014). *De aanwezigheid en betrokkenheid van personen van buitenlandse herkomst in verenigingen waar armen het woord nemen*. [The presence and involvement of persons of foreign origin in associations where poor persons speak up]. Retrieved from: <http://www.netwerktegenarmoede.be/documents/Onderzoek-personeen-buitenlandse-herkomst-in-de-verenigingen.pdf>

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| | | among their volunteer team, yet no figures were reported on the share of foreign origin members in relation to the total number of volunteers. (Sempels & Ketelslagers, 2014, p. 14) ³⁵⁸ . |
| Are there any legal or practical limitations or barriers for the membership of migrants in political parties, initiatives (e.g. petitions, signature collections) and movements? | Membership and participation of migrants in political parties: | |
| | | <p>For this section, the 10 major parties – based on their number of seats in the current national Chamber of Representatives³⁵⁹ - were contacted with information requests. These were <i>N-VA</i> (Flemish Nationalist Party); <i>PS</i> (French-speaking Socialist Party); <i>MR</i> (French-speaking Liberal Party); <i>CD&V</i> (Flemish Christian Democrat Party); <i>Open VLD</i> (Flemish Liberal Party); <i>SP.a</i> (Flemish Socialist Party); <i>CdH</i> (French-speaking Christian Democratic Party); <i>Groen</i> (Flemish Green Party); <i>Ecolo</i> (French-speaking Green Party) and <i>Vlaams Belang</i> (Flemish extreme rightist party). The following statements are based on responses of the parties, which we have received from 8 of the 10 major parties (<i>N-VA</i>; <i>PS</i>; <i>CD&V</i>; <i>Open VLD</i>; <i>MR</i>; <i>SP.a</i>; <i>Groen</i>; <i>Vlaams Belang</i>).</p> <p>So far, no relevant academic literature on membership of migrants or persons of foreign origin in political parties - to complement the collected info below with scientific research findings - could be found within the time frame of data collection for this study.</p> <p>All responsive parties reported that there are no legal limitations to party membership or participation in party activities, neither for TCN, nor for Belgians of foreign origin. As there are no formal nationality requirements to become a member in a political party, in principle TCN can become members of a political party in the same way as Belgians or EU citizens. Not accepting persons based on their nationality or background would be in breach of the non-discrimination legislation in Belgium. Respect for fundamental rights such as equality and non-discrimination is also taken up in party principle declarations and regulations (e.g. with reference to the Universal Declaration of the Human Rights or the Treaty of the Human Rights and Fundamental Freedoms).</p> <p>All parties claimed that membership is open for any inhabitant who subscribes to the party principles and who agrees with its political standpoints. Some parties explicitly stated that they strive for an inclusive society and that they are addressing all segments of the population (male-female, young-old, heterosexual-LGBT's; natives-foreigners; etc.) (<i>CD&V</i>; <i>MR</i>, responses to information requests, 2015). A number of parties reported that in their party principle declarations or party regulations, there is explicit reference to respect for equality, democracy, religious, cultural and ethnic diversity, and non-discrimination (<i>Open VLD</i>, <i>NV-A</i>, <i>PS</i>, <i>SP.a</i>, responses to information requests, 2015). For example the Green Party has sent us a quote from their party statutes which states that "<i>Groen aims to be a mirror of the diverse composition of our society and to fully acknowledge, value and activate different identities and competencies in all party sections and party</i></p> |

³⁵⁸ Sempels, Q. & Ketelslegers, B. (January 2014). *De aanwezigheid en betrokkenheid van personen van buitenlandse herkomst in verenigingen waar armen het woord nemen*. [The presence and involvement of persons of foreign origin in associations where pour persons speak up]. Retrieved from: <http://www.netwerktegenarmoede.be/documents/Onderzoek-persoon-buitenlandse-herkomst-in-de-verenigingen.pdf>

³⁵⁹ Federal Public Service of the Interior (2014). *Verkiezingen 2014*. [English translation: Elections 2014]. Retrieved from http://verkiezingen2014.belgium.be/nl/cha/seat/seat_CKR00000.html

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| | | <p><i>departments</i>" (Groen, party statutes 23.1)(Groen, response to information request, 2015).</p> <p>No practical limitations for party membership or participation in party activities were reported either, although this is not a confirmation of the absence thereof. One party (Groen) stated that they believe there are some practical barriers, as they observe that persons of migrant background are underrepresented among their members. They are looking into the reasons for such underrepresentation and try to address these where possible (see measures taken in next question) (Groen, response to information request, 2015).</p> <p>Although there might be no formal barriers from the side of the parties, general barriers for participation in public activities or association can be applicable for political parties. For example, lack of knowledge of the language spoken in the parties (either Dutch or French), as well as certain ethnic-cultural or religious factors (such as the prohibition to participate in public activities with persons of the opposite gender) of the migrant or person of migrant background might lead to self-exclusion.</p> |
| <p>Do political parties encourage and support membership and participation of migrants and/or their descendants in their activities? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</p> | | <p>The producing of party documents or dissemination of information in other languages is not common among the Belgian parties. The language of communication is as a rule the main language of the region in which the party is based (either Dutch or French), although in election times there might by exception be brochures published in foreign languages (SP.a., Open Vld, responses to info requests, 2015)³⁶⁰.</p> <p>However, some parties reported on other specific initiatives targeted at migrants or persons of migrant background. The PS for example maintains good relations with sister parties abroad (for example l'USFP in Morocco). Inhabitants of Brussels and Wallonia who are members of a foreign socialist party affiliated to the PS, are by convention members of the PS (PS, response to information request, 2015). The party CD&V reported it undertakes specific actions to target migrants and has built a network for foreigners within the party movement, based on the acknowledged need to develop a structural network and make existing ad hoc initiatives targeted at migrants more continuous and coordinated. (CD&V, response to information request, 2015). Open VLD also reported on targeted actions to bring attention to the diversity policy they uphold, such as the campaign '<i>Fifty shades of Blue</i>'³⁶¹ (Open Vld, response to info request, 2015). For the party Groen, taking targeted measures and striving for proportional representation is strongly embedded in the party statutes³⁶² (Groen, response to info request, 2015). This party reported on numerous internal measures to increase the participation and representation of</p> |

³⁶⁰ For example: 'Campaign 2014: Growth Plan' translated in Turkish and Arab, available at: www.youtube.com/watch?v=4uUN1OEjar4.

³⁶¹ Brochure *Fifty Shades of Blue* by Khadija Zamoura, available at: www.khadija-zamouri.be/bericht/%E2%80%9Cwe-moeten-de-nieuwe-wereld-omarmen-niet-afstoten%E2%80%9D.

³⁶² "In all mandates, functions, groups and bodies of the party and in the human resource policy, there is attention for gender diverse participation and participation of minorities, and if necessary actions are taken to increase and improve their participation. The president of the party reports to the national political council of the party on the indicators for and action taken to realise active diversity in the party, based on the biannual 'diversity scan'." (Groen, party statutes 23.2 & 23.3)

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| | | <p>persons of foreign origin in the party. On a procedural level, Groen applies a biannual '<i>Diversity scan</i>' (survey of members to count representation of ethnic-cultural minorities), and also has formal target numbers for the number of candidates of ethnic-cultural minorities on the candidate lists for elections³⁶³. On a campaign and activities level, Groen mentions several targeted campaigns such as the brochure '<i>Commit yourself</i>' with low-threshold information on how persons can take up a commitment in the party with special focus in diversity; the brochure '<i>Become candidate</i>' with low-threshold information to motivate members to stand as candidate in elections; the information campaign '<i>How to Vote</i>' in French, English, Turkish and other languages; online campaign in the run-up to the 2012 municipal elections in 8 languages to motivate TCN potential voters to register as voter; as well as targeted party activities such '<i>Political intro</i>', an activity targeted at women with multicultural roots to let them get acquainted with the party and politics. On an education level, the party invests in trainings and workshops (such as '<i>Work on diversity</i>') for internal party sections or bodies such as the committee responsible for composing the candidates lists, the communication service, the HR service, parliamentary staff and representatives etc., to increase awareness of the importance of diversity and provide tools to increase proportional representation internally in the party (Groen, response to info request, 2015).</p> <p>The currently largest political party in Belgium, N-VA, on the other hand reported that they deliberately do not set up different initiatives for different target groups. Based on the principle of equality, they opt for one global approach instead of categorisation. Depending on the local reality, party departments can take specific needs of migrants or persons of migrant background into account in the organisation of party activities, but general campaigns do not diversify. This party deliberately does not apply awareness raising initiatives or campaigns in different languages, and does deliberately not provide language support services, as it is the party's political standpoint that knowledge of the host language is one of the primary elements in integration (N-VA, response to information request, 2015). MR also stated that they encourage the participation of all members of their party, regardless of their origin. Because of their adherence to a strict principle of equality, they approach all members in the same way (MR, response to information request, 2015).</p> |
| | <p>Please provide any data on the participation and membership of migrants and their descendants in the political parties, initiatives and movements? (figures or % of party members, % of</p> | <p>There is no systematic data collection on TCN membership in political parties. Neither nationality nor origin is registered by the parties in party records of their members (at the moment of party affiliation or later). This is in line with the principle of non-discrimination which the parties uphold. One party explicitly states that it is prohibited to list members discriminated by background, in membership administration of the party (PS, response to info request, 2015). Another party warned that registration of party members by origin might be in breach of the privacy law. The respondent referred to Chapter II, art. 6 §1 which states that "<i>the processing of personal data revealing racial or ethnic origin,</i></p> |

³⁶³ In the 2014 elections the total target share was 15.3% (61 of the 398 candidates), diversified along constituencies based on the number of inhabitants of foreign origin (e.g. 18.8% in Antwerp; 21.4% in Limburg; 11% in East-Flanders; 6.7% in West-Flanders and 16.2% in Flemish-Brabant)

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| <p>migrants and/or with migrant background as members, or descriptive data if statistical data is not available)</p> | <p><i>political opinions, religious or philosophical beliefs, trade union membership, and the processing of data concerning sex life , is prohibited.</i>”(MR, response to information request, 2015).</p> <p>All parties confirmed that their membership includes migrants and persons of migrant background. One party explicitly stated that this share is rising over time (CD&V, response to information request, 2015). However the parties do not have any data to confirm shares of membership held by migrants or persons of migrant background objectively, as they cannot filter members based on origin.</p> <p>However, by exception, the Flemish Green party (Groen), holds a biannual census of its members – called ‘<i>Diversity scan</i>’, in which ethnic-cultural background is surveyed. The party reported the results of the last diversity scan (20/06/2013), which indicate that 4.5% of the party members can be counted as having a different ethnic-cultural background (311 members on 6971). The party also has diversified numbers for the different provinces in Flanders: 3.9% (83/2115 members) in Antwerp; 6.4% (25/389 members) in Limburg; 4.9% (54/1109 members) in Flemish-Brabant; 16.6% (40/256) in Brussels; 3.4% (70/2030 members) in East-Flanders and 3.6% (39/1072 members) in West-Flanders (Groen, response to information request, 2015).</p> <p>Additionally, we refer to the Immigrant Citizens Survey³⁶⁴, containing responses of a representative sample of immigrants in certain regions in Belgium (as well as other countries), conducted and analysed by The King Baudouin Foundation and the Migration Policy Group. In this survey, 7.6% of migrant respondents in Antwerp stated to be member of a political organisation, whereas for Brussels the membership rate was 9.8% of the respondents and in Liège 3%.</p> |
| <p>Are migrants elected as representatives of political parties, initiatives and movements? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced.</p> | <p>Yes, persons of migrant background are elected as representatives of the party or sometimes president of the party (e.g. Mr. Elio Di Rupo, President of the PS and former Prime Minister of Belgium, e.g. Mrs. Meyren Almaci President of the Green Party). However, Third Country Nationals cannot be a candidate in national, regional, provincial or municipal elections and can therefore not be a member of Parliament or be appointed in office, which is restricted to Belgians (of whatever origin) only.</p> <p>As the parties do not register their members on origin, they cannot provide official figures on elected representatives of migrant background. However all parties confirmed that they have representatives with a migrant background on different political levels (representatives in national parliament, regional parliament, provincial councils and municipal councils), and provided us with lists of examples. Delivering an exhaustive list is however not possible due to the non-registration. No practical limitations or barriers for persons of migrant background to be elected were reported by the parties.</p> |

³⁶⁴ King Baudouin Foundation and the Migration Policy Group (no date). *Immigrant Citizens Survey*, available at: www.immigrantsurvey.org/politics.html

3.7.Civic and citizenship education

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| | <p>The participation of migrants and their descendants (with a distinct linguistic, cultural background) in education:</p> <p>Education falls within the competence of the Communities.</p> <p>French-speaking Community In the French-speaking Community ('Wallonia Brussels Federation'), the nationality condition (EU nationality or family members of an EU citizen) was abolished in 2013 for teaching positions in education organised or funded by the French-speaking Community.³⁶⁵</p> <p>Flemish Community In the Flemish Community, the nationality condition still exists for teachers in education organised or funded by the Community. Teachers must have the Belgian nationality or the nationality of an EU country or country of the European Free Trade Association. In exceptional situations, a person can be exempted from the nationality condition. This exemption must be granted by the Flemish government. In addition, the third country national must have a work permit and be able to demonstrate his/her proficiency in the Dutch language.</p> <p>According to a rough estimate of the Minderhedenforum (Forum of Ethnic-cultural Minorities), only 1% of the teachers in Flemish education have a migration background.³⁶⁶ In practice, obstacles thus remain for persons with migrant background to have access to employment in education.</p> <p>German Community The nationality condition also exists for teachers in Community education. Teachers must have the Belgian nationality or the nationality of an EU country or a family member of an EU citizen.³⁶⁷</p> <p>Nationally In January 2015, the Director-General of Catholic Education expressed that he wants more Muslim teachers in the Catholic Education network. The DG is of the view that this may contribute to the prevention of the radicalisation of young people through a better assistance in their search for identity.³⁶⁸</p> |
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³⁶⁵ Belgium, French Community, [Decree abolishing the nationality condition for teaching positions in education organised or funded by the French Community](#) (*Décret relatif à la suppression de la condition de nationalité pour l'exercice des fonctions de recrutement et de sélection dans l'enseignement organisé ou subventionné par la Communauté française*), 20 June 2013.

³⁶⁶ Belgium, Minderhedenforum (Forum of Ethnic-cultural Minorities), question to political parties, available at: https://www.google.be/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB8QFjAA&url=http%3A%2F%2Fwww.minderhedenforum.be%2Fdownload%2Fmedia%2F231%2Fgelijke-arbeidsdeelnname-in-het-onderwijs.pdf&ei=7PNMVeezB-r5ywPLrIGQDA&usq=AFQjCNEjxq3-8gw-fwa-XpxRE5_Q5USlAA&sig2=HjJq-onFhHRM3FMfjau-OQ.

³⁶⁷ Belgium, German Community, [Decree regarding measures in education](#), 26 June 2006.

³⁶⁸ Belgium, VRT online news site, article of 26 January 2015, available at: <http://deredactie.be/cm/vrtnieuws/binnenland/1.2220425>.

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| Are there any particular gender issues? | No particular gender issues identified. ³⁶⁹ |
| Are parents of migrant background actively participating in the school life? Please provide evidence concerning their participation in parents associations, school and community events and extracurricular activities, consultations etc. ³⁷⁰ | While participation of migrant parents in the school life is considered by stakeholders in education as one of the most important instruments to increase equal opportunities, schools sometimes find it difficult to develop good contact with parents with a migration background. ³⁷¹ No further information identified. ³⁷² |
| Are there extracurricular activities involving and engaging with children and parents of migrant background and/or focussing on civic and citizenship education? Please identify limitations, challenges and promising practice. | No information identified. ³⁷³ |
| Are there provisions for bilingual education? If yes, is it supported by trained teachers and training programmes, curriculum provisions and dedicated school manuals and books? | <p>Flemish government: No information could be provided by the Flemish administration. They made reference to the Support Centre on Diversity and Learning (part of Ghent University, aiming to support schools on diversity issues).³⁷⁴ The Support Centre urges schools to approach multilingualism in a positive manner instead of seeing it as a problem. The additional languages of children should be considered as an educational tool for learning in class, for example to provide additional explanations, explain the meaning of Dutch vocabulary, or to ensure that children feel at ease. Such an approach requires an open language policy at school level.³⁷⁵</p> <p>In the French Community, the Decree of 11 May 2007 on education in language immersion regulates schools with bilingual education. It sets out the framework for such education as well as the requirement for teachers to teach in such programmes. They must have a diploma received in the language they will teach in</p> |

³⁶⁹ Based on desk research.

³⁷⁰ For more information about involving the community in the school life and vice versa please refer also to the findings of the SIRIUS Network, available at: www.sirius-migrationeducation.org/

³⁷¹ Belgium, Kruispunt Migratie-Integratie, website, available at: <http://kruispuntmi.be/thema/gelijke-onderwijskansen/ouderbetrokkenheid>

³⁷² Based on desk research..

³⁷³ Based on desk research.

³⁷⁴ Belgium, Flemish government, Agency for Home Affairs, information obtained from staff member Inge Hellemans, department of Equal Opportunities, Integration and Civic Integration (6/3/2015).

³⁷⁵ Belgium, Support Centre on Diversity and Learning, website, available at: www.steunpuntdiversiteitlenen.be/nl/themas/meertaligheid.

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| | from a Belgian school or abroad, or they must have a diploma to teach a specific subject and a secondary school diploma in the language of teaching. ³⁷⁶ A number of bilingual schools exist, which are French/Dutch in most cases or French/English. |
| Is there evidence of school segregation and/or policies of separate/distinct schooling of migrants? | According to a study, students of migrant origin have systematically lower scores than Belgian students. The findings are similar in the French Community and the Flemish Community. The difference in scoring between the two categories of students has, however, decreased in the recent years. According to the study, the main causes of this difference in scoring are the socio-economic status of the students' parents, the level of education of the parents and the fact that the language spoken at home is not the language of teaching. Students from migrant origin and of under qualified parents are overrepresented in technical school and underrepresented in general education schools. ³⁷⁷ |
| Is there evidence of modifying school curricula and teaching materials can be modified to reflect the diversity of the school population? Is the teacher regular curricula/training dealing with specific reference to immigrants or ethnic minorities and respect/promotion of diversity? | Some Flemish schools (both primary and secondary schools) organise a reception class for non-Dutch speaking newcomers. This system is called OKAN (<i>Onthaalonderwijs voor anderstalige kinderen</i> – Reception education for non-Dutch speaking children). At the level of primary education, this implies a number of hours of additional assistance. At the level of secondary education, this means one year of Dutch language classes before switching to the regular class. ³⁷⁸ No national school curricula exist anywhere in Belgium. On the other hand, there are compulsory learning objectives (' <i>eindtermen/objectifs finaux</i> ') that schools in the Flemish Community have to attain. They can decide themselves on how to achieve these objectives, for example through specific courses. These learning objectives include elements relating to migration and diversity such as learning about norms and values in different social and cultural groups; constructive ways of dealing with differences between human beings and philosophies; understanding of the importance of social cohesion and solidarity; understanding of the potential effects of racism, intolerance and xenophobia; and understanding of the meaning of citizenship. ³⁷⁹ The French-speaking Community ('Federation of Wallonia and Brussels') works with similar 'basic competences' (' <i>socles de competences</i> ', minimum competence to acquire). ³⁸⁰ |
| Are all students – not only of migrant background – targeted and/involved by civic education and activities related to | The compulsory learning objectives, explained in the previous section, apply to all students. |

³⁷⁶ Belgium, French Community, [Decree on education in language immersion](#) (*Décret relatif à l'enseignement en immersion linguistique*), 11 May 2007.

³⁷⁷ Belgium, Fondation Roi Baudouin, 'Gaspillage de talents. Analyse des facteurs qui expliquent pourquoi les élèves issus de l'immigration ont de moins bons résultats scolaires', 2011, available at: <http://www.kbs-frb.be/publication.aspx?id=295131&langtype=2060&src=true>, p.63.

³⁷⁸ Belgium, Flemish government, website of the Flemish government, available at: www.vlaanderen.be/nl/onderwijs-en-wetenschap/onderwijsaanbod/onthaalonderwijs-voor-anderstalige-kinderen-okan.

³⁷⁹ Belgium, information obtained from official of the Flemish government, Public Service of Education and Training; Belgium, website of the Flemish government, Public Service of Education and Training, available at: www.ond.vlaanderen.be/curriculum/secundair-onderwijs/vakoverschrijdend/context7.htm.

³⁸⁰ Belgium, website of the federal government, <http://www.belgium.be/nl/Leren/lesgeven/eindtermen/>.

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| migrant integration at schools? | |
| The implementation of specific measures and initiatives aiming at (the following is an indicative and non-exhaustive list): | |
| <p>Please use the following as indicative list of possible practices to report on</p> <p>Improving the way civic and citizenship education reflect diversity in society through curricular and extracurricular activities. Are there specific programmes helping young people to learn how to live in a society with people from different cultures and religions?</p> | <ul style="list-style-type: none"> • See previous section on the OKAN education system in the Flemish Community. • In the Flemish Community, school guidance is carried out by the Pupil Guidance Centres (<i>Centra voor Leerlingenbegeleiding, CLB</i>). These centres offer support, free of charge, through a multidisciplinary approach, considering different aspects of the student’s development (learning and study; the overall academic career; preventive health care; and psychological and social functioning). The centres collaborate with families in drawing up guidance directions for students, and offer translation and other services for migrant families.³⁸¹ • See previous section on the French-speaking Community DASPA programme for newcomer children. • <i>Kruispunt Migration-Integratie</i>, formerly an NGO and since 2014 part of the Flemish government as a centre of expertise on migration and integration, offers a ‘parental involvement’ framework for strengthening the cooperation between parents and schools.³⁸² The body offers its expertise to governmental institutions and organisations working on parental involvement. In addition, integration centres and services offer support to schools on the issue through actions, training and projects.³⁸³ • The Flemish government has carried out a project in 2011 on parental involvement and participation in the school life, which aimed to offer practical tips to schools, teachers and parents to improve communication between these actors. The publication focusses on parents with migration background.³⁸⁴ |
| Improving the way formal curriculum subjects, e.g. literature, history, etc. promote mutual understanding, respect for ethnic and religious diversity and the common democratic and pluralist values? | |
| Facilitating equal opportunities in education for children with migrant background? | |
| Facilitating the involvement, participation and support of parents with migrant background in the educational system | |

³⁸¹ Migration Policy Institute (2015), Sirius Network Policy Brief Series, Issue No 5, Migrant education and community inclusion – Examples of good practice, available at: <http://www.migrationpolicy.org/research/migrant-education-and-community-inclusion-examples-good-practice>.

³⁸² Belgium, Kruispunt Migratie-Integratie, ‘Naar een krachtige samenwerking tussen ouder en school: een werkkader’ (Framework for strengthening cooperation between parent and school), available at: http://kruispuntmi.be/sites/default/files/bestanden/documenten/document_werkkader_ouderbetrokkenheid.pdf.

³⁸³ Belgium, Kruispunt Migratie-Integratie, website, available at: <http://kruispuntmi.be/thema/gelijke-onderwijskansen/ouderbetrokkenheid>.

³⁸⁴ Belgium, Flemish government (2011), OMIG project on parental involvement and participation, available at: www.ond.vlaanderen.be/dbo/nl/projecten/OMIG/ouderbetrokkenheid.pdf.

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| and in the school activities? | |
| Providing language learning support to students of migrant background | |
| Improving attendance and reducing drop-out of students with migrant background? | |
| Improving school and teachers' capacity to embrace, build on and/or manage diversity? | |
| In particular, please specify if there are promising practices, including affirmative action / positive action practices designed to tackle structural inequalities | |
| Other... | |

3.8. Drivers, barriers for the implementation, monitoring and assessment of legislation & policy measures

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| <p>Previous paragraphs indicated in detail aspects about the actual implementation of participation policies, normative framework and measures. In this section briefly summarize the most important drivers, positive factors and the barriers, resistance or negative factors that have been identified regarding the design, implementation, monitoring and assessment of policy measures and normative framework for the political and</p> | <p>Barriers</p> <ul style="list-style-type: none"> • Multilevel governance - Division of policy competences – Lack of coordination between policy measures: The Belgian institutional context - with some migrant inclusion and participation related competences situated on a national level (e.g. electoral rights, citizenship acquisition, equal opportunities, etc.) and some on a regional level (e.g. integration and reception policies, education policies, etc.) - creates great complexity as well as lack of coordination. Lack of coordination exists between the different domains (e.g. no clear policy link between integration policy and non-discrimination policy, etc.). Secondly, there is lack of coordination between different competent entities (for example between the regions Flanders, Wallonia and Brussels Capital Region). (Michielsen et.al, 2014).³⁸⁵ Such lack of coordination can be a negative factor both in the design as well as in the implementation of adequate policy measures. Strong divergence can be observed in integration policy between the regions, with Flanders having an elaborated civic integration and integration policy for migrants, whereas Wallonia has traditionally placed integration under a more general social cohesion policy. In Brussels there is internal |
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³⁸⁵ Michielsen J., Vanheule, D., Balci Z. , Van den Broucke, S. & Wets, J. (2014), ASSESS National Report Belgium. Review of Existing Monitoring Mechanisms, for the Integration of Migrants in Belgium. Antwerp, CeMIS

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| | <p>social participation of migrants and their descendants. Please base the analysis on governmental and non-governmental reports, as well as research and studies.</p> | <p>divergence between the Flemish Community Commission following the policy line of Flanders whereas the French-speaking Community follows the example of the Walloon government. This results into uneven opportunities and obligations. For example, civic integration and language learning is for many TCN groups obligatory in Flanders, whereas it is only optional in Wallonia.</p> <ul style="list-style-type: none"> <p>• Lack of comprehensive framework for monitoring and assessment of integration</p> <p>Due to the lack of a comprehensive country-wide or at least region-wide framework for monitoring and assessment of integration, a number of 'hard to measure' domains such as social cohesion and 'sense of belonging', etc. have been found to be under-researched. Great disparity exists between the regions, as the Flemish Community has numerous, somewhat uncoordinated monitoring and assessment procedures to 'measure the level of integration' in many domains (cfr. annex 4), whereas Wallonia (and the French-speaking Community Commission for the French-speaking in Brussels) undertake very few evaluation initiatives concerning integration, which mainly focus on 'monitoring implementation of policy measures' rather than integration itself. <i>"The strong fragmentation of the monitoring of integration in Belgium, which is done in various policy domains, by various actors, and at various levels in a coordination vacuum, constitutes the biggest challenge for optimizing Belgian integration monitoring and policy evaluation. [...] More coordination and streamlining of the monitoring and evaluation is needed with the aim to create more comparable sets of indicators and better task-divisions resulting in a more firm and comprehensive monitoring and evaluation of integration at the different levels. This would also make it possible to compare the impact of integration policies across the different communities"</i> (Michielsens et al., 2014, p. 43).</p> <p>• Lack of voting rights for TCN at national, regional, provincial level (& need to register for voting at municipal level) - Prohibition to be a candidate in elections at any election level (national, regional, provincial and municipal)</p> <p>The legal framework regarding voting rights poses an obstacle for political participation of Third Country Nationals, who can only vote in municipal elections and cannot be a candidate in elections on any level. Moreover, voting in municipal elections requires pro-activeness, as TCN need to register as voters (in contrast to Belgian citizens who are automatically registered and even obliged to vote).</p> <p>• Conditions for acquiring Belgian citizenship have become more strict</p> <p>Since the amendment of the Belgian Nationality Code in 2012, foreigners now have to fulfil integration requirements as a condition for acquiring citizenship. When applying for citizenship after 5 years, these integration requirements have regard to proof of civic integration and economic activities, whereas in the long track procedure (after 10 years) one must</p> |
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| | | <p>provide proof of participation in the host community, which is a less strictly defined.</p> <ul style="list-style-type: none"> <p>Language and other practical barriers for participation in associations or political parties</p> <p>Although there were no formal restrictions for participation in associations, migrant organisations, civil society organisations or political parties reported, certain factors might lead to self-exclusion of the migrant or person of migrant background, such as for example, lack of knowledge of the language spoken in the organisations or parties (either Dutch or French), as well as certain ethnic-cultural or religious factors (such as the prohibition to participate in public activities with persons of the opposite gender). Based on the limited information collection, associations, civil society organisations and political parties appear to be undertaking few specific measures to mediate such practical barriers and bridge the gap towards migrants or persons of migrant background (which could be done by for example information dissemination in multiple languages, opportunities for uni-gender activities, etc.).</p> <p>Bureaucratic complexity as a barrier for self-organisation</p> <p>It was reported that lack of knowledge of the structures and rules of Belgium as a host country, characterised by significant complexity (in terms of division of competences), as well as bureaucracy, constitute potential obstacles for migrants to set-up self-organisations. (Vluchtelingenwerk Vlaanderen, response to information request, 2015).</p> <p><u>Drivers & Opportunities</u></p> <ul style="list-style-type: none"> <p>Extensive number of indicators to be used for optimising policy measures</p> <p>As is clear from the (not-exhaustive) overview of integration indicators in annex 4, the competent authorities can provide over extensive information on the level of integration of migrants to guide policymaking, take targeted measures and increase effectiveness of policies.</p> <p>Integration requirements for acquiring citizenship can be stimulating participation</p> <p>Although integration requirements as a condition for citizenship acquisition can be a barrier for inclusion, they can also be regard as a driver for social integration. Making civic integration or participation in community of the labour market obligatory, might have a stimulating effect. We have however not found research analysing such effects.</p> <p>Mandatory voting for all Belgian citizens, including citizens of migrant background</p> <p>According to researchers (such as Fatima Zibouh, cfr. De Cort & Hendrickx, interview with Fatima Zibouh, Brusselnews.be,</p> |
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| | | <p>24.04.2014 ³⁸⁶; cfr. studies by Fatima Zihoub³⁸⁷) the electoral system in Belgium is a driver for political participation of citizens of migrant background. In Belgium unlike most other countries, voting is mandatory. In other countries where this is not the case, it is most often vulnerable groups (including migrants) who do not go to vote (self-exclusion).</p> <ul style="list-style-type: none"> • No legal barriers for membership in associations, civil society organisations or political parties There are no formal nationality (or origin) requirements to become a member in a political party. TCN can become members of a political party in the same way as Belgians or EU citizens. The right of association and of freedom of speech is guaranteed by constitution in Belgium, therefore every inhabitant (Belgians and foreign citizens alike) has the right to become a member of an association, civil society organisation, union, etc. • No legal barriers for self-organisation of migrants, full recognition and financial support by authorities Self-organisation of migrants is encouraged by governments in Belgium, who fully recognise such organisations and provide subsidies to support them. • A few targeted initiatives to stimulate participation in political parties, associations or civil societies Although there is no mainstreaming of targeted initiatives to attract migrants or reduce barriers for their participation in associations, organisations or parties, we found a few examples of targeted measures that could have positive results, such as a 'diversity scan' (monitoring diversity in the political party Groen), translated brochures in election campaigns or a network for foreigners within the party movement. Such examples however appear to be outliers from the general trend. |
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3.9. Use of funding instruments (EIF, ERF, EMIF)

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| | <p>Please provide briefly information and documented insights about the allocation and distribution of funds aimed at supporting political</p> | <p>As explained above, the integration of migrants is a regional competence. However, the federal government has a number of support instruments for the integration policies of the Communities/Regions. One of the most important ones is the <u>Federal Impulse Fund for Immigration Policy</u>, which provides financial incentives to public and private initiatives aiming to</p> |
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³⁸⁶ Goele De Cort en Kris Hendrickx (24/04/2014), 'Moslimidentiteit belangrijker dan land van herkomst bij stemgedrag' [English translation: Muslim identity more important than country of origin in voting behaviour] in *Brusselnieuws.be*. Retrieved from: <http://www.brusselnieuws.be/nl/brussel-kiest/moslimidentiteit-belangrijker-dan-land-van-herkomst-bij-stemgedrag>

³⁸⁷ Zibouh, F. (2010), *La participation politique des élus d'origine maghrébine. Elections régionales bruxelloises et stratégies électorales* [English translation: The political participation of elected officials of Maghreb origin. Brussels regional elections and electoral strategies]. Louvain-la-Neuve, Academia-Bruylant (coll. Cahiers Migrations).
Zibouh, F. (2011 (b)), *Evaluation de la campagne de sensibilisation au droit de vote des étrangers en Région wallonne* [English translation: Evaluation of the sensibilisation campaign on the right to vote of foreigners in the Walloon Region]. Liège: Université de Liège, CEDEM.
Zibouh, F. (2011 (a)), 'The Political Representation of Muslims in Brussels', *Brussels Studies*, N°55 (online journal).

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| | and social participation, and active citizenship measures for migrants and/or their descendants. | enhance the participation of immigrant population groups. ³⁸⁸ In the context of the sixth state reform, the Communities and Regions have become fully competent for the transferred funding under the mentioned Impulse Fund as of 1 January 2015. ³⁸⁹ |
| In particular provide a breakdown of funding for the relevant actions and measures by area (political participation, social participation and membership, indicating the source of funding (EIF, ERF, national, regional, other funding source) by using the Annex 5 | | |

3.10.Key legal and policy developments, and relevant case law

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| | In this section, please provide information about developments regarding the above legal and policy instruments concerning participation (political, consultation, membership and association, active citizenship and civic education), including any new legislative or policy initiatives in the framework of migrant integration in the country. Key developments may be new legislation or policies, abolition, update, improvement or reform of existing ones, as well as important case law, court, equality body or administrative cases, that have had or may have an impact on the implementation of legal and policy instruments and on the actual situation on the ground, including public debates and | <ul style="list-style-type: none"> • See section 3.7 on the abolishment in 2013 of the nationality condition for teachers in education organised or funded by the French-speaking Community. • See section 3.5.1 on the opening of access to employment in civil service to third country nationals (except for certain functions) at the level of Communities and Regions during the past years. • <i>Case law: see Annex 9.</i> |
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³⁸⁸ Belgium, Interfederal Centre for Equal Opportunities/Federal Migration Centre, website information on Integration Policy, available at: www.diversiteit.be/integratiebeleid.

³⁸⁹ Belgium, Interfederal Centre for Equal Opportunities/Federal Migration Centre, [available at: www.diversiteit.be/impulsfonds](http://www.diversiteit.be/impulsfonds).

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| | perceptions among the native population and migrants. (Use template in Annex 9). | |
| 4.Social cohesion and community relations | | |
| 4.1.Social cohesion policies | | |
| | Does the national integration legal and policy framework refer to social/community cohesion? Is there a clear definition of social/community cohesion? Please report it here – in original language and in full English translation. | <p>Flemish Community</p> <p>The Integrated Action Plan on Integration Policy 2012-2015 makes reference to social cohesion. As its second strategic goal, the Plan aims at ‘strengthening social cohesion in society’, by (A) promoting mutual openness and respect between people; and (B) promoting mutual contacts between persons of different origin. The four operational goals elaborated under this strategic goal are the following:</p> <ul style="list-style-type: none"> • Increasing social cohesion and interaction between all citizens, on the basis of mutual respect; • Enhancing public support for co-existence in diversity through communication and positive actions; • Working on prevention, detection, and encouraging debate on co-existence issues; • Working on changing racist and xenophobic attitudes³⁹⁰ <p>The Plan does not provide an explicit definition of the notion of social/community cohesion.</p> <p>The <u>Flemish Integration Decree</u> makes reference to the notion of social cohesion several times (‘sociale samenhang’), without providing an explicit definition.³⁹¹</p> <p>The <u>Flemish Policy Note on Integration and Civic Integration 2014-2019</u> refers once to the notion of social cohesion, without providing an explicit definition, while linking it to the notion of active and shared citizenship.³⁹²</p> <p>Walloon Region</p> <p>The <u>Walloon Integration Decree</u> makes reference to social cohesion (‘cohésion sociale’) several times.³⁹³ It does not provide an explicit definition of the notion but links it with an intercultural society.³⁹⁴</p> |

³⁹⁰ Belgium, Flemish government, Integrated Action Plan on Integration Policy 2012-2015, [available at: www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreed-actieplan-integratiebeleid.pdf](http://www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreed-actieplan-integratiebeleid.pdf), p. 22-23.

³⁹¹ Belgium, Flemish government, [Decree on the Flemish integration and civic integration policy](#) (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Arts. 2, 4, and 17.

³⁹² Belgium, Flemish government (2014), Policy Note on Integration 2014-2019, (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>, p. 14.

³⁹³ Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, into force on 28 April 2014, Arts. 4, 6, 43, and 47.

³⁹⁴ Belgium, Walloon government, [Decree on the integration of non-nationals and persons of migrant origin](#) (*Décret relatif à l'intégration des personnes étrangères ou d'origine étrangère*), 27 March 2014, into force on 28 April 2014, Art. 6.

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| | <p><u>The policy declaration of the new Walloon government 2014-2019</u> contains one section on social cohesion,³⁹⁵ without providing an explicit definition. It does however link the notion to active participation of all citizens in social, political, economic and cultural life, and it includes 'the integration of newcomers' as one of the action domains under social cohesion. The policy declaration also makes reference to social cohesion in other sections, including those relating to equality, housing, territorial development, local governments and prevention and security.³⁹⁶</p> <p>The Walloon administration has an '<u>Interdepartmental Directorate for Social Cohesion</u>' ('Direction interdépartementale de la Cohésion sociale' – DiCS), falling under the authority of the minister competent for Social Action.³⁹⁷</p> <p>Brussels Region</p> <p>The <u>COCOF Decree of 13 May 2004 on Social Cohesion</u>, modified by the Decree of 15 January 2009,³⁹⁸ makes reference to integration in relation to social cohesion. The Decree defines the notion of social cohesion as follows:</p> <p><i>"het geheel van sociale processen die bijdragen tot het vrijwaren van gelijke kansen en voorwaarden en het economisch, sociaal en cultureel welzijn van alle personen of groepen van personen, zonder discriminatie, zodat het voor iedereen mogelijk is om actief deel te nemen aan de maatschappij en er erkenning te vinden. Het doel van deze processen is in het bijzonder de strijd tegen elke vorm van discriminatie en sociale uitsluiting door middel van een beleidsontwikkeling inzake maatschappelijke integratie, interculturaliteit, sociaal-culturele diversiteit en het samenleven van de verschillende plaatselijke gemeenschappen. Ze worden inzonderheid aangewend door de uitbouw van communautaire actie in de wijken en netwerking."</i>³⁹⁹</p> <p>Translation:</p> <p>"the totality of social processes that contribute to ensuring that all individuals or groups of individuals, whatever their national origin or ethnicity, their cultural, religious or philosophical membership, their social status, their socio-economic level, their age, their sexual orientation or their health, have equal opportunities and conditions, economic, social and cultural well-being, in order to allow every person to actively participate in society. These processes focus particularly on the fight against each form of discrimination and social exclusion through the development of policies on social integration, interculturality, socio-cultural diversity and the co-existence of different local communities. They are in particular encouraged through local, community actions and networking."</p> <p>The policy declaration of the new Brussels French-speaking government (COCOF) (2014) refers to social cohesion, without providing an explicit definition, however linking it to the integration programme for newcomers of migrant origin.⁴⁰⁰</p> |
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³⁹⁵ Belgium, Walloon government, [policy declaration 2014-2019](#), p. 48-52.

³⁹⁶ Belgium, Walloon government, [policy declaration 2014-2019](#), pp. 52, 60, 70, 102-103, and 107.

³⁹⁷ Belgium, Walloon government, Interdepartmental Directorate for Social Cohesion, website, <http://cohesionsociale.wallonie.be/la-dics>.

³⁹⁸ Belgium, French Community Commission (COCOF), [Decree on Social Cohesion](#) (*Décret relatif à la cohésion sociale*), 13 May 2004.

³⁹⁹ Belgium, French Community Commission (COCOF), [Decree on Social Cohesion](#) (*Décret relatif à la cohésion sociale*), 13 May 2004, Art. 3.

⁴⁰⁰ Belgium, French Community Commission (COCOF), [policy declaration 2014-2019](#), p. 6.

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| | | <p>Federal level</p> <p>The federal public service for Social Integration covers the area of Social Cohesion. The notion is defined on the service's website as follows:</p> <p><i>het "geheel van processen die het voor iedereen, individueel of collectief en ongeacht leeftijd, cultuur, nationaliteit, geslacht, socio-economisch niveau mogelijk moet maken om echte gelijke kansen te hebben. De sociale cohesie moet eveneens leiden tot een sociaal, economisch en cultureel welzijn. Deze verschillende samengevoegde factoren zullen het voor elk individu mogelijk maken om een actief en verantwoordelijk burger te zijn."</i>⁴⁰¹</p> <p>Translation:</p> <p>"the totality of processes that make it possible for everyone, individually or collectively and irrespective of age, culture, nationality, sex, and socio-economic level, to have real equal opportunities. The social cohesion must also lead to social, economic and cultural well-being. These various combined factors will enable every individual to be an active and responsible citizen."</p> |
| | <p>Are there any specific measures in place to strengthen social cohesion? Please refer to promising practices and examples of challenges. Use the template for promising practices in Annex 7 highlighting the most important and/or successful.</p> | <p>Flemish Community</p> <p>Based on a study by the Flemish Centre for Minorities (now <i>Kruispunt Migratie-Integratie</i>), carried out in 2009 and published in 2011, at least 23 Flemish local governments at that time had a funding regulation explicitly or implicitly aiming to strengthen social cohesion. The target groups of this funding – those who could apply for the funding – included socio-cultural associations, schools, (socio-) artistic organisations and individual local residents or neighbourhood associations. In some cases, the municipality imposed the condition that the project had to aim for a balance between immigrant participants and non-immigrant participants.⁴⁰²</p> <p>Walloon Region</p> <p>In the context of its Social Cohesion Plan 2014-2019, monitored and evaluated by the Interdepartmental Directorate for Social Cohesion, the Walloon government provides funding to municipalities taking part in the promotion of social cohesion on their respective territories. The level of funding depends on the municipality's demographic weight and the existing access to fundamental rights (based on an indicator measuring the level of social cohesion).⁴⁰³</p> <p>Brussels Region</p> <p>In the context of the Decree of 13 May 2004 on Social Cohesion, the Brussels French-speaking government (COCOF) develops programmes that are realised by the municipalities and associations working on social cohesion in disadvantaged areas. Within this framework it supports local integration initiatives. These supported</p> |

⁴⁰¹ Belgium, Federal public service of Social Integration, website, [available at: www.mi-is.be/be-nl/grootstedenbeleid/sociale-cohesie](http://www.mi-is.be/be-nl/grootstedenbeleid/sociale-cohesie).

⁴⁰² Belgium, *Kruispunt Migratie-Integratie* (2011), Promoting social cohesion with local funding regulations, available at: www.kruispuntmi.be/sites/default/files/bestanden/documenten/brochure_sociale_cohesie_bevorderen_met_lokale_subsidierelementen_2011.pdf.

⁴⁰³ Belgium, Walloon Region, Department of Social Action and Health, website, available at: <http://socialsante.wallonie.be/?q=action-sociale/action-sociale/missions/plan-cohesion-sociale>.

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| | | <p>initiatives should have a leverage effect. The government furthermore provides additional support to projects in Brussels that are financially supported by the Federal Impulse fund for Immigration Policy.⁴⁰⁴ The COCOF currently supports more than 230 associations working in Brussels in the field of school assistance, elimination of illiteracy, French language learning and reception of newcomers. More than 100 associations benefit from financial support from the COCOF to organise French language courses. Among these associations are: 'le Collectif d'alphabétisation', 'Vie féminine', 'Bruxelles laïque', et 'la Ligue de l'enseignement'.⁴⁰⁵</p> |
| <p>Are there indicators used by authorities to assess, monitor and support social cohesion policies? E.g. social distance, social interaction, intergroup relations, etc. Please provide available relevant data, figures and findings, if any, and present them briefly in the relevant table of the Annex (4).</p> | | |
| | <p>Please outline available research, studies, and surveys about the sense of belonging and identification of migrants and/or their descendants with diverse types of local, regional and national identities. Please summarise briefly key findings and any differentiations by nationality or ethnic origin, gender, age and geographic area.</p> | <p>Based on a 2009 study, carried out for the Centre for Equal Opportunities, eight out of ten persons interviewed (persons with a migration background) do not feel isolated in Belgium, but rather accepted, respected, and belonging to the Belgian community. Half of them feel completely accepted. Only 3% did not feel accepted at all. Eastern-Europeans generally feel more accepted than people from the Maghreb region and Sub-Saharan Africa.⁴⁰⁶</p> <p>Different findings resulted from a 2013 survey carried out by a Flemish newspaper, whereby 700 Flemish young persons were questioned (among whom were 500 Muslims). Although 93% of the questioned persons had Belgian nationality, 42% among them feel 'immigrant'. Only a minority among them feel Belgian or Flemish. On the other hand, they feel strongly connected with their city, where they feel at home. Only 30% feel accepted by Flemish society; 60% (girls more than boys) have the idea that Flemish society will never consider them integrated. In 2005, the same newspaper carried out the same research in a comparable target group. The results of both surveys, with eight years in between, appear to be little different. In the context of the same survey, one out of three stated that he/she had been discriminated against at school, and one out of five stated that this had been the case at work.⁴⁰⁷</p> |
| | <p>Please indicate legal measures and case law affecting social cohesion and community relations, for example the</p> | <p>On 1 June 2011, the Law imposing a prohibition on the wearing of any clothing entirely or substantially concealing the face was enacted.⁴⁰⁹ The law entered into force on 23 July 2011, and provides that any person who finds himself or herself in a publicly accessible place with the face entirely or partially concealed, so that he or she is not recognisable, will be penalised with a monetary penalty between EUR 15 and EUR 25 (multiplied by six in line with the</p> |

⁴⁰⁴ Belgium, Interfederal Centre for Equal Opportunities/Federal Migration Centre, online information on the integration policies in Belgium, website, <http://www.diversiteit.be/integratiebeleid>. In the context of the sixth state reform, the Communities and Regions have become fully competent for the transferred funding under the mentioned Impulse Fund as of 1 January 2015: Belgium, Interfederal Centre for Equal Opportunities/Federal Migration Centre, [available at: www.diversiteit.be/impulsfonds](http://www.diversiteit.be/impulsfonds).

⁴⁰⁵ Belgium, information obtained from official of the French Community Commission (COCOF).

⁴⁰⁶ Belgium, Independent Research Bureau (IRB Europe) (2009), Results overview of a research in foreign population groups in Belgium, carried out for the Centre for Equal Opportunities, available at: www.diversiteit.be/sites/default/files/legacy_files/studies/2010/Hoe%20beleven%20etnische%20minderheden%20hun%20situatie.pdf.

⁴⁰⁷ Belgium, Gazet van Antwerpen, online news site, 'Young Muslims still feel discriminated against', 19 April 2013, available at: www.gva.be/cnt/aid1370908/jonge-moslims-voelen-zich-nog-steeds-gediscrimineerd-3.

⁴⁰⁹ Belgium, Law imposing a prohibition on the wearing of any clothing entirely or substantially concealing the face (*Wet tot instelling van een verbod op het dragen van kleding die het gezicht volledig dan wel grotendeels verbergt/Loi visant à interdire le port de tout vêtement cachant totalement ou de manière principale le visage*), 1 June 2011.

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| | <p>banning of specific religious or ethnic dress, such as the 'burqa'⁴⁰⁸.</p> | <p>current legal coefficient to reflect the current value of money as a result of inflation) and/or one to seven days of imprisonment. Exceptions are provided for clothing in the professional context (e.g. helmet for protection) or festivities context (e.g. carnival) and where the law provides otherwise. This law implicitly targets the burqa. The Law was adopted by the parliament in a quasi-unanimous manner: only one representative (belonging to the progressive left-wing Flemish party <i>Groen</i>) voted against the law.⁴¹⁰</p> <p>Already before this law, several municipalities had introduced a burqa prohibition in their local regulations. However, these prohibitions were refuted by judicial authorities. For example, on 26 January 2011, a judge of a Brussels police court considered that municipal regulations and penalties must be assessed against the constitution and the European Convention on Human Rights. The judge made reference to article 9 of the European Convention, freedom of religion, and stated that the ban on headscarves was not necessary, and <i>a fortiori</i> not indispensable for maintaining public order.⁴¹¹</p> <p>The 2011 Law prohibiting the burqa was contested before the Constitutional Court by a number of women and two non-governmental organisations. They claimed the annulment of the Law. However, the Court decided, on 6 December 2012, that the legal prohibition of the burqa is not in contravention with the Constitution, as long as it is not applied in places of worship (such as mosques). The Court explained that the freedom of religion is not absolute and that, in its opinion, the grounds on which the parliament has limited this right are legitimate (public security, equality of men and women, and cohabitation and communication in society). Furthermore, the Court did not find a violation of the freedom of expression. It is important, for the individuality of each person in a democratic society, that the face is recognisable. By concealing the face, this individualisation disappears. The prohibition therefore meets a pressing social need in a democratic society. Even if the burqa is worn voluntarily, the prohibition is justified according to the Court, because it deals with a conduct that is not compatible with the principle of equality between men and women. However, applying the prohibition in places of worship would amount to a non-justified interference with the freedom of religion. The Court thus emphasises that the prohibition cannot apply in such places.⁴¹²</p> <p>According to a 2013 newspaper survey, in which 700 Flemish young persons were questioned (among whom 500 Muslims), 50% of the persons questioned held the view that women should be able to wear the burqa in public places.⁴¹³</p> |
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⁴⁰⁸ Cfr. The notable ECHR case European Court of Human Rights (ECtHR), *S.A.S. v. France*, No. 43835/11, 1 July 2014, available at [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145466#{"itemid":\["001-145466"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145466#{)

⁴¹⁰ Belgium, *Mens & Recht* (2012), information site on Law and Society, online article of 6 December 2012, available at: www.mensenrecht.be/node/1935.

⁴¹¹ Belgium, decision of the police court (Etterbeek), 26 January 2011, No 12/2011, at: www.elfri.be/sites/default/files/Politie rechtbank-Brussel-26-januari-2011.pdf.

⁴¹² Belgium, decision of the Constitutional Court, 6 December 2012, No 145/2012, available at: www.const-court.be/public/n/2012/2012-145n.pdf.

⁴¹³ Belgium, survey carried out by newspaper *Gazet van Antwerpen*, cited by Knack, online magazine, online article of 22 April 2013, available at: www.knack.be/nieuws/belgie/1-op-2-moslimjongeren-vindt-dat-boerka-in-belgie-moet-kunnen/article-normal-93106.html.

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| | <p>Does the action plan or strategy on integration and inclusion of migrants and their descendants address combating racism, xenophobia and intolerance?</p> <p>Are there specific integration/inclusion actions related to racism and intolerance for education and/or for young people? If yes, how are such actions linked to general integration and/or social inclusion and/or cohesion policy? Please provide information on implementation and impact of such plans and refer to any assessment of their impact?</p> | <p>Flemish Community</p> <p>The <u>Flemish Integration Decree</u> makes reference to racism, stating that the fight against racism is one of the main areas of attention in the Flemish integration policy.⁴¹⁴</p> <p>The <u>Integration Action Plan on Integration Policy 2012-2015</u> makes reference to racism and xenophobia, linking these notions to one of the five principal values recognised by the Flemish government as values characterising an open, tolerant and democratic society, namely the value of respect, which is described as the right and the duty to honour human dignity. Racism and xenophobia are considered as expressions of violation of human dignity.⁴¹⁵ Furthermore, one of the operational goals of the second strategic goal of the Action Plan – Strengthening social cohesion in society – deals with the changing of racist and xenophobic attitudes. Apart from the available legal grounds to fight expressions of racism and xenophobia, the Action Plan strives for a more preventative and attitude change approach.⁴¹⁶</p> <p>The <u>Flemish policy note on Integration and Civic Integration 2014-2019</u> makes reference to racism in its section on the strengthening of the involvement of civil society in the integration policy in order to diminish the ethnic divide in all relevant policy areas. The competent minister plans to agree on concrete goals with employers’ and workers’ organisations and determine responsibilities to fight direct and indirect discrimination and racism.⁴¹⁷</p> <p>Walloon Region</p> <p>The <u>Walloon Integration Decree</u> does not make reference to any of the notions of racism, xenophobia and intolerance.</p> <p>The <u>Walloon policy declaration of the new government 2014-2019</u> makes reference to the notions of racism and xenophobia in its section on Equality, subsection ‘Strengthening cohabitation’, stating that the Walloon government will carry out a policy on the fight against all forms of racism, anti-Semitism and xenophobia with the greatest determination.⁴¹⁸ These provisions are however not directly linked to the integration of migrants.</p> <p>Brussels Region</p> <p>The <u>Brussels Decree on Social Cohesion</u> does not refer to racism, xenophobia or intolerance.</p> <p>The <u>Brussels policy declaration of the new government 2014-2019</u> makes reference to racism and xenophobia in its section on Social Cohesion. In the context of its activities relating to social cohesion, the Brussels government will “strongly fight against all forms of racism, anti-Semitism and xenophobia”.⁴¹⁹</p> |
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⁴¹⁴ Belgium, Flemish government, Decree on the Flemish integration and civic integration policy (*Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid*), 7 June 2013, Art. 4.

⁴¹⁵ Belgium, Flemish government, Integrated Action Plan on Integration Policy 2012-2015, [available at: www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf](http://www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf), p. 17.

⁴¹⁶ Belgium, Flemish government, Integrated Action Plan on Integration Policy 2012-2015, [available at: www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf](http://www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf), pp. 22-23.

⁴¹⁷ Belgium, Flemish government (2014), Policy Note on Integration 2014-2019, (*Beleidsnota Integratie en Inburgering 2014-2019*), available at: <http://integratiebeleid.be/beleidsnota-integratie-en-inburgering-2014-2019>, p. 17.

⁴¹⁸ Belgium, Walloon government, [policy declaration 2014-2019](http://www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf), p. 53.

⁴¹⁹ Belgium, French Community Commission (*COCOF*), [policy declaration 2014-2019](http://www.integratiebeleid.be/sites/default/files/bestanden/Ge%C3%AFntegreerd-actieplan-integratiebeleid.pdf), p. 6.

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| | | <p>No information identified on specific integration/inclusion actions related to racism and intolerance for education and/or for young people.⁴²⁰</p> <p>It should be noted that Belgium does not have an Interfederal Action Plan against Racism, although it is under an international obligation to have such a plan since the 2001 Durban World Conference against Racism.⁴²¹</p> |
| | <p>Please provide information about state and non-state responses via positive measures, campaigns, partnerships involving migrants and communities. Please provide information only about those actions that focus on migrants and on <u>prevention</u> and promotion of peaceful living together and integration as mutual accommodation combatting racism and intolerance. Please outline any assessment about their impact and identify any relevant promising practice. (Use the template for promising practices in Annex 7).</p> | <ul style="list-style-type: none"> - See above: the respective regional governments financially support municipalities and associations in their social cohesion initiatives. In Brussels, for example, the government supports more than 230 associations working on the reception of newcomers, alphabetisation, French language learning and school support for migrants and their children. - <i>Kruispunt Migratie-Integratie</i>, a Flemish centre of expertise on migration and integration supporting the Flemish government in its integration policy, published a paper in February 2011 on local funding regulations aiming to promote social cohesion. The aim of the paper is to assist and inspire local officials dealing with funding regulations. It provides an overview of already existing funding regulations and gives advice on (1) how to make a funding regulation effective and (2) how to ensure durable effects.⁴²² - On 21 March 2011 – the International Day against Racism and Discrimination – Ghent University, the College of Ghent and the city of Ghent undertook the initiative to break the world record on shaking hands. The initiative was called ‘A handshake against racism’ and aimed to highlight diversity in a positive manner and demonstrate that many young people are non-racist.⁴²³ - In February 2013, the city of Ghent abandoned the notion of ‘<i>allochtoon</i>’, a synonym for immigrant with a negative connotation, and will no longer refer to it in policy documents. The notion has a significant symbolic value because it encourages social exclusion. Since then, minorities are named in a more precise manner (according to their country of origin). Also other cities have abandoned the notion and replaced it by different terminology (e.g. ‘new Belgians’).⁴²⁴ |

⁴²⁰ Based on desk research.

⁴²¹ Belgium, information obtained from discrimination expert of the Interfederal Centre for Equal Opportunities, Paul Borghs.

⁴²² Belgium, *Kruispunt Migratie-Integratie* (2011), Promoting social cohesion with local funding regulations, available at: www.kruispuntmi.be/sites/default/files/bestanden/documenten/brochure_sociale_cohesie_bevorderen_met_lokale_subsidiere_glementen_2011.pdf.

⁴²³ Belgium, Ghent action against racism, ‘A handshake against racism’, available at: <http://gent.s-p-a.be/sharedmedia/uploads/files/11/05/handenschudden.pdf>.

⁴²⁴ Belgium, VRT online news site, article of 14 February 2013, available at: <http://derefactie.be/cm/vrtnieuws/regio/oostvlaanderen/1.1548865>.

4.2. Combatting racism and intolerance

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| | <p>Are there any policy measures, initiatives and practices to accommodate for ethnic or religious differences, for example in regard to sharing public space, such as swimming pools at local level?</p> <p>Identify any promising practices encouraging social interaction and contacts of people of different backgrounds at local level (use the template for promising practices in annex 7).</p> | <p>Publication by the Association of Flemish Cities and Municipalities (November 2010) on 'Living together in public space', aiming to serve as an inspiration for the design and management of outdoor space.⁴²⁵ The publication makes reference to social cohesion as one of the criteria taken into account when a space is being (re-)constructed, whereby local governments "search for ways to promote co-existence in diversity and discourage undesirable conduct".⁴²⁶ The publication provides an overview of inspiring examples of local governments in Flanders, Brussels and the Netherlands.</p> <p>No further information identified.⁴²⁷</p> |
| | <p>Please indicate concrete measures, initiatives or programmes targeting migrants and/or descendants aiming at building trust in public institutions, especially at local level. E.g. campaigns, opening doors and reaching out to citizens, social centres, informal collective bodies, cultural events etc.</p> | <p>No information identified.⁴²⁸</p> |

⁴²⁵ Belgium, Association of Flemish Cities and Municipalities (2010), 'Living together in public space', available at: www.vvsg.be/sociaal_beleid/Etnisch-culturele_diversiteit/Documents/2012/20101030%20SamenlevenInDePubliekeRuimte.pdf.

⁴²⁶ Belgium, Association of Flemish Cities and Municipalities (2010), 'Living together in public space', available at: www.vvsg.be/sociaal_beleid/Etnisch-culturele_diversiteit/Documents/2012/20101030%20SamenlevenInDePubliekeRuimte.pdf, p. 5.

⁴²⁷ Based on desk research.

⁴²⁸ Based on desk research.

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| | <p>Please provide notable examples of promising practice (use the template for promising practices in annex 7).</p> | |
| | <p>Are there any specific ethical or other guidelines or rules concerning the language used by media or journalists, when writing about migrants and/or their descendants? In this case please provide briefly information about actual application of such rules and challenges.</p> | <p>According to KMS, a non-profit organisation working on topics related to the multicultural society, much work is to be done in order to eliminate discriminating language use in the media. Notions like 'illegals' are still frequently used (instead of, e.g., persons without legal residence). The organisation recommends the adoption of a deontological agreement between the government and the media in order to exclude racist-discriminating and racist-criminalising use of language.⁴²⁹</p> <p>The Department of Equal Opportunities of the Flemish government has published a booklet encouraging journalists to critically deal with stereotypes and offering them concrete tips for a nuanced image building and representation of certain target groups, including immigrants.⁴³⁰</p> <p>The Code of the Council for Journalism (adopted in 2010 and complemented in 2012), a guide on professional ethics for journalists, contains one principle regarding stereotypes in the context of racism. Principle 27 states that "the journalist who mentions personality features such as ethnic origin, skin colour (...) avoids stereotyping, generalisation and exaggeration, and does not incite discrimination."⁴³¹</p> <p>As mentioned above, a 2009 study, carried out for the Centre for Equal Opportunities, shows that two out of three persons interviewed (persons with a migration background) were of the view that their ethnic group is underrepresented in the Belgian media. In particular, Sub-Saharan Africans and East-Europeans held this view. More than 50% of the persons who gave their opinion on this, thought that the image that was given about them, was incorrect. Especially persons from the Maghreb region held this view (eight out of ten). Most of them link the incorrect image with the fact that the media present their situation in a too negative and insufficiently objective manner.⁴³²</p> |

⁴²⁹ Belgium, KMS, website article of 22 May 2014, 'Action Plan against racism has to be included in government agreements', available at: www.kms.be/?menu_id=1&nws_id=151.

⁴³⁰ Belgium, Flemish government, Department of Equal Opportunities (2011), 'Beyond stereotypes: on nuanced image building', available at: file:///C:/Users/MMO/Downloads/VoorbijHetClich%C3%A9%20AS_39007.pdf, pp.19-21.

⁴³¹ Belgium, Council for Journalism (2010), Code of the Council for Journalism, available at: www.rvdj.be/sites/default/files/pdf/journalistieke-code.pdf.

⁴³² Belgium, Independent Research Bureau (IRB Europe) (2009), Results overview of a research in foreign population groups in Belgium, carried out for the Centre for Equal Opportunities, available at: www.diversiteit.be/sites/default/files/legacy_files/studies/2010/Hoe%20beleven%20etnische%20minderheden%20hun%20situatie.pdf, pp. 28-29.

4.3. Mixed marriages

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| <p>'Mixed marriages' is often used as an index for social distance and integration or, even, assimilation. Mixed (citizenship) marriages are defined as those where one of the spouses has foreign citizenship and the other has national citizenship (including registered partnerships, common-law marriages). Please indicate legal limitations, if any, for marriages between nationals and foreigners, e.g. for asylum seekers, third country nationals, etc. Do these limitations result in practical barriers?</p> | <p>There are no legal limitations for marriages between nationals and non-nationals. Every person has the right to marry another person if the general conditions, stipulated in the Civil Code, are met (minimum age of 18 years old; consent of both parties; absence of kinship; absence of existing marriage). This is based on the Constitution and international treaties.⁴³³ The civil registrar cannot refuse the marriage only because the non-national resides illegally in the country.⁴³⁴ However, at least one of the two persons must be either Belgian or residing in Belgium for more than three months (to be proved by any possible evidence). Non-nationals must satisfy the conditions for marriage applying in their country of nationality.⁴³⁵</p> <p>While a residence permit is thus no condition for marriage, the local administration will interrogate the future husband and wife on the reasons for their marriage. If the administration suspects a marriage of convenience, whereby the only reason for marriage is to obtain legal residence, it can refuse the marriage. In practice it can be very hard for the partners to prove their sincere intentions – the interrogation sometimes being extremely severe – as a result of which the non-national experiences no legal but practical barriers.⁴³⁶</p> |
| <p>Are there any official or non-official data and information on mixed marriages (between nationals and people with another</p> | <p>A 2012 Eurostat report of the European Commission provides data on mixed marriages in EU countries.⁴³⁷ In this report, mixed marriages are defined as "those in which one partner is native-born and the other was born abroad". In other words, marriages between foreign-born persons from different countries are not considered in the report, and neither are unmarried partnerships. For the period</p> |

⁴³³ Belgium, *Kruispunt Migratie-Integratie*, website information, available at: <http://www.kruispuntmi.be/thema/bijzondere-groepen/mensen-zonder-wettig-verblijf>; Belgium, Federal Migration Centre (2014), 'Marriage and legal cohabitation in Belgium', available at:

www.emnbelgium.be/sites/default/files/publications/brochure_huwelijk_en_wettelijke_samenwoning_10_04_2014.pdf, p.5

⁴³⁴ However, a marriage does not automatically lead to a residence permit. The non-national must apply for family reunification based on the marriage. See *Kruispunt Migratie-Integratie*, website information, available at: www.kruispuntmi.be/thema/vreemdelingenrecht-internationaal-privatrecht/verblijfsrecht-uitwijzing-reizen/gezinshereniging.

⁴³⁵ Belgium, website of the federal public services, available at: www.belgium.be/nl/familie/koppel/huwelijk/voorwaarden/.

⁴³⁶ Belgium, *Kruispunt Migratie-Integratie*, website information, available at: www.kruispuntmi.be/thema/vreemdelingenrecht-internationaal-privatrecht/familiaal-ipr/huwelijk/vaak-gestelde-vragen-huwelijk; Belgium, Federal Migration Centre (2014), 'Marriage and legal cohabitation in Belgium', available at: www.emnbelgium.be/sites/default/files/publications/brochure_huwelijk_en_wettelijke_samenwoning_10_04_2014.pdf.

⁴³⁷ European Commission (2012), Eurostat report on Population and Social Conditions, Merging populations – A look at marriages with foreign-born persons in European countries, available at: www.emnbelgium.be/sites/default/files/attachments/eurostat_mixed_marriages.pdf.

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| | <p>citizenship)? Please provide % proportions on the total number of marriages in a given period, as well as data – where available - about ages, country of origin/birth of migrant spouses.</p> | <p>2008-2010, Belgium had approximately 11% mixed couples of total married couples.</p> |
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Annex 2: National and regional level action plans on integration

No action plans (other than governmental policy declarations) have been identified for the Walloon Region and Brussels Region.⁴³⁸

| <i>National / regional level (specify region)</i> | <i>Year of the first edition and Year of latest update (e.g. First edition: 2004, Most recent update: 2011)</i> | <i>Responsible ministry – public authority – reference details (URL – links)</i> | <i>Target groups identify migrant and refugee groups as beneficiaries (e.g. on the basis of their residence status)</i> | <i>Main aims, actions and activities foreseen in the focus areas – link to fundamental rights [provide both key dimensions and specific actions and aims of the policy instruments in each focus area (use a different row for each focus area if needed)]</i> | <i>Targeting general population ? Yes/No – explanatory comments where needed</i> | <i>Insert here definition of integration (in EN) if any. Alternative: Indicate the core aim/objective of the NAP related to social inclusion and/or integration of migrants</i> |
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| Regional level: Walloon Region | 2014 | Walloon government http://gouvernement.wallonie.be/ | Migrants/non-nationals | Government declaration 2014-2019: ⁴³⁹ -operationalise and strengthen the existing integration programme of newcomers -render obligatory the learning of the French language -establish the necessary statistical indicators for the identification of needs and for the evaluation of the integration policy -support associative involvement of non-nationals | No | Core aim: Harmonious integration of newcomers in society, development of feeling of belonging and function of full citizens, and generally, their social insertion. |

⁴³⁸ Belgium, information obtained from official of the Brussels *COCOF* government, Department of Social Affairs and Social Cohesion, Marie-Pierre Durt (19/3/2015); Belgium, information obtained from official of the Walloon government, Department of Social Action, Leila Zahour (20/3/2015).

⁴³⁹ Belgium, Walloon government, [policy declaration 2014-2019](#), p. 51-52.

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| | | | | -adopt an action plan on French language learning and alphabetisation | | |
| Regional level: Brussels Region (COCOF) | 2014 | Brussels French-speaking government (COCOF) http://www.cocof.be/ | Newcomers/persons of migrant origin | Policy declaration of the new Brussels French-speaking government (COCOF) 2014-2019; ⁴⁴⁰ Investing in the integration programme for newcomers, which focuses on alphabetisation, learning of the French language, citizenship modules, and socio-economic integration (including housing, and employment). | No | Core aim: Strengthening social cohesion. |
| Regional level: Flemish Community | 2012 | Agency for Home Affairs http://binnenland.vlaanderen.be/ | Society as a whole: full Flemish society Special attention for specific disadvantaged groups: 1) Legally and long-term residing persons in Belgium who did not possess the Belgian nationality at birth, or with at least one parent who did not possess the Belgian nationality at birth, in particular disadvantaged persons. A long-term residence is a legal residence not limited to maximum 3 months. 2) Legally residing persons in Belgium who live or lived in a | Integrated Action Plan on Integration Policy for the period 2012-2015. ⁴⁴¹ 1) Proportionate and full participation of specific target groups: sufficient and high-quality reception and assistance programs for integrating persons; sufficient and high-quality guidance and access to regular services in all domains; increasing the involvement of specific target groups in integration policy; strengthening civil society; encouraging organisations and services to involve specific target groups; realising equal treatment and fighting discrimination; guaranteeing fundamental rights and orientation towards a meaningful perspective for the future of non-nationals in illegal residence. | Yes | Core aims of the integration policy: <u>Emancipation</u> of specific target groups (proportionate participation in society); <u>Accessibility</u> of regular services for all citizens; <u>Co-existence in diversity</u> (by awareness raising actions, the strengthening of social cohesion and the solving of co-existence problems) |

⁴⁴⁰ Belgium, French Community Commission (COCOF), [policy declaration 2014-2019](#), , p. 6.

⁴⁴¹ Belgium, Flemish government, [Integrated Action Plan on Integration Policy 2012-2015](#).

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| | | | caravan, or whose parents did this (Roma). In addition to this, the Flemish integration policy also targets illegally residing non-nationals, more specifically such non-nationals who request assistance due to an emergency situation. | 2) Strengthening social cohesion in society: increasing social connection and interaction between all citizens; increasing public support for co-existence in diversity by communication and positive actions; prevention, detection, communication and solving co-existence problems; changing racist and xenophobic attitudes. 3) Pursuing a coordinated, inclusive integration policy: coordination of Flemish policy; attention for specificity of Brussels; coordination of policies at various levels (interfederal, federal, European and international). | | |
| Regional level: Flemish Community | 2014 | Agency for Home Affairs http://binnenland.vlaanderen.be/ | Persons of migrant origin | Policy Note on Integration for the period 2014-2019: ⁴⁴² 1) Decreasing ethnic divide in all relevant domains 2) Continuing investment in increasing knowledge of the Dutch language: provision of sufficient availability of training programs; pursuing a language promotion policy and stimulating services to pursue such a policy; optimisation of functioning of the Dutch Language House (<i>Huis van het Nederlands, see section 1.2.3</i>). 3) Strengthening of governance capacity of local governments in their integration policies 4) Organisation of individual training and assistance programs for persons of migrant origin: increasing effectiveness of civic integration; increasing reach of | Yes | Core aim of the integration policy: Achieving an <u>active and shared citizenship</u> , requiring active participation of all and creation of sufficient social cohesion. |

⁴⁴² Belgium, Flemish government (2014), [Policy Note on Integration 2014-2019](#), (*Beleidsnota Integratie en Inburgering 2014-2019*).

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| | | | | persons of migrant origin; provision of focused program for under-aged newcomers. | | |
| Regional level: Flemish Community | 2015 | Agency for Home Affairs http://binnenland.vlaanderen.be/ | Unknown | The Commission for Integration Policy, a coordinating body for the Flemish integration policy, is currently working on a new document on strategic objectives, but it is too early for the administration to communicate about this. ⁴⁴³ | Unknown | Unknown |
| Regional level: Flemish Community | 2010-2011-2012-2013- | Agency for Home Affairs http://binnenland.vlaanderen.be/ | 'New Flemish persons': non-nationals and other persons of migrant origin. | Policy notes on Civic Integration and Integration for the different years 2010-2011, 2011-2012 and 2012-2013, as well as one policy note for the period 2009-2014, by the competent Minister for Integration. ⁴⁴⁴ | Yes | Core aim: Promoting cohabitation in diversity in a common framework of norms and values and with respect for the individuality of every person. |

⁴⁴³ Belgium, Flemish government, Agency for Home Affairs, information obtained from staff member Inge Helleman, department of Equal Opportunities, Integration and Civic Integration (6 March 2015).

⁴⁴⁴ Belgium, Flemish government, [Policy notes on Civic Integration and Integration of the Minister for Integration](#) (2009-2014).

Annex 4: Indicators monitoring migrant integration - social inclusion/cohesion

| N. | Indicator (category of Zaragoza indicators) | Definition | Legal frame / policy target | Data source | Periodicity | Reference / Comments |
|----|---|---|--|--|---|---|
| 1. | <p>Amount of contact between natives and different ethnic groups</p> <p>Inter-ethnic contact / Social Cohesion</p> | <p>A representative sample of the Dutch speaking population of Flanders and Brussels was asked to indicate how often they had a conversation with persons from another origin living in their neighbourhood.</p> <p>Data collected from general population, not disaggregated. Question has regard to 'persons of foreign origin' (no distinction between foreign nationals or nationals of foreign background, no distinction for Europeans versus non-Europeans)</p> | <p>Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3</p> <p>Reciprocal nature of integration to improve social cohesion</p> | <p>SCV-survey (Survey on Socio-Cultural Transitions in Flanders) by Research Department of the Flemish Government [SVR, Studiedienst van de Vlaamse Regering]</p> | <p>Periodically (Survey is annual, but modules on ethnocentrism are incorporated periodically)</p> <p>Data published for 2011</p> | <p>Flemish monitoring</p> <p>Published in: Flemish Migration and Integration monitor</p> |
| 2. | <p>(Ideal) Ethnic composition of the neighbourhood</p> <p>Welcoming society (Public attitudes)</p> | <p>A representative sample of the Dutch speaking population of Flanders and Brussels was asked to indicate the ethnic composition of their neighbourhood and to indicate what would be their ideal neighbourhood</p> <p>Data collected from general population, not disaggregated. Question has regard to 'persons of foreign origin' (no distinction between foreign nationals or nationals of foreign background, no distinction for Europeans versus non-Europeans)</p> | <p>Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3</p> <p>Reciprocal nature of integration to improve social cohesion</p> | <p>SCV-survey (Survey on Socio-Cultural Transitions in Flanders) by Research Department of the Flemish Government [SVR, Studiedienst van de Vlaamse Regering]</p> | <p>Periodically (Survey is annual, but modules on ethnocentrism are incorporated periodically)</p> <p>Data published for 2011; 2012; 2013</p> | <p>Flemish monitoring</p> <p>Published in: Flemish Migration and Integration monitor & published in: Flemish Regional Indicators (VRIND)</p> |

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| 3. | <p>Attitude towards immigrants</p> <p>Welcoming society (Public attitudes)</p> | <p>A representative sample of the Dutch speaking population of Flanders and Brussels was asked about their attitudes towards foreigners and migration. The respondents had to indicate their agreement or disagreement with statements on:</p> <ul style="list-style-type: none"> - <i>The presence of different cultures is an enrichment of our society</i> - <i>Migrants cannot be trusted</i> - <i>Migrants come to take advantage of social benefits</i> - <i>Muslims are a threat to our culture and customs</i> <p>Scores on these items are also combined in an 'intolerance index'</p> <p>Data collected from general population, not disaggregated. Questions have regard to 'migrants' (no distinction between foreign nationals or nationals of foreign background, no distinction for Europeans versus non-Europeans)</p> | <p>Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3</p> <p>Reciprocal nature of integration to improve social cohesion</p> | <p>SCV-survey (Survey on Socio-Cultural Transitions in Flanders) by Research Department of the Flemish Government [SVR, Studiedienst van de Vlaamse Regering]</p> | <p>Periodically (Survey is annual, but modules on ethnocentrism are incorporated periodically) Data published for 1998; 2002; 2004; 2008; 2011; 2013;</p> | <p>Flemish monitoring</p> <p>Published in: Flemish Migration and Integration monitor & published in: Flemish Regional Indicators (VRIND)</p> |
| 4. | <p>Attitude towards immigrants</p> <p>Welcoming society (Public attitudes)</p> | <p>A representative sample of the Belgian population and the Flemish population was asked to indicate the level of agreement/disagreement with the statement: "<i>Immigrants undermine or enrich the culture of the country</i>".</p> <p>Data collected from general population, not disaggregated. Question has regard to 'immigrants' (no distinction between foreign nationals or nationals of foreign background, no distinction for Europeans versus non-Europeans)</p> | <p>Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3</p> <p>Reciprocal nature of integration to improve social cohesion</p> | <p>ESS-survey, European Social Survey</p> | <p>Unknown (indicator published in 2013, no reference to time span of data)</p> | <p>Flemish monitoring</p> <p>Published in: Flemish Migration and Integration monitor</p> |

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| 5. | <p>Number of official complaints about discrimination received by the "Interfederal Centre for Equal Opportunities"</p> <p>Welcoming society (Discrimination)</p> | <p>Number of official complaints about discrimination on the basis of racial background and religious convictions or beliefs.</p> <p>Data comprises complaints by any person, no distinction reported on the nationality or background of the person who filed the complaint</p> | <p>Law directing the combat against specific forms of discrimination and the punishment of specific form of racism and xenophobia, 10 May, 2007</p> | <p>Interfederal Equal Opportunities Centre</p> | <p>Annually</p> <p>Data published for 2007; 2008; 2009; 2010; 2011; 2012; 2013</p> | <p>National monitoring</p> <p>Published in: Annual reports on Discrimination and Diversity & published in: Flemish Migration and Integration monitor</p> |
| 6. | <p>Housing costs</p> <p>Social inclusion (Housing)</p> | <p>Share of population in Flanders that lives in a household with too expensive housing costs</p> <p>Data disaggregated by Belgian nationality/EU nationality/TCN nationality & data disaggregated by born in Belgium/born in EU/born outside of EU</p> | <p>Flemish decree of integration, 2003 and 2013 , Chapter 2, Art 3</p> <p>Equal opportunities for everyone</p> | <p>General Service for Statistics Belgium [ADSEI, Algemene Directie Statistiek en Economische Informatie] & EU-SILC-survey</p> | <p>Biannually</p> <p>Data published for 2011</p> | <p>Flemish monitoring</p> <p>Published in: Flemish Migration and Integration monitor</p> |
| 7. | <p>Quality of housing</p> <p>Social inclusion (Housing)</p> | <p>Share of population in Flanders that lives in a residence with quality problems (lack of elementary comfort (bathing tub or shower, warm water, adequate sanitary provisions), lack of space (fewer than one room for each family member) or one of the four following structural problems (leaking roof, lack of adequate heating system, moisture and humidity, rotting doors and window frames).</p> <p>Data disaggregated by Belgian nationality/EU nationality/TCN-nationality & data disaggregated by born in Belgium/born in EU/born outside of EU</p> | <p>Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3</p> <p>Equal opportunities for everyone</p> | <p>General Service for Statistics Belgium [ADSEI, Algemene Directie Statistiek en Economische Informatie] & EU-SILC-survey</p> | <p>Biannually</p> <p>Data published for 2011</p> | <p>Flemish monitoring</p> <p>Published in: Flemish Migration and Integration monitor</p> |

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| 8. | Number of persons making use of social housing facilities Social inclusion (Housing) | Share of population in Flanders that is a user of / candidate for social housing facilities, as a percentage of the total population Data disaggregated by Belgian nationality/EU nationality/TCN-nationality | Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3 Equal opportunities for everyone | Public Housing Service Flanders [VMSW, Vlaamse Maatschappij voor Sociaal Wonen] | Periodically Data published for 2012 | Flemish monitoring Published in: Flemish Migration and Integration monitor |
| 9. | Poverty risk Social Inclusion (Poverty) | Share of population in Flanders with an income below the poverty line Data disaggregated by Belgian nationality/EU nationality/TCN nationality & data disaggregated by born in Belgium/born in EU/born outside of EU & 'Chance of poverty index' at birth Data disaggregated by mothers of Belgian origin vs. mothers of foreign origin | Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3 Equal opportunities for everyone | General Service for Statistics Belgium [ADSEI, Algemene Directie Statistiek en Economische Informatie] & EU-SILC-survey & Child and Family [K&G, Kind en Gezin] | Annually Data published for 2009; 2010; 2011; 2012; 2013 | Flemish monitoring Published in: Flemish Migration and Integration monitor & published in Local Integration Monitor (LIIM) |
| 10. | Subjective poverty Social Inclusion (Poverty) | Share of population in Flanders that lives in a household about which the referent states that there are difficulties to survive on the basis of the household income Data disaggregated by Belgian nationality/EU nationality/TCN nationality & data disaggregated by born in Belgium/born in EU/born outside of EU | Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3 Equal opportunities for everyone | General Service for Statistics Belgium [ADSEI, Algemene Directie Statistiek en Economische Informatie] & EU-SILC-survey | Biannually Data published for 2011 | Flemish monitoring Published in: Flemish Migration and Integration monitor |

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| 11. | Material deprivation Social Inclusion (Poverty) | Share of population in Flanders that that lives in a household with severe material deprivation (i.e. lacking at least four out the following nine facilities: one week of yearly holiday, one meal with fish, meat, chicken or vegetarian replacement every 2 days, a washing machine, a colour TV, a phone, a car, being able to pay all the bills, being able to heat the house sufficiently, being able to pay for unexpected costs (900 euros)) Data disaggregated by Belgian nationality/EU nationality/TCN nationality & data disaggregated by born in Belgium/born in EU/born outside of EU | Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3 Equal opportunities for everyone | General Service for Statistics Belgium [ADSEI, Algemene Directie Statistiek en Economische Informatie] & EU-SILC-survey | Biannually Data published for 2011 | Flemish monitoring Published in: Flemish Migration and Integration monitor |
| 12. | Ill health Social Inclusion (Health) | Share of population in Flanders that indicates to have a bad or very bad health situation Data disaggregated by Belgian nationality/EU nationality/TCN nationality & data disaggregated by born in Belgium/born in EU/born outside of EU | Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3 Equal opportunities for everyone | General Service for Statistics Belgium [ADSEI, Algemene Directie Statistiek en Economische Informatie] & EU-SILC-survey | Biannually Data published for 2011 | Flemish monitoring Published in: Flemish Migration and Integration monitor |
| 13. | Access to health care Social Inclusion (Health) | Share of population in Flanders that lives in a household in which at least one member could not go to a doctor or dentist because of financial problems Data disaggregated by Belgian nationality/EU nationality/TCN nationality & data disaggregated by born in Belgium/born in EU/born outside of EU | Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3 Equal opportunities for everyone | General Service for Statistics Belgium [ADSEI, Algemene Directie Statistiek en Economische Informatie] & EU-SILC-survey | Biannually Data published for 2011 | Flemish monitoring Published in: Flemish Migration and Integration monitor |
| 14. | Participation in cultural, sport or leisure activities Active Citizenship (Participation in voluntary organisations) | Share of population in Flanders that does not participate in any event of cultural, sports or recreational activity Data disaggregated by Belgian nationality/EU nationality/TCN nationality & data disaggregated by born in Belgium/born in EU/born outside of EU | Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3 Active citizenship | General Service for Statistics Belgium [ADSEI, Algemene Directie Statistiek en Economische Informatie] & EU-SILC-survey | Biannually Data published for 2011 | Flemish monitoring Published in: Flemish Migration and Integration monitor |

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| 15. | <p>Voting in municipal elections</p> <p>Active Citizenship (Political activity/participation)</p> | <p>Share of TCN that has registered to vote in municipal elections, in comparison to all potential TCN voters (TCN resident in Belgium and meeting the requirements to vote in municipal elections)</p> <p>Data disaggregated by nationality in groups of geographical regions (i.e. citizens of neighbouring EU Member States, citizens of West and Northern EU Member States, citizens of Southern EU Member States, citizens of Eastern EU Member States, citizens of candidate EU Member States, citizens of other European countries non-EU, citizens of Maghreb countries, citizens of other countries)</p> | <p>Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3</p> <p>Active citizenship</p> | <p>Federal Public Service of the Interior, General Direction of Institutions and Population [IBZ, Federale Overheidsdienst Binnenlandse Zaken, Algemene Directie Instellingen en Bevolking]</p> | <p>Every 6 years</p> <p>Data published for 2006; 2012</p> | <p>Flemish monitoring</p> <p>Published in: Flemish Migration and Integration monitor & published in Local Integration Monitor (LIIM)</p> |
| 16. | <p>Income</p> <p>Social Inclusion (Income)</p> | <p>Analysis of income of population in Belgium by origin. Different measures of income: Lorenzo curve; distribution of low/middle/high incomes; etc. Data published for Belgium in general, as well as specifically for the regions (Flanders, Wallonia, Brussels Capital Region), as well as gender-disaggregation and age-disaggregation.</p> <p>Data disaggregated origin in groups of geographical regions (Belgium, EU-14 countries, EU-12 countries, candidate-EU countries, other European countries (non-EU), Maghreb countries, other African countries, North-American countries, South- or Central-American countries, Asian countries, Oceania countries)</p> <p>Data disaggregated for first and second generation migrants(in combination with disaggregation by origin, see above)</p> <p>Data disaggregated for mode of citizenship acquisition (in combination with the disaggregation by origin, see above)</p> | <p>unknown</p> | <p>Federal Public Service of Employment, Labour and Public Dialogue [FOD WASO, Federale Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg]</p> | <p>unknown</p> <p>Data published for 2008</p> | <p>National monitoring</p> <p>Published in the Socio-economic Monitor</p> |

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| 17. | Citizenship acquisition Active Citizenship (Naturalisation) | Number of foreigners that have acquired the Belgian nationality. Data disaggregated by disaggregated by former nationality (in groups or geographical regions) | Belgian Nationality Code 2012 | General Service for Statistics Belgium [ADSEI, Algemene Directie Statistiek en Economische Informatie] | Annually Data published for 1999; 2000; 2001; 2002; 2003; 2004; 2005; 2006; 2007; 2008; 2009; 2010; 2011; 2012; 2013 | National monitoring Published in the Socio-economic Monitor & Published in: Flemish migration and Integration monitor & Published in Flemish Regional Indicators (VRIND) |
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| 18. | Participation in Civic integration programme Civic integration | Number of persons that have registered for civic integration programme (both voluntarily as well as mandatory) or specific components & Number of persons that have signed a civic integration contract & Number of persons that successfully completed the integration programme and achieved an integration certificate Information is available for the Flemish region (both data for Flanders as a region, as per individual municipality in Flanders) Data disaggregated by nationality (in groups: Belgian nationality/ Dutch nationality / EU nationality/ TCN nationality) | Flemish decree of integration, 2003 and 2013, Chapter 2, art. 3 & Chapter 5 | Crossroads Banc Civic Integration [KBI, Kruispuntbank Inburgering] of the Department of Internal Affairs of Flanders [ABB, Agentschap Binnenlandse Bestuur] & Research Department of the Flemish Government [SVR, Studiedienst van de Vlaamse Regering] | Annually Data published for 2007; 2008; 2009; 2010; 2011; 2012; 2013; 2014 | Flemish monitoring for local level Published in the Local Integration Monitor (LIIM) & published in: Flemish Migration and Integration monitor & published in: Flemish Regional Indicators (VRIND) |
| 19. | Well-being and poverty rates (NWWZ) Social Inclusion (Poverty) | Number of unemployed from risk groups for finding a job - Youngster: less than 25 - Elder: more than 50 - Low educated - Long-term unemployed Information is available for the Flemish region (both data for Flanders as a region, as per individual municipality in Flanders) Data is disaggregated by origin (based on first and current nationality)(in geographical groups of origin: Belgium, Neighbouring countries, West- and North EU14, South EU14, EU12, Europe non-EU, Turkey, Maghreb, Other countries) | Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3 Equal opportunities for everyone | Department of Internal Affairs of Flanders [ABB, Agentschap Binnenlandse Bestuur] & Research Department of the Flemish Government [SVR, Studiedienst van de Vlaamse Regering] | Annually Data published for 2011; 2012; 2013 | Flemish monitoring for local level Published in the Local Integration Monitor (LIIM) & published in: Flemish Migration and Integration monitor |

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| 20. | Social housing Social inclusion (Housing) | Share of population in Flanders that is a user of / candidate for social housing facilities, as a percentage of the total population Information is available for the Flemish region (both data for Flanders as a region, as per individual municipality in Flanders) Data is disaggregated for different ethnic origins (in groups of origin region). Data disaggregated by Belgian nationality/EU nationality/TCN nationality | Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3 Equal opportunities for everyone | Department of Internal Affairs of Flanders [ABB, Agentschap Binnenlandse Bestuur] & Research Department of the Flemish Government [SVR, Studiedienst van de Vlaamse Regering] | Annually Data published for 2011; 2012; 2013 | Flemish monitoring for local level Published in the Local Integration Monitor (LIIM) |
| 21. | Social security wage base Social inclusion (Poverty) | Number of persons that receive the minimum wage Information is available for the Flemish region (both data for Flanders as a region, as per individual municipality in Flanders) Data is disaggregated by origin (based on first and current nationality)(in geographical groups of origin: Belgium, Neighbouring countries, West- and North EU14, South EU14, EU12, Europe non-EU, Turkey, Maghreb, Other countries) | Social security legislation | Department of Internal Affairs of Flanders [ABB, Agentschap Binnenlandse Bestuur] & Research Department of the Flemish Government [SVR, Studiedienst van de Vlaamse Regering] | Annually Data published for 2011; 2012; 2013 | Flemish monitoring for local level Published in the Local Integration Monitor (LIIM) |
| 22. | Participation in integration programmes Civic integration | Reporting on implementation of Flemish civic integration and integration policy measures General reporting on number of participants etc., no disaggregation) | Flemish decree of integration, 2003 and 2013, Chapter 2, Art 3 | Department of Internal Affairs of Flanders [ABB, Agentschap Binnenlandse Bestuur] | Annually Data published for 2010; 2011; 2012 | Flemish monitoring Published in Yearbooks on Integration and Civic Integration |

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| 23. | Experienced Discrimination during job selection process Welcoming society (Discrimination) | The estimated level of discrimination that persons of foreign origin experience to get invited for a job interview was obtained in a real-life experiment (aggregated behaviour tests). No disaggregated data for TCN, only distinction between native origin versus foreign origin. & The share of respondents of foreigners that respond (in a survey) to have been victim of discrimination in the job search once in the past Mainly distinction between native origin versus foreign origin, but also separate numbers for persons of Moroccan origin and Turkish origin. | Law on the fight against specific forms of discrimination and the punishment of specific forms of racism and xenophobia, 10 May, 2007 | Interfederal Equal Opportunities Centre | Every 6 years Data published for 2012 | National monitoring Published in Diversity barometer-Work |
| 24. | Perceived discrimination during the job selection process from the view of HR Welcoming society (Discrimination) | In a representative survey, HR managers were asked about the amount of discrimination on the basis of ethnic origin/ skin colour / religious symbols which foreigners might encounter during the selection process of jobs at different levels Question has regard to distinction between native origin versus foreign origin only (no further disaggregation) | Law on the fight against specific forms of discrimination and the punishment of specific forms of racism and xenophobia, 10 May, 2007 | Interfederal Equal Opportunities Centre | Every 6 years Data published for 2012 | National monitoring Published in Diversity barometer-Work |
| 25. | Experiences with employment of immigrants Welcoming society (Public attitudes) | In a representative survey, HR managers were asked about the amount of positive and negative experiences that they had when employing foreigners in their company. Question has regard to distinction between native origin versus foreign origin only (no further disaggregation) | Law on the fight against specific forms of discrimination and the punishment of specific forms of racism and xenophobia, 10 May, 2007 | Interfederal Equal Opportunities Centre | Every 6 years Data published for 2012 | National monitoring Published in Diversity barometer-Work |
| 26. | Perceived amount of risk when hiring a foreigner Welcoming society (Public attitudes) | In a representative survey, HR managers were asked to indicate the amount of risk that goes along with hiring a foreigner for different jobs at different levels Question has regard to distinction between native origin versus foreign origin only (no further disaggregation) | Law on the fight against specific forms of discrimination and the punishment of specific forms of racism and xenophobia, 10 May, 2007 | Interfederal Equal Opportunities Centre | Every 6 years Data published for 2012 | National monitoring Published in Diversity barometer-Work |

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| 27. | Attitudes about immigrants on the labour market Welcoming society (Public attitudes) | Representative survey of the Belgian population administering the attitude of respondents towards the presence of 'minority groups' on the labour market Question has regard to distinction between native versus minority groups only (no further disaggregation) | Law on the fight against specific forms of discrimination and the punishment of specific forms of racism and xenophobia, 10 May, 2007 | Interfederal Equal Opportunities Centre | Every 6 years Data published for 2012 | National monitoring Published in Diversity barometer-Work |
| 28. | Attitudes about immigrants on the work floor Welcoming society (Public attitudes) | Representative survey of the Belgian population administering the attitude of respondents towards the presence of 'persons of foreign origin' on the work floor (as colleague or superior) (e.g. acceptance of foreigners making career, acceptance of foreign languages spoken, acceptance of prayer rooms at the work place, ...) Questions have regard to distinction between native origin versus foreign origin only (no further disaggregation) | Law on the fight against specific forms of discrimination and the punishment of specific forms of racism and xenophobia, 10 May, 2007 | Interfederal Equal Opportunities Centre | Every 6 years Data published for 2012 | National monitoring Published in Diversity barometer-Work |
| 29. | Perceived discrimination on the labour market Welcoming society (Discrimination) | With a round table method, an estimation was made by groups of ethnic minorities of the perceived discrimination in the labour market on the basis of ethnic background No information on data disaggregation | Law on the fight against specific forms of discrimination and the punishment of specific forms of racism and xenophobia, 10 May, 2007 | Interfederal Equal Opportunities Centre | Every 6 years Data published for 2012 | National monitoring Published in Diversity barometer-Work |
| 30. | Experienced discrimination on the labour market Welcoming society (Discrimination) | With a round table method, an estimation was made by groups of ethnic minorities of the amount of discrimination experienced at the labour market on the basis of ethnic background Data disaggregated by origin in four groups (Maghreb, Turkish, Black-Africans and Eastern-Europeans) | Law on the fight against specific forms of discrimination and the punishment of specific forms of racism and xenophobia, 10 May, 2007 | Interfederal Equal Opportunities Centre | Every 6 years Data published for 2012 | National monitoring Published in Diversity barometer-Work |
| 31. | Inter-culturality in companies Social cohesion | Number of organisations making adaptations for employees with different ethnic backgrounds, like allowing to take free for a religious reason | Law on the fight against specific forms of discrimination and the punishment of specific forms of racism and xenophobia, 10 May, 2007 | Interfederal Equal Opportunities Centre | Every 6 years Data published for 2012 | National monitoring Published in Diversity barometer-Work |

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| 32. | Discrimination on the housing market Welcoming society (Discrimination) | Landlords were asked about the extent to which they select renters on the basis of ethnic origin Questions have regard to distinction between native origin versus foreign origin only (no further disaggregation) | Law on the fight against specific forms of discrimination and the punishment of specific forms of racism and xenophobia, 10 May, 2007 | Interfederal Equal Opportunities Centre | Every 6 years Data published for 2014 | National monitoring Published in: Diversity barometer-Housing |
| 33. | Discrimination on the housing market Welcoming society (Discrimination) | The estimated level of disadvantage that people with a foreign origin experience to get invited to visit a house by private landlords was obtained in a real-life experiment No disaggregated data for TCN, only distinction between native origin versus foreign origin. | Law on the fight against specific forms of discrimination and the punishment of specific forms of racism and xenophobia, 10 May, 2007 | Interfederal Equal Opportunities Centre | Every 6 years Data published for 2014 | National monitoring Published in: Diversity barometer-Housing |
| 34. | Discrimination on the housing market Welcoming society (Discrimination) | The estimated level of disadvantage that people with a foreign origin experience to get invited to visit a house by real estate companies was obtained in a real-life experiment No disaggregated data for TCN, only distinction between native origin versus foreign origin. | Law on the fight against specific forms of discrimination and the punishment of specific forms of racism and xenophobia, 10 May, 2007 | Interfederal Equal Opportunities Centre | Every 6 years Data published for 2014 | National monitoring Published in: Diversity barometer-Housing |
| 35. | Need for social care Social inclusion (Poverty) | Number of Brussels citizens that receive social aid. Information is provided for different localities within Brussels Data disaggregated by origin (in groups) | unknown | Brussels institute for statistics and analysis | unknown | Brussels monitoring Website Brussels Institute for Statistics and Analysis |

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| 36. | <p>Synthesizing indicator for access to fundamental rights (ISADF)</p> <p>Social Inclusion Employment Education</p> | <p>The extent to which the Walloon population has access to fundamental human rights as an indicator for possible risk to social cohesion. For data collection and method of calculation: please consult the methodological annex of ISADF.</p> <p>The human rights monitored are</p> <ol style="list-style-type: none"> 1/ The right to live and have human dignity 2/ The right to receive medical and social care 3/ The right to human living conditions 4/ The right to work 5/ The right to receive an educational formation 6/ The right to cultural and social development <p>The risk factors that are taken into consideration are</p> <ol style="list-style-type: none"> 1/ Single parents 2/ People above 65 3/ Asylum seekers <p>Such 'risk factor' is incorporated into the calculation in a general way. Regarding asylum seekers (the only migrant group mentioned), this implies a multiplication of the indicator score by the number of asylum seekers in the commune. No data is available specifically for asylum seekers.</p> <p>(!) Data is available only generically for the entire population per municipality in Wallonia, not disaggregated for migrants in particular.</p> <p>The information is available for all Walloon communities</p> | <p>Decree on Social Cohesion Plan in cities and communes of Wallonia – 6 November 2008</p> | <p>Walloon Institute for Prospect Evaluation and Statistics [IWEPS, Institut Wallon de l'Évaluation, de la Prospective et de la Statistique]</p> | <p>Annually</p> <p>Data published for 2013</p> | <p>Walloon monitoring</p> <p>Synthetic Indicator for access to fundamental rights, published online on website of IWEPS</p> |
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| 37. | <p>Social Barometer of Wallonia</p> <p>Social Inclusion Welcoming Society Active citizenship Social Cohesion</p> | <p>Large-scale survey of representative sample of Walloon population (no disaggregation for migrants) on:</p> <ul style="list-style-type: none"> - Social relations/social cohesion - Associational membership - Solidarity (charity) - Loneliness - Perception on immigration [see indicators listed separately below: nr.39. & nr.40] - Good citizenship - Interpersonal trust and trust in institutions - Participation in voting and interest in politics - Feeling of belonging in Wallonia - Feeling of Pride of Wallonia - Preferred political/policy priorities, roles and responsibilities of the Walloon government <p>(For detailed questions, cfr. questionnaire of the SBW)</p> <p>(!) Data is available only generically for the entire population per municipality in Wallonia, not disaggregated for migrants in particular.</p> | <p>Decree on Social Cohesion Plan in cities and communes of Wallonia – 6 November 2008</p> | <p>Walloon Institute for Prospect Evaluation and Statistics [IWEPS, Institut Wallon de l’Evaluation, de la Prospective et de la Statistique]</p> | <p>Annually</p> <p>Data published for 2012; 2013</p> | <p>Walloon monitoring</p> <p>Published in: Walloon social barometer</p> |
| 38. | <p>Perception on immigrants</p> <p>Welcoming society (Public attitudes)</p> | <p>Representative sample of the Walloon population was surveyed on perceived impact of immigrants on the economy, criminality, labour market and public finance in Wallonia, as well as on compatibility of life style.</p> <p>Information is available for all Walloon communities (no disaggregation of general population)</p> | <p>Decree on Social Cohesion Plan in cities and communes of Wallonia – 6 November 2008</p> | <p>Walloon Institute for Prospect Evaluation and Statistics [IWEPS, Institut Wallon de l’Evaluation, de la Prospective et de la Statistique]</p> | <p>Annually</p> <p>Data published for 2012; 2013</p> | <p>Walloon monitoring</p> <p>Published in: Walloon social barometer</p> |
| 39. | <p>Perceived amount of immigration</p> <p>Welcoming society (Public Attitudes)</p> | <p>Representative sample of the Walloon population was asked to estimate the share of immigrants in Wallonia, Indicator of overestimation/underestimation is calculated based on mean estimated percentages in a municipality compared with the real percentage of immigrants in the region</p> <p>Information is available for all Walloon communities (no disaggregation of general population)</p> | <p>Decree on Social Cohesion Plan in cities and communes of Wallonia – 6 November 2008</p> | <p>Walloon Institute for Prospect Evaluation and Statistics [IWEPS, Institut Wallon de l’Evaluation, de la Prospective et de la Statistique]</p> | <p>Annually</p> <p>Data published for 2012; 2013</p> | <p>Walloon monitoring</p> <p>Published in: Walloon social barometer</p> |

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| 40. | Uptake of integration programmes in Wallonia Civic integration | Monitoring number of participants in reception programme for newcomers, in language programme for foreigners, in civic integration programme and socio-professional programme for foreigners (No info on level of disaggregation) | Walloon decree on the integration process of foreigners and persons of foreign background (26th of March, 2014) | Regional Integration Centres [CRI, Centres Regionaux d'Intégration] | Systematically | Walloon monitoring [not publically available] |
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Annex 5: Use of funding instruments

Table 1 - European Integration Fund (EIF)

Funds are mostly managed at the regional (Flanders and Wallonia/French Community) and federal levels. The Federal coordinates the Regions' activities (e.g. exchange of information) and manages Federal + EIF funded projects. In the context

of the sixth state reform, the Communities and Regions have become fully competent for the transferred funding under the mentioned Impulse Fund as of 1 January 2015.⁴⁴⁵

The budget for Flanders in 2007 was approximately EUR 500,000 and amounted to about EUR1.1 million in 2013. Member States provide 50% co-financing. The Flemish Minister of Integration has been committed to provide funds for the co-financing.⁴⁴⁶

The below table provides partial data mostly for Flanders. The exact amount of own funds and EIF is not publicly available for the thematic areas.

| | European Integration Fund (EIF) - TOTAL | Own funds | Funds distribution / Thematic areas | | | | | | | | |
|-------------|---|--|-------------------------------------|------------------------------------|--------------------|-------------------|------------|-----------|--|-------|--|
| | | | Participation | Social Cohesion / social inclusion | Active citizenship | Welcoming society | Employment | Education | Healthcare | Other | |
| 2010 | Actual allocation: EUR 2.104.187,33 (including technical assistance of EUR177.293,11 ⁴⁴⁷) | Planned budget: EUR1.926.694,22 ⁴⁴⁸ | | | | | | | Flanders: Integrated language courses for third country nationals: EUR 504.090,00 (EIF + Flanders' cofinancing) ⁴⁴⁹ Flanders: Integrated language courses in vocational training: EUR 250.000,00 | | |

⁴⁴⁵ Belgium, Interfederal Centre for Equal Opportunities/Federal Migration Centre, [available at: www.diversiteit.be/impulsfonds](http://www.diversiteit.be/impulsfonds).

⁴⁴⁶ Belgium, ESF Agency Flanders (*ESF-Agentschap Vlaanderen vzw*), European Social Funds in Flanders. Annual Report 2013 (*Europees Sociaal Fonds in Vlaanderen. Jaarverslag 2013*), September 2014, p.93 available at http://www.esf-agentschap.be/sites/default/files/attachments/articles/jaarverslag_2013.pdf.

⁴⁴⁷ Belgium, Public Programme Service for Social Inclusion, Annual Programme 2010, EIF Belgium, available at http://www.mi-is.be/sites/default/files/doc/programme_annuel_2010_fr.pdf.

⁴⁴⁸ Belgium, Public Programme Service for Social Inclusion, Annual Programme 2010, EIF Belgium, available at http://www.mi-is.be/sites/default/files/doc/programme_annuel_2010_fr.pdf.

⁴⁴⁹ Belgium, ESF Agency Flanders (*ESF-Agentschap Vlaanderen vzw*), Annual Report 2010. European Social Funds in Flanders (*Jaarverslag 2010. Europees Sociaal Fonds in Vlaanderen*), September 2011, p.95 available at http://www.esf-agentschap.be/sites/default/files/attachments/articles/jaarverslag_2010.pdf.

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| | | | | | | | | (EIF + Flanders' cofinancing) ⁴⁵⁰ | | |
| 2011 | Actual allocation: €2.549.449,20 ⁴⁵¹ | Planned funding: EUR 2.202,000 ⁴⁵² | Flanders: Promote participation in policies: EUR851.099,00 (EIF + Flanders' cofinancing) ⁴⁵³ | | | Flanders: Research in civil effect: EUR212.102,08 (EIF + Flanders' cofinancing) ⁴⁵⁴ | | Flanders: Extracurricular activities participation of newcomer children: EUR 480.000 (EIF + Flanders' cofinancing) ⁴⁵⁵ Education guidance for further education for third country nationals: EUR619.464,40 (EIF + Flanders' cofinancing) ⁴⁵⁶ Flanders: Integrated language courses in vocational training (renewal): EUR 533.243,22 (EIF + | | |

⁴⁵⁰ Belgium, ESF Agency Flanders (*ESF-Agentschap Vlaanderen vzw*), Annual Report 2010. European Social Funds in Flanders (*Jaarverslag 2010. Europees Sociaal Fonds in Vlaanderen*), September 2011, p.95 available at http://www.esf-agentschap.be/sites/default/files/attachments/articles/jaarverslag_2010.pdf and European Commission, Migration and Home Affairs, European Integration Funds, Belgium Country overview, available at http://ec.europa.eu/dgs/home-affairs/financing/fundings/mapping-funds/countries/belgium/index_en.htm.

⁴⁵¹ European Commission, Migration and Home Affairs, European Integration Funds, Belgium Country overview, available at http://ec.europa.eu/dgs/home-affairs/financing/fundings/mapping-funds/countries/belgium/index_en.htm.

⁴⁵² Belgium, Public Programme Service for Social Inclusion, Multi-Annual Programme 2007-2013, EIF Belgium, available at http://www.mis.be/sites/default/files/doc/MAP%20FEI%20Belgique_081124.pdf.

⁴⁵³ Belgium, ESF Agency Flanders (*ESF-Agentschap Vlaanderen vzw*), Annual Report 2011. European Social Funds in Flanders (*Jaarverslag 2011. Europees Sociaal Fonds in Vlaanderen*), September 2012, p.99 available at http://www.esf-agentschap.be/sites/default/files/attachments/articles/jaarverslag_2011.pdf.

⁴⁵⁴ Belgium, ESF Agency Flanders (*ESF-Agentschap Vlaanderen vzw*), Annual Report 2011. European Social Funds in Flanders (*Jaarverslag 2011. Europees Sociaal Fonds in Vlaanderen*), September 2012, p.98 available at http://www.esf-agentschap.be/sites/default/files/attachments/articles/jaarverslag_2011.pdf.

⁴⁵⁵ Belgium, ESF Agency Flanders (*ESF-Agentschap Vlaanderen vzw*), Annual Report 2011. European Social Funds in Flanders (*Jaarverslag 2011. Europees Sociaal Fonds in Vlaanderen*), September 2012, p.99 available at http://www.esf-agentschap.be/sites/default/files/attachments/articles/jaarverslag_2011.pdf.

⁴⁵⁶ Belgium, ESF Agency Flanders (*ESF-Agentschap Vlaanderen vzw*), Annual Report 2011. European Social Funds in Flanders (*Jaarverslag 2011. Europees Sociaal Fonds in Vlaanderen*), September 2012, p.99 available at http://www.esf-agentschap.be/sites/default/files/attachments/articles/jaarverslag_2011.pdf.

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| | | | | | | | | Flanders' cofinancing) ⁴⁵⁷ | | |
| 2012 | Actual allocation: €3.634.723,00 | Planned funding: EUR 2.664,720 ⁴⁵⁸ | | | | | | Flanders: Develop a comprehensive approach to teachings training program tailored to the needs of 16-18 years old newcomers from third countries: EUR599.600 (EIF + Flanders' cofinancing) ⁴⁵⁹ | | Flanders : Project for cultural sensitive youth care: EUR364.978,20 (EIF + Flanders' cofinancing) |
| 2013 | Actual allocation: €4.432.302,00 | Planned funding: EUR 2.963,280 ⁴⁶⁰ | | | | | | Flanders: Language learning via a digital platform: EUR 524.862 (EIF + Flanders' cofinancing) ⁴⁶¹ | | |
| 2014 | Not data available for 2014. | | | | | | | | | |

* Please indicate if Asylum, Migration and Integration Fund is used for 2014

⁴⁵⁷ Belgium, ESF Agency Flanders (*ESF-Agentschap Vlaanderen vzw*), Annual Report 2011. European Social Funds in Flanders (*Jaarverslag 2011. Europees Sociaal Fonds in Vlaanderen*), September 2012, p.100 available at http://www.esf-agentschap.be/sites/default/files/attachments/articles/jaarverslag_2011.pdf.

⁴⁵⁸ Belgium, Public Programme Service for Social Inclusion, Multi-Annual Programme 2007-2013, EIF Belgium, available at http://www.mis.be/sites/default/files/doc/MAP%20FEI%20Belgique_081124.pdf.

⁴⁵⁹ Belgium, ESF Agency Flanders (*ESF-Agentschap Vlaanderen vzw*), Annual Report 2012. European Social Funds in Flanders (*Jaarverslag 2012. Europees Sociaal Fonds in Vlaanderen*), September 2013, pp.95-96 available at http://www.esf-agentschap.be/sites/default/files/attachments/articles/jaarverslag_2012.pdf.

⁴⁶⁰ Belgium, Public Programme Service for Social Inclusion, Multi-Annual Programme 2007-2013, EIF Belgium, available at http://www.mis.be/sites/default/files/doc/MAP%20FEI%20Belgique_081124.pdf.

⁴⁶¹ Belgium, ESF Agency Flanders (*ESF-Agentschap Vlaanderen vzw*), European Social Funds in Flanders. Annual Report 2013 (*Europees Sociaal Fonds in Vlaanderen. Jaarverslag 2013*), September 2014, p.95 available at http://www.esf-agentschap.be/sites/default/files/attachments/articles/jaarverslag_2013.pdf.

Table 2 - European Refugee Fund (ERF) aiming at integration of beneficiaries of international protection

| | European Refugee Fund (ERF) - TOTAL | Own funds (national)/regional | Funds distribution / Thematic areas | | | | | | | |
|-------------|-------------------------------------|-------------------------------|--|------------------------------------|--------------------|---|------------|-----------|---|--|
| | | | Participation | Social Cohesion / social inclusion | Active citizenship | Welcoming society (host society targeted) | Employment | Education | Healthcare | Other |
| 2010 | 3,767,512.19 € | 2,369,868.52 € | 680,737.99 € (integrated support) + 1,495,250.84 € (integrated support of vulnerable groups) | 369,328.61 € (housing support) | / | / | / | / | 225,018.60 € (psychological assistance) | 176,874.31 € (legal assistance) + 522,670.79 € (<i>idem</i>) + 297,631.06 € (technical assistance EU funding) |
| 2011 | 8,932,281.33 € | 3,931,845.69 € | 482,463.04 € (integrated support) + 1,274,569.87 € (integrated support of vulnerable groups) | 471,681.35 € (housing support) | / | / | / | / | 330,734,73 € (psychological assistance) | 177,565.52 € (legal assistance) + 108,458.97 € (<i>idem</i>) + 5,780,955.16 € (emergency measures capacity building federal institutions) + 305,852.69 € (technical assistance EU funding) |
| 2012 | 5,408,553.28 € | 3,609,121.37 € | 515,811.29 € (integrated support) + 2,545,680.05 € | 995,564.63 € (housing support) | / | / | / | / | 343,705.65 € (psychological assistance) | 216,963.51 € (legal assistance) + 447,195.66 € |

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|-------------|---|----------------|--|--|---|---|---|---|---|--|
| | | | (integrated support of vulnerable groups) | | | | | | | (idem) + 96,792.37 € (capacity building federal institutions) + 246,840.12 € (technical assistance EU funding) |
| 2013 | 7,217,558.22 € | 4,692,043.99 € | 658,733.27 € (integrated support) + € 2,999,428.93 (integrated support of vulnerable groups) | 992,006.53 € (housing support) + € 600,000.00 (relocation of persons from refugee camps (e.g. Syria, DR Congo) with housing support) | / | / | / | / | 405,868.36 € (psychological assistance) | 215,481.39 € (legal assistance) + 702,696.06 € (idem) + 344,174.61 € (capacity building federal institutions) + 299.169,08 € (technical assistance EU funding) |
| 2014 | AMIF No funding yet allocated, therefore no funding yet spent. | / | / | / | / | / | / | / | / | / |

* Please indicate if Asylum, Migration and Integration Fund is used for 2014

Annex 7: Promising practices

| 1 - Thematic area | DISCRIMINATION |
|--|--|
| Title (original language) | SMS-meldpunt Discriminatie/Point de contact SMS Discrimination |
| Title (EN) | SMS reporting system on Discrimination |
| Organisation (original language) | Stad Gent/Ville de Gand |
| Organisation (EN) | City of Ghent |
| Government / Civil society | Local government |
| Funding body | City of Ghent |
| Reference (incl. url, where available) | Press article: http://www.nieuwsblad.be/article/detail.aspx?articleid=DMF20130920_020 |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | Start: September 2013 (ongoing) |
| Type of initiative | Local measure aiming to reduce discrimination in the context of nightlife, in particular discrimination on the basis of race, colour or national origin. |
| Main target group | Victims and witnesses of discrimination on the basis of race, colour or national origin. |
| Indicate level of implementation: Local/Regional/National | Local level |
| Brief description (max. 1000 chars) | In June 2013, the city council of Gent approved a modification of the police regulation regarding the exercise of porter activities. As a result, operators in the hotel and catering industry are now obliged to advertise the number 8989 with a sticker on the façade, to which victims or witnesses of discrimination can send the text message 'report'. The Local Discrimination Reporting Centre will then contact the individual and investigate the complaint, in principle within the same week, in cooperation with the Interfederal Centre for Equal |

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| | Opportunities. This sms system is unique in Belgium. ⁴⁶² Apart from racial discrimination, any other form of discrimination can be reported through this system, for example discrimination based on sexual orientation. |
| Highlight any element of the actions that is transferable (max. 500 chars) | The measure as a whole is transferable. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The reporting system is a measure of undetermined duration. |
| Give reasons why you consider the practice as having concrete measurable impact | Incidents of racial discrimination are being reported and investigated. The follow-up of the incidents is done by the police, and, if evidence of discrimination exists, the case is transferred to the prosecution service. The system may thus lead to an increase in the investigation and prosecution of incidents of discrimination. |
| Give reasons why you consider the practice as transferrable to other settings and/or Member States? | Any other country can implement this SMS system. It can also be expanded to contexts other than nightlife. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | No information identified. |
| Explain, if applicable, how the practice provides for review and assessment. | No information identified. |

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| 2 - Thematic area | PARTICIPATION – DIVERSITY |
| Title (original language) | Diversiteitsambtenaren |
| Title (EN) | Diversity officials |
| Organisation (original language) | Vlaamse overheid |

⁴⁶² Belgium, Interfederal Centre for Equal Opportunities (*Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances*) (2014), *Annual Report 2013*, Brussels, Interfederal Centre for Equal Opportunities, available at: www.diversiteit.be/jaarverslag-discriminatie-diversiteit-2013, p. 61-62.

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| Organisation (EN) | Flemish government |
| Government / Civil society | Local government |
| Funding body | Flemish government |
| Reference (incl. url, where available) | http://www.bestuurszaken.be/diversiteitsambtenaren |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | Start: 2014 (ongoing) |
| Type of initiative | Measure aiming to enhance diversity and equal opportunities in the local workplace. |
| Main target group | Persons of migrant origin. |
| Indicate level of implementation: Local/Regional/National | Regional level |
| Brief description (max. 1000 chars) | In almost all policy areas and entities of the Flemish government, 'diversity officials' are operating since 2014. In total, there are 70 diversity officials who coordinate the actions on equal opportunities and diversity in the local workplace. They are supported by the service for Diversity Policy, which supports and advises the Flemish government in realising its equal opportunities and diversity policy. Every two months, the diversity officials meet in Brussels in the Commission for Diversity of the Flemish government, in order to exchange information on good practices and agree on initiatives on equal opportunities and diversity. ⁴⁶³ |
| Highlight any element of the actions that is transferable (max. 500 chars) | The measure as a whole is transferable. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The measure has an undetermined duration. |
| Give reasons why you consider the practice as having concrete measurable impact | More coordination regarding diversity and equal opportunities across different policy areas and entities. More initiatives regarding diversity and equal opportunities in the local workplace. |

⁴⁶³ Belgium, Flemish government, department of Management Affairs, website, [available at: www.bestuurszaken.be/diversiteitsambtenaren](http://www.bestuurszaken.be/diversiteitsambtenaren).

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| Give reasons why you consider the practice as transferrable to other settings and/or Member States? | Any other political/policy level as well as any other country can implement the measure. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | No information identified. |
| Explain, if applicable, how the practice provides for review and assessment. | No information identified. |

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| 3 - Thematic area | SOCIAL INCLUSION |
| Title (original language) | Afschaffen term 'allochtoon' |
| Title (EN) | Abandoning notion of ' <i>allochtoon</i> ' |
| Organisation (original language) | Stad Gent |
| Organisation (EN) | City of Ghent |
| Government / Civil society | Local government |
| Funding body | City of Ghent |
| Reference (incl. url, where available) | http://deredactie.be/cm/vrtnieuws/regio/oostvlaanderen/1.1548865 |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | Start: February 2013 (ongoing) |
| Type of initiative | Local measure aiming to reduce social exclusion and strengthen social inclusion by eliminating terminology with a negative connotation. |
| Main target group | Persons of migrant origin. |
| Indicate level of implementation: Local/Regional/National | Local level |

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| Brief description (max. 1000 chars) | In February 2013, the city of Ghent abandoned the notion of 'allochtoon', a synonym for immigrant with a negative connotation, and will no longer refer to it in policy documents. The notion has a significant symbolic value because it encourages social exclusion. Since then, minorities are named in a more precise manner (according to their country of origin). Also other cities have abandoned the notion and replaced it by different terminology (e.g. 'new Belgians'). ⁴⁶⁴ |
| Highlight any element of the actions that is transferable (max. 500 chars) | The measure as a whole is transferable. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The measure has an undetermined duration. |
| Give reasons why you consider the practice as having concrete measurable impact | Changing the use of terminology can lead to a change in people's perception of certain population groups. |
| Give reasons why you consider the practice as transferrable to other settings and/or Member States? | Any other political level, organisation and country can implement this measure with regard to the terminology they use in their activities. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | No information identified. |
| Explain, if applicable, how the practice provides for review and assessment. | No information identified. |

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| 4 - Thematic area | PARTICIPATION IN EDUCATION |
| Title (original language) | Onthaalonderwijs voor anderstalige kinderen |
| Title (EN) | Special language education for non-Dutch speaking children |
| Organisation (original language) | Vlaamse overheid |
| Organisation (EN) | Flemish government |

⁴⁶⁴ Belgium, VRT online news site, article of 14 February 2013, available at: <http://deredactie.be/cm/vrtnieuws/regio/oostvlaanderen/1.1548865>.

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| Government / Civil society | Regional government |
| Funding body | Flemish government |
| Reference (incl. url, where available) | http://www.vlaanderen.be/nl/onderwijs-en-wetenschap/onderwijsaanbod/onthaalonderwijs-voor-anderstalige-kinderen-okan |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | Start: 1991 (first version), reforms in 2006-2007, 2008-2009 and 2010-2011 (ongoing) |
| Type of initiative | Measure aiming to support non-Dutch speaking migrant children in their education through special language classes. |
| Main target group | Non-Dutch speaking migrant children. |
| Indicate level of implementation: Local/Regional/National | Regional level |
| Brief description (max. 1000 chars) | Certain Flemish schools provide for special language courses for third country nationals. This education system is called OKAN (<i>Onthaalonderwijs voor anderstalige kinderen</i>). The schools receive the necessary financial means for this from the government. This service exists for both legally and illegally residing children, since schooling is compulsory for each child between 6 and 18 years old irrespective of her or his residence status. Children between two, five and six years old are not obliged to attend school, but do have the right to attend school. ⁴⁶⁵ |
| Highlight any element of the actions that is transferable (max. 500 chars) | The measure as a whole is transferable. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The OKAN system is a measure of undetermined duration. |
| Give reasons why you consider the practice as having concrete measurable impact | The measure allows non-Dutch speaking migrant children to more easily integrate in their school environment, and more generally in society, and to more rapidly attend other courses in Dutch, thereby avoiding educational disadvantage. |
| Give reasons why you consider the practice as transferrable to other | Any other political level, educational system or country can implement this measure. |

⁴⁶⁵ Belgium, information obtained from official of the Flemish government, Public Service of Education and Training; Belgium, website of the Flemish government, available at: www.vlaanderen.be/nl/onderwijs-en-wetenschap/onderwijsaanbod/onthaalonderwijs-voor-anderstalige-kinderen-okan.

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| settings and/or Member States? | |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | No information identified. |
| Explain, if applicable, how the practice provides for review and assessment. | No information identified. |

| 5 - Thematic area | PARTICIPATION – PUBLIC SECTOR |
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| Title (original language) | Expert Gegevensbank |
| Title (EN) | Expert Database |
| Organisation (original language) | Vlaamse overheid, departement Gelijke Kansen |
| Organisation (EN) | Flemish government , department of Equal Opportunities |
| Government / Civil society | Flemish government |
| Funding body | Flemish government |
| Reference (incl. url, where available) | http://www.expertendatabank.be/ |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | Start: 2008 (ongoing) |
| Type of initiative | Measure aiming to enhance the participation of migrants as experts in the media. |
| Main target group | Persons of migrant origin (and also women, persons with disabilities, transgenders and people living in poverty). |
| Indicate level of implementation: Local/Regional/National | Regional level |

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| Brief description (max. 1000 chars) | The Department of Equal Opportunities of the Flemish government has developed an expert database, which refers to experts belonging to various target groups (immigrants, women, persons with disability, etc.). This database is exclusively intended for use by journalists and journalism students. ⁴⁶⁶ |
| Highlight any element of the actions that is transferable (max. 500 chars) | The measure as a whole is transferable. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The Expert Database is a measure of undetermined duration. |
| Give reasons why you consider the practice as having concrete measurable impact | The measure leads to more experts of migrant origin being identified and invited to provide their expert views in the media. This in turn leads to a change in perception among the general population towards the migrant population group and can reduce the existence and use of stereotypes. |
| Give reasons why you consider the practice as transferrable to other settings and/or Member States? | Any other political level, country or media organisation can implement this measure. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | No information identified. |
| Explain, if applicable, how the practice provides for review and assessment. | No information identified. |

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| 6 - Thematic area | DISCRIMINATION |
| Title (original language) | Lokale meldpunten voor discriminatie |
| Title (EN) | Local reporting centres for discrimination |
| Organisation (original language) | Interfederaal gelijkkansencentrum/Centre interfédéral pour l'égalité des chances |
| Organisation (EN) | Interfederal Centre for Equal Opportunities |

⁴⁶⁶ Belgium, Expert Database, [available at: www.expertendatabank.be/](http://www.expertendatabank.be/).

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| Government / Civil society | Independent public institution (equality body) |
| Funding body | Federal government |
| Reference (incl. url, where available) | http://www.gelijkekansen.be/Praktisch/Melddiscriminatie.aspx |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | Start: 2006, reformed in 2014 (ongoing) |
| Type of initiative | Measure aiming to facilitate the reporting of discrimination. |
| Main target group | Victims of discrimination (including discrimination based on ethnic origin, race and nationality). |
| Indicate level of implementation: Local/Regional/National | Federal level |
| Brief description (max. 1000 chars) | <p>In Flanders, the local reporting centres for discrimination, which exist since 2006, have been integrated in the Interfederal Centre for Equal Opportunities in 2014. These centres were established in 13 Flemish regional capitals and consist of 1-2 persons per centre.⁴⁶⁷ The centres currently only register the discrimination complaint and transmit it to the Interfederal Centre for Equal Opportunities. In the near future, in the context of the 2014 reform of the Interfederal Centre for Equal Opportunities, the centres will not only register but also process the discrimination complaints. In addition, these centres will carry out lobbying and networking activities.</p> <p>In Wallonia, the "Espaces Wallonie" are centres where anyone can obtain information on various policies and themes. Individuals may report discrimination to one of the 11 centres albeit they are not specialised reporting centres such as in Flanders. The discrimination complaints will be referred to the Interfederal Centre for Equal Opportunities.⁴⁶⁸ In the future, local reporting centres will also be established in Wallonia.⁴⁶⁹</p> <p>The Interfederal Centre for Equal Opportunities has also set up a website ("signale-le"/"meld-het" website) dedicated to file a complaint of discrimination⁴⁷⁰. It is available in French and Dutch.</p> |

⁴⁶⁷ Belgium, Flemish government, Department of Equal Opportunities, website, [available at: www.gelijkekansen.be/Praktisch/Melddiscriminatie.aspx](http://www.gelijkekansen.be/Praktisch/Melddiscriminatie.aspx).

⁴⁶⁸ Belgium, Cooperation Agreement of 12 June 2013 between the federal authorities, the regions and communities aiming at establishing an Interfederal Centre for Equal Opportunities and opposition to Racism in the form of a common institution in accordance with Art. 92 bis of the Special Law on institutional reform of 8 August 1980 (*Accord de coopération du 12 juin 2013 entre l'autorité fédérale, les Régions et les Communautés visant à créer un Centre interfédéral pour l'égalité des chances et la lutte contre le racisme et les discriminations sous la forme d'une institution commune au sens de l'article 92bis de la loi spéciale de réformes institutionnelles du 8 août 1980*).

⁴⁶⁹ Belgium, information obtained from experts of the Federal Migration Centre and the Interfederal Centre for Equal Opportunities, Mathieu Beys and Paul Borghs (11/3).

⁴⁷⁰ Belgium, Interfederal Centre for Equal Opportunities, available at www.meld-het.be/ or www.signale-le.be/.

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| Highlight any element of the actions that is transferable (max. 500 chars) | The measure as a whole is transferable. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The establishment of local reporting centres is a measure of undetermined duration. |
| Give reasons why you consider the practice as having concrete measurable impact | The measure allows victims of discrimination to more easily report discrimination and file a complaint. This leads to more cases of discrimination being examined and possibly prosecuted. Since the 2014 reform, it is probable that more discrimination cases will be examined and victims assisted. |
| Give reasons why you consider the practice as transferrable to other settings and/or Member States? | Any other country can implement this measure. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | No information identified. |
| Explain, if applicable, how the practice provides for review and assessment. | No information identified. |

Annex 8: Discrimination complaints submitted to Equality Bodies

Table 3 – Numbers of discrimination cases on any ground submitted by third country nationals (TCNs) in 2014*

| Number of cases (report the 10 Largest nationality group that submitted a complaint by the end of 2014) | Grounds | | | | | | | | |
|---|-------------------------------|--------------------------------------|----------------------|---------------------------|------------|--------|---|-----|--|
| | Racial or ethnic origin | Nationality (where applicable) | Race/ skin colour | Religion/ faith/belief | disability | gender | Sexual orientation/ gender identity | age | other |
| <p>For the year 2013:</p> <p>The Interfederal Centre for Equal Opportunities received 3,713 complaints (reports) of possible discrimination. In about 25% of these cases, the Centre was not competent to deal with them. The Centre does not provide data on the migration background/citizenship status/nationality of the complainants (no systematic registration – focus on the discrimination ground). In other words, the number of complaints mentioned covers all complainants, and is not limited to complaints submitted by third country nationals.⁴⁷¹</p> <p>Total number of complaints for which the Centre was competent: 3,025</p> | 1,270 | | | 621 | 610 | | 201 | 148 | 175 (of which 103 on the ground of property ownership) |

⁴⁷¹ Belgium, Interfederal Centre for Equal Opportunities (2014) (Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances), Annual Report on Discrimination and Diversity 2013 (Jaarverslag Discriminatie en Diversiteit 2013/Rapport annuel Discrimination et Diversité 2013), [available at: www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf](http://www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf), pp. 75 and following; confirmed by experts of the Federal Migration Centre and the Interfederal Centre for Equal Opportunities, Mathieu Beys and Paul Borghs (11/3).

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| <p>On the basis of the reports or on its own initiative, the Centre has opened 1,406 new files in 2013, of which 572 were related to <u>racial criteria</u> (or 37.5%).</p> <p>Of these 572 cases, 109 were related to access to goods and services, 128 to work, 157 to media, 40 to education, 49 to society, 58 to police and justice and 31 to other domains.</p> <p>Discrimination on the basis of ethnic origin constitutes the discrimination category with the largest proportion of complaints. This is similar to the situation over the past years.⁴⁷²</p> <p>Compared to 2012, a significant increase was noted in 2013 of discrimination complaints based on racial criteria in the domain of police and justice.⁴⁷³</p> | | | | | | | | | |
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* Provide data for 2013 if 2014 not available by March 2015

⁴⁷² Belgium, Interfederal Centre for Equal Opportunities (2014) (Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances), Annual Report on Discrimination and Diversity 2013 (Jaarverslag Discriminatie en Diversiteit 2013/Rapport annuel Discrimination et Diversité 2013), [available at: www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf](http://www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf), pp. 76-79.

⁴⁷³ Belgium, Interfederal Centre for Equal Opportunities (2014) (Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances), Annual Report on Discrimination and Diversity 2013 (Jaarverslag Discriminatie en Diversiteit 2013/Rapport annuel Discrimination et Diversité 2013), [available at: www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf](http://www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf), p. 81.

Table 4 - Outcome of discrimination cases on grounds of ethnic origin submitted by third country nationals*

| Competent Body (e.g. Equality Body, Administrative court etc.) | Outcome | | | | | | |
|--|-------------------------------|-------------------------------|--|--|--|--------------------------|--|
| | [Pending from previous years] | [Pending – submitted in 2013] | Established discrimination | [Shift of the burden of proof applied] | [Successful mediation – restoring rights/fairness – sanctions applied] | [Unsuccessful mediation] | [Not admissible (formal admissibility / withdrawal reasons)] |
| <p><u>Interfederal Centre for Equal Opportunities</u></p> <p>As mentioned above, the Interfederal Centre for Equal Opportunities does not register the nationality of the complainants. Therefore it is not possible to distinguish between complaints by third country nationals and those by Belgian/EU citizens.⁴⁷⁴</p> <p>The Interfederal Centre for Equal Opportunities provides information to a certain extent in its Annual Report on Discrimination and Diversity (2013) on the outcome of the cases closed in 2013. The following information applies to all closed cases in 2013, irrespective of the discrimination ground:⁴⁷⁵</p> <p>1,331 files were closed in 2013. Of these files, 72% was opened in 2013; 25% was opened in 2012; the remaining files were opened in 2009, 2010 or 2011. The following details are provided regarding the outcome of these cases:</p> <ul style="list-style-type: none"> • Discrimination of presumption of discrimination (47% or 622 cases); | | | 622 cases out of 1,331 closed cases in 2013 (47%); mainly in the domain of access to goods and services (61%), in which <u>racial criteria</u> is the most frequently invoked discrimination ground (34%). | | | | |

⁴⁷⁴ Belgium, information obtained from experts of the Federal Migration Centre and the Interfederal Centre for Equal Opportunities, Mathieu Beys and Paul Borghs (11/3).

⁴⁷⁵ Belgium, Interfederal Centre for Equal Opportunities (2014) (*Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances*), Annual Report on Discrimination and Diversity 2013 (*Jaarverslag Discriminatie en Diversiteit 2013/Rapport annuel Discrimination et Diversité 2013*), [available at: www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf](http://www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf), p. 94.

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| <ul style="list-style-type: none"> • No discrimination or justified different treatment (10%); • Insufficient elements to assess whether there has been discrimination (30%). <p>Only limited information is provided as to the distinction between the different discrimination grounds (see <i>information in the column</i>).⁴⁷⁶</p> <p>Courts</p> <p>According to a 2013 report, discrimination cases are not registered as such by national courts. No data are available on the number of discrimination cases brought to justice or dealt with by national courts.⁴⁷⁷</p> <p>The Interfederal Centre for Equal Opportunities initiated a lawsuit in 14 cases related to discrimination in 2013.⁴⁷⁸</p> | | | | | | | |
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* Provide data for 2013 if 2014 not available by March 2015

⁴⁷⁶ Belgium, Interfederal Centre for Equal Opportunities (2014) (Interfederaal Centrum voor Gelijkekansen/Centre interfédéral pour l'égalité des chances), Annual Report on Discrimination and Diversity 2013 (Jaarverslag Discriminatie en Diversiteit 2013/Rapport annuel Discrimination et Diversité 2013), [available at: www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf](http://www.diversiteit.be/sites/default/files/documents/publication/cgkr_00668_01_jvs_discdiv_nl.pdf), p. 94.

⁴⁷⁷ Belgium, Bribosia E. and Rorive I. (2014), Belgium country report (2013) on measures to combat discrimination (Directives 2000/43/EC and 2000/78/EC), drafted for the European Network of Legal Experts in the Non-discrimination Field, available at: [available at: www.migpolgroup.com/portfolio/country-reports-on-measures-to-combat-discrimination-2013/?utm_source=Migration+Policy+Group+E-newsletter&utm_campaign=376588303f-MPG_e_News_January_2015&utm_medium=email&utm_term=0_bcbdbbf6af-376588303f-9857925](http://www.migpolgroup.com/portfolio/country-reports-on-measures-to-combat-discrimination-2013/?utm_source=Migration+Policy+Group+E-newsletter&utm_campaign=376588303f-MPG_e_News_January_2015&utm_medium=email&utm_term=0_bcbdbbf6af-376588303f-9857925), p. 149.

⁴⁷⁸ Belgium, Interfederal Centre for Equal Opportunities, press release, website, published on 26 January 2014, 'Le Centre: toujours très sollicité en 2013, transformé en 2014', available at: [available at: www.diversiteit.be/](http://www.diversiteit.be/).

Annex 9: Case law – 5 leading cases

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| 1 - Thematic area | Fundamental rights of migrants |
| Decision date | 6 December 2012 |
| Reference details | Constitutional Court (<i>Grondwettelijk Hof/Cour Constitutionnelle</i>), 6 December 2012, Nr. 145/2012 http://www.const-court.be/public/n/2012/2012-145n.pdf |
| Key facts of the case (max. 500 chars) | <p>On 1 June 2011, the Law imposing a prohibition on the wearing of any clothing entirely or substantially concealing the face was enacted.⁴⁷⁹ The law entered into force on 23 July 2011, and provides that any person who finds himself or herself in a publicly accessible place with the face entirely or partially concealed, so that he or she is not recognisable, will be penalised with a monetary penalty of EUR 15-EUR 25 (multiplied by six) and/or one to seven days of imprisonment. Exceptions are provided for clothing in the professional context (e.g. helmet for protection) or festivities context (e.g. carnival). This law implicitly targets the burqa.</p> <p>The Law was contested before the Constitutional Court by a number of women and two non-governmental organisations, on the basis of non-conformity with the constitutional principle of freedom of religion. They claimed the annulment of the Law.</p> |
| Main reasoning/argumentation (max. 500 chars) | <p>The Court decided, on 6 December 2012, that the legal prohibition of the burqa is not in contravention with the Constitution, as long as it is not applied in places of worship (such as mosques). The Court explained that the freedom of religion is not absolute and that, in its opinion, the grounds on which the parliament has limited this right are legitimate (public security, equality of men and women, and cohabitation and communication in society). Furthermore, the Court did not find a violation of the freedom of expression. It is important, for the individuality of each person in a democratic society, that the face is recognisable. By concealing the face, this individualisation disappears. The prohibition therefore meets a pressing social need in a democratic society. Even if the burqa is worn voluntarily, the prohibition is justified according to the Court, because it deals with a conduct that is not compatible with the principle of equality between men and women. However, applying the prohibition in places of worship would amount to a non-justified interference with the freedom of religion. The Court thus emphasises that the prohibition cannot apply in such places.⁴⁸⁰</p> |

⁴⁷⁹ Belgium, [Law imposing a prohibition on the wearing of any clothing entirely or substantially concealing the face](#) (*Wet tot instelling van een verbod op het dragen van kleding die het gezicht volledig dan wel grotendeels verbergt/Loi visant à interdire le port de tout vêtement cachant totalement ou de manière principale le visage*), 1 June 2011.

⁴⁸⁰ Belgium, decision of the Constitutional Court, 6 December 2012, No 145/2012, available at: www.const-court.be/public/n/2012/2012-145n.pdf.

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| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p> | <p>The Court explained that the freedom of religion is not absolute and that, in its opinion, the grounds on which the parliament has limited this right are legitimate (public security, equality of men and women, and cohabitation and communication in society). In addition, the Court considered the burqa prohibition as meeting a pressing social need in a democratic society and therefore as a justified interference with the freedom of religion.</p> <p>On the other hand, interestingly, the Court sets a limit by stating that extending the prohibition to places of worship would amount to a non-justified interference.</p> |
| <p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p> | <p>The result of the Court's judgement is that the 2011 Law imposing a prohibition on the wearing of any clothing entirely or substantially concealing the face remains in place.</p> |
| <p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p> | <p>'B.17 (...) Zoals het Hof reeds heeft uiteengezet in B.4.2 tot B.4.5, blijkt uit de parlementaire voorbereiding van de bestreden wet dat drie doelstellingen zijn nagestreefd: de openbare veiligheid, de gelijkheid tussen man en vrouw en een zekere opvatting van het « samen leven » in de maatschappij.'</p> <p>'B.18 Dergelijke doelstellingen zijn legitiem en vallen onder de categorie van die welke zijn opgesomd in artikel 9 van het Europees Verdrag voor de rechten van de mens, namelijk de handhaving van de openbare veiligheid, de bescherming van de openbare orde, alsook de bescherming van de rechten en vrijheden van anderen.'</p> <p>'B.21 Aangezien het verbergen van het gezicht tot gevolg heeft het rechtssubject, lid van de samenleving, elke mogelijkheid tot individualisering door middel van het gezicht te ontnemen, terwijl die individualisering een fundamentele voorwaarde vormt die is verbonden aan zijn essentie zelf, beantwoordt het verbod op het dragen van een dergelijk kledingstuk op de voor het publiek toegankelijke plaatsen, ook al is het de uiting van een geloofsovertuiging, aan een dwingende maatschappelijke behoefte in een democratische samenleving.'</p> <p>'B.30 De bestreden wet voorziet in een strafsanctie voor elke persoon die, behoudens andersluidende wetsbepalingen, zijn gezicht volledig of gedeeltelijk bedekt of verbergt zodat hij niet herkenbaar is, wanneer het voor het publiek toegankelijke plaatsen betreft. Het zou kennelijk onredelijk zijn aan te nemen dat die plaatsen in die zin moeten worden begrepen dat zij ook de plaatsen bestemd voor de erediensten omvatten. Het dragen van kledij die overeenstemt met de uiting van een religieuze keuze, zoals de sluier die het gezicht volledig bedekt, op die plaatsen, zou niet het voorwerp kunnen uitmaken van beperkingen zonder dat dit op onevenredige wijze afbreuk zou doen aan de vrijheid om zijn geloofsovertuiging te uiten.'</p> <p>-----</p> <p>'B.17 (...) As the Court has already explained in B.4.2. to B.4.5, it appears from the <i>travaux préparatoires</i> of the contested law that the law had three objectives: public security, equality of men and women, and cohabitation and communication in society.'</p> |

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| | <p>'B.18 Such objectives are legitimate and fall under the category of objectives listed in article 9 of the European Convention of Human Rights, namely the protection of public order, public safety, and the protection of the rights and freedoms of others.'</p> <p>'B.21 Since concealing the face results in the impossibility for the legal person, member of society, to individualise himself or herself by means of the face, while this individualisation is a fundamental condition linked to the essence of the person, the prohibition on the wearing of such clothing in public places meets a pressing social need in a democratic society, even if it is the expression of a religious belief.'</p> <p>'B.30 The contested law provides for a penalty for each person who, unless otherwise provided, conceals his or her face entirely or partially in public places so that he or she is not recognisable. It would be manifestly unreasonable to interpret these public places as including places of worship. Limiting the wearing of clothing corresponding to the expression of a religious choice, such as the headscarf entirely concealing the face, in places of worship, would amount to a disproportionate interference with the freedom to express a religion.'</p> |
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| 2 - Thematic area | Social benefits |
| Decision date | 16 September 2012 |
| Reference details | Labour Tribunal of Brussels (<i>Arbeidsrechtbank/Tribunal du Travail</i>), 16 September 2012, Nr. 8530/11 |
| Key facts of the case (max. 500 chars) | The applicant in this case was a Somali man finding himself in the impossibility to return to his country of origin for administrative reasons. He could not obtain travel documents, and did not have a legal right to stay. The Belgian legislation limits the right to social benefits for foreigners in illegal stay to urgent medical care. The man claimed that this limitation did not apply to him because of his particular situation of 'unreturnability'. |
| Main reasoning/argumentation (max. 500 chars) | The Labour Tribunal of Brussels confirms well-established case law of the Constitutional Court and the Court of Cassation. The limitation of social benefits to urgent medical care for foreigners in illegal stay aims to prevent that these foreigners do not leave the country. This does not apply, according to the Court, to foreigners who cannot leave the Belgian territory for reasons beyond their will. Only an absolute impossibility however can be taken into account. The Somali man has no travel documents and did all possible to demonstrate his Somali origin. He thus finds himself in a situation of force majeure. |
| Key issues (concepts, interpretations) clarified | The notion of foreigners in illegal stay does not include those foreigners in illegal stay who cannot leave the country for reasons beyond their will. |

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| by the case (max. 500 chars) | |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | Foreigners in illegal stay have the right to full social benefits if they cannot leave the country for reasons beyond their will. The social benefits cannot be limited to the provision of urgent medical care. |
| Key quotation in original language and translated into English with reference details (max. 500 chars) | Judgement unavailable. |

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| 3 - Thematic area | Discrimination |
| Decision date | 9 March 2015 |
| Reference details | Court of Cassation (<i>Hof van Cassatie/Cour de Cassation</i>), 9 March 2015, Nr. S.12.0062.N http://www.diversiteit.be/sites/default/files/documents/verdict/2015_03_09_cass.pdf |
| Key facts of the case (max. 500 chars) | <p>The Labour Court decided on 23 December 2011 that a security company did not commit abuse of rights by firing a receptionist who wanted to combine a modest headscarf with her uniform. In first instance, the Labour Tribunal decided on 27 April 2010 that an employer can impose a prohibition on his staff to express religious beliefs in order to guarantee the neutral image of the commercial company.</p> <p>The Labour Court judged that the dismissal was not disproportionate in the given circumstances. Nevertheless, the judgement did not provide a decisive answer as to the possible discriminatory character of a so-called neutrality policy established by commercial companies. Therefore, the case was brought before the Court of Cassation.</p> |
| Main reasoning/argumentation (max. 500 chars) | <p>The Court of Cassation decided to raise a preliminary question to the Court of Justice of the EU:</p> <p>'Should article 2.2.a) of Directive 2000/78/EC of the Council of 27 November 2000 establishing a general framework for equal treatment in employment and occupation be explained in such a manner that the prohibition for Muslim ladies to wear a headscarf at the workplace does not amount to direct discrimination if the existing regulation at the workplace prohibits all employees to wear external signs or symbols of political, philosophical or religious beliefs?'</p> |

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| | The EU Court of Justice has not yet provided a response to this question. |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars) | The question is raised whether a neutrality policy in terms of physical expressions of political, philosophical and religious beliefs established by commercial companies amounts to discrimination. |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | The EU Court of Justice has not yet provided a response to this question. |
| Key quotation in original language and translated into English with reference details (max. 500 chars) | <p>'Dient artikel 2.2.a) van Richtlijn 2000/78/EG van de Raad van 27 november 2000 tot instelling van een algemeen kader voor gelijke behandeling in arbeid en beroep, zo te worden uitgelegd dat het verbod als moslima een hoofddoek te dragen op de werkvloer geen rechtstreekse discriminatie oplevert wanneer de bij de werkgever bestaande regel aan alle werknemers verbiedt om op de werkvloer uiterlijke tekenen te dragen van politieke, filosofische en religieuze overtuigingen?'</p> <p>-----</p> <p>'Should article 2.2.a) of Directive 2000/78/EC of the Council of 27 November 2000 establishing a general framework for equal treatment in employment and occupation be explained in such a manner that the prohibition for Muslim ladies to wear a headscarf at the workplace does not amount to direct discrimination if the existing regulation at the workplace prohibits all employees to wear external signs or symbols of political, philosophical or religious beliefs?'</p> |

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| 4 - Thematic area | Discrimination based on nationality |
| Decision date | 26 September 2013 |
| Reference details | Constitutional Court (<i>Grondwettelijk Hof/Cour Constitutionnelle</i>), 26 September 2013, Nr. 121/2013 http://www.const-court.be/public/n/2013/2013-121n.pdf |
| Key facts of the case (max. 500 chars) | In March 2012, six NGO's requested the annulment of the Belgian Law of 8 July 2011 on family reunification (Article 9) before the Constitutional Court. They claimed that, by imposing on Belgian citizens the same conditions as on non-EU citizens in terms of income and housing, and thus by imposing stricter conditions on |

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| | <p>Belgian citizens than other EU citizens, this law introduced (reverse) discrimination between EU citizens.</p> <p>The six organisations argued that is particularly Belgians of Turkish and Moroccan origin who will be most severely hit by the legislation, which can therefore considered to be discriminatory on the basis of ethnic origin.</p> |
| <p>Main reasoning/argumentation (max. 500 chars)</p> | <p>The Court held that Article 9 of the Law of 8 July 2011 did not infringe the right to equality and non-discrimination enshrined in Articles 10 and 11 of the Constitution.</p> <p>According to the Court, the principle of equality and non-discrimination between Belgian citizens and EU citizens may allow certain differences of treatment based on the specific situation of both categories of persons. The fact that the Belgian legislator transposes EU legislation with regard to EU citizens – by virtue of EU obligations – without at the same time extending this legislation to a category of persons not subject to it, namely Belgian citizens who have not made use of their free movement rights, does not in itself constitute a violation of the principle of equality and non-discrimination.</p> <p>The Court found that the differences in treatment between Belgian citizens who have not made use of their free movement rights and EU citizens – regarding the conditions imposed on family reunification in terms of age, income and housing – are based on an objective criterion, are justified by the legitimate aim of controlling migratory flows and do not constitute a disproportionate interference with the right to equality and non-discrimination.</p> |
| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p> | <p>A difference in treatment between Belgians who have not made use of their free movement rights, and EU citizens does not in itself amount to discrimination. Discrimination would only exist if the different treatment was not based on an objective criterion, had no legitimate aim, or constituted a disproportionate infringement of the principle of equality and non-discrimination.</p> |
| <p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p> | <p>Since the grounds for annulment of the Law were not established, the claim was rejected and the Law remains in place.</p> |
| <p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p> | <p>'B.50.2 De inachtneming van het beginsel van gelijkheid en niet-discriminatie tussen de « burgers van de Unie » en de Belgen kan, wegens de bijzondere situatie van elk van die twee categorieën van personen, bepaalde verschillen in behandeling toelaten. Aldus zou het feit dat de wetgever, ten aanzien van een categorie van personen, de regelgeving van de Unie omzet, het beginsel van gelijkheid en niet-discriminatie niet kunnen schenden, om de enkele reden dat de wetgever ze niet tevens doet gelden voor een categorie van personen die niet aan die regelgeving van de Unie is onderworpen, te dezen de familieleden</p> |

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| | <p>van een Belg die geen gebruik heeft gemaakt van zijn recht van vrij verkeer (...). Dat verschil in behandeling moet echter redelijk kunnen worden verantwoord om bestaanbaar te zijn met de artikelen 10 en 11 van de Grondwet.'</p> <p>'B.51. In zoverre de bestreden bepaling de familieleden van een Belg die geen gebruik heeft gemaakt van zijn recht van vrij verkeer, anders behandelt dan de familieleden van de burgers van de Unie, bedoeld in artikel 40bis van de wet van 15 december 1980, berust dat verschil in behandeling op een objectief criterium.'</p> <p>-----</p> <p>'B.50.2 The principle of equality and non-discrimination of EU citizens and Belgians may, because of the specific situation of each of these categories of persons, allow certain differences in treatment. As a result, the fact that the Belgian legislator transposes EU legislation with regard to EU citizens without at the same time extending this legislation to a category of persons not subject to it, namely Belgian citizens who have not made use of their free movement rights, does not in itself constitute a violation of the principle of equality and non-discrimination. This difference in treatment however must be reasonably justified in order to be in conformity with Articles 10 and 11 of the Constitution.'</p> <p>'B.51 Insofar the contested provision implies a different treatment of the family members of a Belgian who has not made use of his free movement rights, and the family members of EU citizens, this different treatment is based on an objective criterion.'</p> |
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| 5 - Thematic area | Racism and discrimination |
| Decision date | 26 June 2014 |
| Reference details | <p>Court of First Instance of Antwerp (<i>Rechtbank van eerste aanleg van Antwerpen/Tribunal de première instance de Anvers</i>), 26 June 2014, Nr. AN56.LB.48751-12</p> <p>http://www.diversiteit.be/sites/default/files/documents/verdict/2014_06_26_corr_antwerpen.pdf</p> |
| Key facts of the case (max. 500 chars) | <p>A couple who were candidate tenants had, after visiting a property of which they approved, been refused by a real estate agency because of their origin (which was evident from their names). According to the couple, this was explicitly mentioned to them by a staff member of the agency. The agency manager denied that the refusal was linked to their origin. He argued that the apartment was rented to someone else because this person had been on the waiting list for a ground floor apartment since two months. However, the existence of a waiting list could not be confirmed by the person who was offered the</p> |

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| | <p>apartment, the property owner or any other person, and therefore the Court did not accept this argument.</p> <p>The manager of the real estate agency, the defendant, was prosecuted by the Public Prosecutor for a violation of articles 5 §1 1^o, 24 and 27 of the Anti-Racism Law of 30 July 1981⁴⁸¹ and of article 33 of the Penal Code. The couple candidate tenants, the victims of racism and discrimination, constituted themselves as civil claimants.</p> |
| <p>Main reasoning/argumentation (max. 500 chars)</p> | <p>The court considered the facts committed to be serious, and condemned acts leading to a situation where certain individuals feel treated as inferior citizens. Such acts cause grave suffering for the persons concerned, they hinder the coexistence of the different communities of our society, and they cause serious harm to the still often delicate balance between different groups. The defendants were convicted.</p> <p>The court observed that the accused had been willing to participate in mediation with the victims of the racist act. In this context, the accused had provided statements indicating that discrimination is not acceptable. The court took this into account and decided to impose a suspended punishment under certain conditions.</p> |
| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p> | <p>No new interpretations or explanations.</p> |
| <p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p> | <p>The court decided to impose a suspended punishment under certain conditions because the parties had participated in mediation. The suspended punishment, for a period of 3 years, consisted of a monetary penalty of 4,200 EURO.</p> |
| <p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p> | <p>'De feiten zijn ernstig. Onze maatschappij bestaat uit vele individuen van verschillende origines die verder samen een toekomst moeten uitbouwen. Onze maatschappij heeft dan ook nood aan verzoenende en samenlevingsopbouwende initiatieven. Daden die ertoe leiden dat bepaalde personen zich als minderwaardige burgers behandeld voelen, brengen ernstig leed teweeg bij de betrokkenen, bemoeilijken het samenleven van de verschillende gemeenschappen, en brengen ernstige schade toe aan het vaak nog broze evenwicht tussen de verschillende groepen.'</p> <p>-----</p> <p>'The facts are serious. Our society consists of many individuals of different origins who need to build a future together. Our society therefore needs reconciling, constructive initiatives. Acts leading to a situation where certain individuals feel treated as inferior citizens cause severe suffering, hinder the coexistence of the different</p> |

⁴⁸¹ Belgium, [Law on the punishment of certain acts inspired by racism or xenophobia](#) (*Wet tot bestraffing van bepaalde door racisme of xenofobie ingegeven daden/Loi tendant à réprimer certains actes inspirés par le racisme ou la xénophobie*), 30 July 1981.

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| | communities, and cause serious harm to the still often delicate balance between different groups.' |
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