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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS**

**Third periodic reports submitted by States parties under articles  
16 and 17 of the Covenant**

**BELGIUM \* \* \* \* \***

[April 2006]

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\* The second periodic report submitted by the Government of Belgium concerning rights covered by articles 1 to 15 of the Covenant (E/1990/6/Add.18) was considered by the Committee on Economic, Social and Cultural Rights at its 2000 session (see E/C.12/2000/SR.64 to E/C.12/2000/SR.66 and E/C.12/1/Add.54).

\*\* The information submitted by Belgium in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.1/Rev.1).

\*\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\*\*\* Annexes may be consulted in the files of the Secretariat.

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## Introduction

1. Pursuant to article 16 of the International Covenant on Economic, Social and Cultural Rights, Belgium has drawn up this third report, covering the period since 2001, on the internal implementation of the country's international commitments under the Covenant.
2. This document demonstrates Belgium's commitment to the protection and promotion of human rights at the international level and the importance that Belgium ascribes to the work of the United Nations treaty bodies, which largely contribute to the attainment of those objectives. In 2006 Belgium submitted to those bodies five human rights reports regarding, in particular, economic, social and cultural rights; racial discrimination; discrimination against women; torture; and the optional protocol on the involvement of children in armed conflict. Furthermore, Belgium strongly supports the principles and activities of the International Labour Organization (ILO) and was a deputy member of the ILO Governing Body in 2003, 2004 and 2005.
3. This report follows the guidelines drawn up for the preparation of reports under the Covenant and the general observations formulated by the Committee on economic, social and cultural rights (CESCR) in respect of certain articles of the Covenant. The report covers the period from January 2001 to December 2005.
4. This report provides detailed information in response to the observations made by the Committee subsequent to the oral presentation of Belgium's second report. In the interest of simplicity in the presentation, the comments and information regarding most of the observations are contained in an attached document.
5. This report is the result of extensive and intensive cooperation among various Belgian authorities, whose contributions cover their respective areas of responsibility under the Belgian Constitution. Civil society participated in the process through NGOs and the National Labour Council (CNT).
6. Through a process of constitutional meetings, which started in 1970, Belgium has been transformed into a federal State consisting of Communities and Regions. These federate entities enjoy a broad constitutive autonomy and manage areas that fall within their competence in accordance with the Constitution.
7. The Constitution contains provisions designed, on one hand, to ensure that the internal autonomy of the Communities and Regions is as extensive as possible at the international level and, on the other hand, to guarantee, through appropriate mechanisms, consistency and unity in the country's external relations.
8. A short presentation of the structure of the Belgian federal State, the powers of its constituent entities and the international extensions of their respective areas of competence is available to the members of the Committee.

## ARTICLE 2

9. *Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.*

10. *The States parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

11. *Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.*

### **1. Federal level**

- (a) Constitution**
- (b) Act of 30 July 1981**
- (c) Act of 25 February 2003**
- (d) Legal proceedings**
- (e) National action plan against discrimination and racism**
- (f) European level**
- (g) Access to public office**
- (h) Social security**

### **2. French-speaking Community Commission**

### **3. Brussels-Capital Region**

### **4. Flemish Community**

### **5. Walloon Region / French-speaking Community**

### **6. Development cooperation**

### **1. Federal level**

- (a) Constitution**

*Articles 10, 11, 11 bis and 24*

12. The principle of equality and non-discrimination is enshrined in articles 10 and 11 of the Belgian Constitution, and is explicitly defined with regard to education in article 24 (4). Since 2002, respect for gender equality is enshrined in articles 10 (3) and 11 *bis*.

13. The constitutional language on equality and non-discrimination does not, according to case law, prohibit differences in treatment. Differences are lawful if they are objective and reasonable, due regard being had to the aims and effects of the law. The principle of equality is violated if the means are unreasonable and disproportionate to the end.

*Article 23*

14. Article 23 stipulates that every individual has a right to a life consistent with human dignity; provides that, to that end, the law, decree or rule referred to in article 134 shall guarantee the economic, social and cultural rights, taking into account the respective obligations, and determine the conditions for the exercise of those rights; and specifies some of the economic, social and cultural rights.

*Article 191*

15. Although they are part of title II of the Constitution, entitled "On Belgians and their rights", articles 10, 11, 11 *bis*, 23 and 24 (4) are also partly applicable to foreigners. In fact, article 191 reads as follows: "All foreigners on Belgian soil shall benefit from the protection provided to persons and property, save for the exceptions specified by the law".

16. Accordingly, non-citizens may enjoy the protection accorded under the above articles, unless laws specifically applicable to foreigners provide for a partial exception to the rights concerned (for instance, in order to exercise some of the rights stipulated in article 23, foreigners must meet a number of conditions related to their status).

**(b) Act of 30 July 1981**

17. At the level of criminal law, the act of 30 July 1981, punishing certain acts motivated by racism or xenophobia, was extensively amended by the *act of 12 April 1994* (cf. Belgium's preceding report). Accordingly, Belgian law explicitly punishes "discrimination" perpetrated in the political, economic, social or cultural area or any other sphere of social life (article 1).

18. Under the above amendment, the law punishes, in particular, any discriminatory act committed in connection with the provision, supply or enjoyment of a service or good (article 2) or with the placement, recruitment or dismissal of workers or with vocational training, an employment offer or the execution of an employment contract (article 2 *bis*); or perpetrated by any civil servant, public officer, person exercising public authority or public agent in the performance of their duties (article 4).

19. Over and above criminal sanctions for such forms of discrimination, the *act of 7 May 1999* allows a judge to suspend the guilty party's civic rights under article 33 of the criminal code.

20. The act of 30 July 1981 was amended by the *act of 20 January 2003* on strengthening anti-racist legislation. Inter alia, the new legislation provides that "any behaviour consisting in enjoining anyone to practice discrimination against a person, group, community or their members is considered as discrimination within the meaning of [the] act". Article 2 *bis*, proscribing the discriminatory acts described above, now also stipulates that "the same penalties shall apply to discrimination against a group, a community or their members on the basis of the so-called race or the colour, descent or national or ethnic origin of all or some of those members".

**(c) Act of 25 February 2003**

21. In addition to the act of 30 July 1981, Belgium adopted on 25 February 2003 further *legislation against discrimination*, amending the act of 15 February 1993 creating a Centre for Equal Opportunity and Action to Combat Racism. In a decision dated 6 October 2004, the

Jurisdiction and Procedure Court voided some of the provisions of the new act and interpreted others.

22. The act of 25 February 2003 has in several ways a broader scope than the act of 30 July 1981.

- The act of 25 February 2003 explicitly forbids "direct" and "indirect" discrimination (article 2 (1) and (2)), even though, according to the above decision of the Jurisdiction and Procedure Court, the provisions against "indirect" discrimination apply only at the civil level.
- While the act of 30 July 1981 punishes only racist or discriminatory deeds perpetrated because of the victim's race, colour, descent or national or ethnic origin, the act of 25 February 2003 punishes discrimination based on gender, so-called race, colour, descent, national or ethnic origin, sexual orientation, civil status, birth, property, age, religious or philosophical beliefs, current or future state of health, disabilities or physical characteristics. In the above decision, the Jurisdiction and Procedure Court annulled this enumeration of motives, and currently all "direct" and "indirect" forms of discrimination, regardless of motive, are prohibited at the civil level.
- Lastly, the act of 25 February 2003, as partly amended by the above decision of the Jurisdiction and Procedure Court, has a broader scope, providing, in article 2 (4), that "any direct or indirect discrimination is prohibited with regard to any of the following:
  - Provision or supply of goods and services to the public;
  - Terms of access to waged employment, non-waged work or self-employment, including selection and promotion criteria, recruitment prerequisites, and employment, work, dismissal and remuneration conditions in any area of activity and at all levels of professional hierarchy;
  - Appointment, promotion or secondment of civil servants;
  - Mention in an official document or a record;
  - Access to, participation in and any other exercise of an economic, social, cultural or political activity accessible to the public."

23. Over and above innovations at the criminal and civil level, the key element in the act of 25 February 2003 consists in its civil law provisions which enable a victim of economic, social or cultural discrimination to bring proceedings before the regional court and, where appropriate, before the commercial and labour courts. The court may then suspend the discriminatory measure, order its termination and condemn the perpetrator of the discrimination to pay a fine should he/she fail to stop it (article 20). Moreover, the act shifts the burden of proof in cases where there is a presumption of discrimination (article 19 (3)) based on a "situation test" or statistical data. Lastly, the new legislation provides for a system designed to protect workers who file a complaint against his/her employer (article 21).

24. With regard to gender-related discrimination, cf. comments provided in respect of article 3 of the Covenant.

**(d) Legal proceedings**

25. Any victim of discrimination may bring criminal proceedings (usually under the act of 30 July 1981) or civil proceedings (under the act of 25 February 2003). Legal assistance depends on the income, not the nationality, of the applicant. Accordingly, free-of-charge legal assistance is available to Belgian citizens and foreigners alike.

26. According to the new anti-discrimination act, the Centre for Equal Opportunity and Action to Combat Racism may participate in court proceedings brought under that act. Other institutions or bodies may take part in the proceedings in the event of prejudice related to their statutory objectives (article 31) or on the basis of anti-racist legislation, under which the Equality Institute may provide legal assistance to victims of gender-related discrimination.

27. Of the 779 new files opened by the Centre for Equal Opportunity and Action to Combat Racism in 2003 in relation to racist behaviour, 17 per cent directly involved discrimination in the labour market. Of the 267 new files opened for discrimination from motives other than racism, 30.5 and 16 per cent, respectively, involved discrimination which was related to a disability or concerned the labour market.

**(e) National action plan against discrimination and racism**

28. In implementation of the conclusions of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCR), organized by the United Nations (at Durban, South Africa on 31 August– 8 September 2001), the Centre for Equal Opportunity and Action to Combat Racism drew up a draft national action plan (NAP) against racism. On 7 December 2000, the Belgian Government adopted principles for a federal plan of action against racism, anti-Semitism and xenophobia. The plan provides for specific measures in the following ten main areas: anti-discrimination legislation, following up on complaints, preventing the dissemination of racist and anti-Semitic ideologies through the Internet and the distribution of racist leaflets, combating prejudice, enhancing the role of the media, the police and the national security units, taking measures for the protection of the groups concerned and creating a tool for evaluating tolerance.

29. Some WCR recommendations regard issues over which the Federal Government does not have exclusive jurisdiction. Implementing legislation against ethnic discrimination and carrying out policies of promotion of equality in employment, education, housing and, generally speaking, all sectors of social, economic and cultural life depend, in part, on collaboration with the federate entities. These issues shall be pursued in cooperation with the Communities and the Regions. In order to implement the recommendations in question, meetings have been held with a view to encouraging and coordinating the development of action plans at the level of the federate authorities.

**(f) European level**

30. On 4 November 2000, Belgium signed Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which establishes the principle of non-discrimination in the enjoyment of "any right set forth by law" without binding the protocol to the

domain specifically covered by the Convention (unlike article 14 of the Convention itself, which speaks of all rights set forth in the Convention). Thus Protocol 12 should allow the European Court of Human Rights to deliver judgements regarding a series of economic, social and cultural rights.

**(g) Access to public office**

31. Although access to public office has been progressively extended to European citizens and subsequently to non-Europeans, many restrictions remain. The Federal Government has stressed its intention to broaden the access of foreigners to public office ("Creativity and solidarity in Belgium - Breathing new life into the country", Government statement, July 2003, p. 83). A proposed amendment to article 10 (2) of the Constitution may change the current approach by making universal access to public office, regardless of nationality, a fundamental principle. The Inter-Ministerial Conference on Immigration Policy entrusted a working group with drawing up a list of specific offices and posts which involve sovereign authority (article 39 of the Constitution) and should be exclusively reserved for Belgians.

**(h) Social security**

32. Coordination of the national systems of social security within the European Union (EU) aims at safeguarding and promoting the free movement of workers who are member State citizens and their dependents within the Union (article 39 of the Treaty of Amsterdam). In fact, maintenance within each member State of the social rights acquired or in the process of being acquired by a worker in another member State is conducive to intra-European mobility, a fundamental freedom. That coordination is based on Regulation (EEC) No. 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community.

33. Moreover, articles 12 and 39 (2) of the Treaty and article 3 (1) of the above regulation prohibit all direct or indirect nationality-related discrimination against citizens of member States or persons to whom the regulation applies. Lastly, article 7 (2) of Regulation (EEC) No. 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community associates freedom of movement with the prohibition of any nationality-based discrimination with regard to social and tax advantages.

34. Under Regulation (EEC) No. 859/2003 of the Council of 14 May 2003, which entered into force on 1 June 2003, the provisions of Regulation (EEC) No. 1408/71 of the Council became applicable, in all EU States except Denmark, to citizens of third countries who are legally resident in the territory of a member State and are in a situation which is not confined in all respects within a single Member State.

35. Third-country nationals who are not refugees, stateless persons or dependents of a worker that is a European national and who legally reside in the EU territory are not, even if ensured under the legislation of a member State, protected under Regulation (EEC) No. 1612/68 when they travel within the Union, unless an international agreement to that effect exists between the Union and the third country.

36. In Belgium, although nationality-based discrimination has practically vanished from contributory social-security schemes, differences in treatment persist in the non-contributory schemes (allowance for the disabled, guaranteed income for the elderly (GRAPA), guaranteed

family benefits, and "right to social integration" (DIS) benefits). In the contributory schemes, discrimination lingers in respect of the waiting allowance, the transitional allowance (unemployment insurance) and the unemployment benefits (for foreigners who no longer have a work permit). To be entitled to unemployment benefits, a foreigner must not only have paid a sufficient amount in contributions, but also possess - or be exempt from - a work permit. The benefits cease 60 days after the work permit expires.

37. In the non-contributory schemes, nationality-based discrimination mainly persists with regard to some measures regarding persons with disabilities, guaranteed income for the elderly, guaranteed family benefits, DIS benefits and unemployment benefits. In its 2001 annual report ("Equality and diversity", p. 66), the Centre for Equal Opportunity and Action to Combat Racism formulates several proposals for measures that the responsible authorities may take through legislation, decrees or regulatory provisions in order to eliminate the remaining instances of direct or indirect discrimination against foreigners.

## **2. French-speaking Community Commission**

38. All legislation adopted on social issues by the French-speaking Community Commission (CCF) explicitly forbids discrimination based on gender, ethnic origin or philosophical or religious belief and, more recently, sexual orientation.

39. In order to promote access to economic, social and cultural rights for all, CCF has been implementing for years a policy entitled "Social integration – Living together" and expected to be strengthened by a new decree on social cohesion, adopted on 13 May 2004 with effect on 1 January 2006. The decree aims at promoting access to economic, cultural and social life for all and combating discrimination and social exclusion.

## **3. Brussels-Capital Region**

40. In order to combat discriminatory hiring and career-related practices, the specific measures listed below were taken subsequent to the signature of the Social Pact for the Employment of Brussels Inhabitants. The measures are mainly coordinated by the group implementing the Territorial Employment Pact of the Brussels-Capital Region (Brussels plan of action against discrimination).

- In May 2003, the Brussels Regional Employment Office (ORBEM), in cooperation with the Centre for Equal Opportunity and Action to Combat Racism, set up an information centre regarding hiring- and employment-related discrimination. That unit specializes in receiving, assisting and supporting victims of such practices.
- The Free University of Brussels (ULB) and the Catholic University of Louvain (KUL) conducted a survey on discriminatory hiring practices. The findings were presented to the Territorial Employment Pact of the Brussels-Capital Region in December 2004. The survey focused on identifying recent discriminatory trends and the problems faced by non-local newcomers to the labour market.
- Various training activities and campaigns for raising awareness of discrimination issues are organized for employers, workers and trade union representatives.

- Positive action measures are taken for new arrivers and for workers from sub-Saharan Africa.
- An awareness-raising guide, entitled "All equal when it comes to hiring - Combating ethnic discrimination in the labour market", was published for labour market intermediaries.

41. The "Contract for the Economy and Employment in the Brussels Region" (C2E), which provides for specific activities to be carried out in cooperation with all stakeholders in order to promote an effective labour-market diversity policy, lays particular emphasis on the fight against discriminatory hiring practices. Moreover, on 11 July 2002, the Government of the Brussels-Capital Region issued an order voted by the Regional Council on 5 July 2002 with effect on 2 August 2002, relaxing the nationality requirements for access to jobs in the regional civil service. The order settles a matter raised in article 39 of the Belgian Constitution. Article 2 of the order reads: "Citizens of other than Belgian nationality who are not nationals of the European Union or the European Economic Area may be admitted, in the services of the Government of the Brussels-Capital Region and the public-law legal entities dependent thereon, to civilian offices not requiring, directly or indirectly, the exercise of public authority, and to positions not concerned with safeguarding the general interests of the State or other public authorities."

#### **4. Flemish Community**

42. The legal basis of the Flemish policy of "proportional participation in work, and diversity" (*Evenredige Arbeidsdeelname en Diversiteit* or EAD) is the Flemish decree on proportional participation in the labour market of 8 May 2002. The decree aims at guaranteeing equal treatment and preventing all forms of discrimination based on, inter alia, gender, so-called race and ethnic or national origin in the areas of vocational guidance and training, career support, placement and - in the civil service and education sectors - conditions of work. In view of its objectives, the decree encourages enterprises to develop a policy of proportional participation in work and of diversity; and provides for policy follow-up and independent monitoring, processing of complaints and imposition of sanctions.

43. The EAD policy is broad-based. In addition to the Flemish Government, representatives of the social partners and risk groups actively participate in its formulation and sit on the Commission for Diversity, created within the Flanders Social and Economic Council (SERV)<sup>1</sup> on 16 December 2003 as the main advisory body for any EAD-related provisions. Representatives of the organized allochthonous communities of Flanders are thereby proactively involved in the formulation of employment policy.

44. Under the Flemish employment policy, the organization of allochthonous federations on a professional basis is viewed as an investment. Accordingly, two staff member posts are subsidized to allow the federations to adequately fulfil their advisory roles. As active partners in EAD policy, these federations promote a long-term career-guidance project (encouraging vulnerable young allochthonous job-seekers to follow the "pathway to integration" of the Flemish Service for Employment and Vocational Training (VDAB)).

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<sup>1</sup> *Sociaal-Economische Raad van Vlaanderen (Conseil socio-économique flamand).*

45. The objective of EAD policy is to ensure, around 2010, proportional participation of all under-represented risk groups. According to a specific growth scenario, drawn up towards that objective with regard to allochthonous workers and monitored on an annual basis, at least 2,000 - ideally 5,000 - additional jobs must go every year to persons who are not nationals of the European Union<sup>2</sup>.

46. In addition to the remuneration and payroll costs of about 125 field researchers, an approximate annual amount of €8 million is allocated to measures - targeting employers, workers and job seekers - aimed at a triple objective: enhancing employment opportunities, combating discrimination and reducing delays. For instance, through more than 900 diversity plans implemented at enterprise level since 1998, particular attention has been paid to the recruitment, promotion or training of allochthonous workers. Since 2002, each diversity plan must include quantitative targets for recruitment, promotion or training in respect of risk groups. The figures regarding allochthonous workers are as follows:

**Diversity plan targets regarding allochthonous workers, 2002-2004**

<i>Year (number of action plans)</i>	<i>Recruitment</i>	<i>Promotion</i>	<i>Training</i>
2002 (240)	860	47	1,373
2003 (308)	1,109	624	2,092
2004 (244) <sup>3</sup>	741	275	1,295
TOTAL	2,710	964	4,760

*Source:* Employment Service, January 2005

47. Most diversity plans are in progress. All plans implemented in 2002 have been completed, exceeding the targets by 15 to 20 per cent.

48. To bring about change, EAD policy relies heavily on support from the enterprises, institutions and local authorities in achieving greater openness (attaining recruitment and promotion targets), enhancing the visibility of progress among all personnel categories in an organization and improving employment practices (through results-based management of human resources).

## **5. Walloon Region / French-speaking Community**

### **(a) Non-discrimination: a cross-cutting principle**

49. The ban on any form of discrimination is a cross-cutting principle governing all measures taken by the Walloon Region and the French-speaking Community.

<sup>2</sup> European Union of 15.

<sup>3</sup> In the diversity plans for 2004, increased focus on the high-risk groups of disabled workers, elderly workers and job seekers contributed to a relative decline of quantitative targets for allochthonous workers.

Specific applications of the principle are:

- The adoption by the Walloon Government on 27 May 2004 of a decree facilitating the transposition of the directive issued by the Council of the European Union for implementing the principle of equal treatment without any distinctions based on race or ethnic origin. This decree bans direct and indirect discrimination linked to one's religious or philosophical beliefs, disabilities or physical characteristics, current or future state of health, age, civil status, gender, sexual orientation, national or ethnic origin, and family or socioeconomic origin or situation.
- The adoption on 25 February 2005 by the Government of the French-speaking Community of a programme of action for the promotion of gender equality, intercultural understanding and social inclusion. The programme, which comprises measures for combating inequality and discrimination that prevent citizens from actually enjoying political, economic, social and cultural rights in line with national and international law, aims at:
  - Preparing and implementing legislation against inequality and discrimination in all areas within the competence of the French-speaking Community;
  - Designing awareness-raising and information activities with a view to deconstructing stereotyped images of "the other".
  - Taking positive action to ensure equal opportunities and treatment.

**(b) Measures for the social integration of immigrants**

**Regulatory framework and organized activities**

Initiatives for the integration of immigrants are mainly developed in the framework of the decree of 4 July 1996 on the integration of aliens or persons of foreign origin and the Walloon Government's implementing decision of 6 March 1997, as amended by the decision of 19 December 2002.

The decree aims at formulating a consistent policy of integration of aliens or persons of foreign origin; promoting equal opportunities; and encouraging respect for cultural diversity in a society seeking to facilitate the harmonious coexistence of the local population and the above persons.

These objectives are attained progressively by accrediting and financing regional centres for integration, subsidizing field initiatives undertaken mainly by associations which work with persons of foreign origin and develop appropriate guidance methods.

The Walloon Region also manages projects co-financed in the framework of the Fund to Promote Policies for Immigrants (FIPI), in line with the annual circular published by the Prime Minister's Office. In the last two years, it has also managed some projects launched in the framework of the European Fund for Refugees, set up by the Commission of the European Communities in 2001. Since 2003, the partner unit at the federal level is the Federal Agency for Asylum Seekers (Fedasil).

## **Activity sectors**

### *Regional centres for the integration of aliens and persons of foreign origin*

These centres have the following tasks:

- Developing activities for integration at the level of society in general, employment, housing and health, preferably in the framework of agreements with local authorities and with associations;
- Promoting training for aliens or persons of foreign origin and for the staff of bodies working exclusively or partly for such persons;
- Collecting and processing statistical data, establishing indicators and disseminating information designed to facilitate the integration of aliens or persons of foreign origin;
- Counselling and orienting aliens or persons of foreign origin at all stages, preferably in the framework of agreements with local authorities and with associations;
- Evaluating local initiatives for social development, and transmitting such evaluations to the Walloon Government;
- Promoting intercultural exchanges and respect for diversity.

### *Local initiatives for social development*

Initiatives in the field are subsidized subsequent to calls for projects. These subsidies are optional and often complement other grants received by the actors in other capacities (such as those of a body for social and professional integration, a social service centre, an organization for continuing education or a youth centre). The initiatives financed pursue the following four main objectives defined in the decree:

- Social or cross-cultural mediation;
- Assistance to aliens or persons of foreign origin with regard to rights and obligations in all areas;
- Promotion of literacy, training and social and vocational integration;
- Promotion of understanding and mutual knowledge between the local population and aliens or persons of foreign origin.

### *Initiatives co-financed in the framework of FIPI*

The goal of FIPI is the financing of projects to be carried out as part of the policy on integration of young people of foreign nationality or origin. This federal fund is regulated by circulars issued annually by the Prime Minister's Office.

The resources allocated to this fund come from National Lottery net profits. There are provisions for regional and community co-financing to meet the staff costs and operational expenses of the projects approved. The promotional role of FIPI consists in supporting well defined projects during a limited period.

The projects approved are managed, administered, guided and evaluated by the Centre for Equal Opportunity and Action to Combat Racism, to the extent that they are financed by FIPI, and by regional and community authorities, to the extent that the funding is provided by those bodies.

The projects must address the priorities established by the Inter-Ministerial Conference on Immigration Policy, namely:

- Social and vocational integration, and participation of young people of foreign nationality or origin,
- Spending on infrastructure and provision of public sporting facilities and social and/or cultural premises in line with the needs of young people of foreign nationality or origin.

Of 129 projects considered in the Walloon Region in 2004, 106 were approved.

As a rule, the projects are implemented by non-profit associations (ASBLs), public welfare centres (CPASs) or the Communities in partnership with civil society associations. Special attention is paid to projects developing specific activities targeting women and/or encouraging the social mix of the target groups.

Projects co-financed in this sector include:

- A majority of social integration projects;
- Projects related to social and vocational integration
- Projects against dropping out of or absenteeism from school
- One project on policies in support of travellers (gypsies).

#### *VITAR-EQUAL partnership for development*

The General Directorate for Welfare and Health of the Walloon Region coordinates this development partnership for skills enhancement and integration as part of the European programme EQUAL.

The partnership is an experimental project based on preliminary research into the problems related to the situation of Africans in the Walloon labour market.

The project aims at the social and vocational integration of Africans in accordance with their personal or collective aspirations. It builds on the idea that these persons' community-based resources and networks, specific cultural and linguistic assets, vocational and scientific knowledge and know-how may be effectively exploited in

the framework of projects oriented toward their continent or community of origin or implemented within or from Belgium.

*Mediation centre for travellers in the Walloon Region*

The centre, established in 2001, aims primarily at raising awareness - among social and vocational bodies, public authorities, the local residents and the population - of the issues involved in setting up hosting facilities (cf. sections on FIPI).

## **6. Development cooperation**

50. Belgium has taken the following steps with a view to promoting the exercise of economic, social and cultural rights:

1. The act of 25 May 1999 on Belgian international cooperation (as amended on 19 July 2005) provides for direct bilateral cooperation focused on five specific sectors and four cross-cutting themes.

The five sectors are:

1. Basic health services, including reproductive health;
2. Education and training;
3. Agriculture and food safety;
4. Basic infrastructure;
5. Conflict prevention and society consolidation (including support for the respect of human dignity, human rights and fundamental freedoms).

In all activities in the above sectors, Belgian Cooperation is expected to steadily consider the following cross-cutting themes:

1. Equal opportunities for women and men;
2. Respect for the rights of the child;
3. Respect for the environment;
4. Social economy.

Accordingly, although the act does not explicitly refer to the Covenant, some of the above sectoral and cross-cutting priorities certainly have a direct or indirect impact on economic, social and cultural rights. Besides, the strategy notes specifying in some detail the objectives and strategies of Belgian Cooperation in respect of each sector and cross-cutting theme rely clearly on certain fundamental rights, such as the rights to basic health services, training and education, women's right to non-discrimination and the rights of the child.

The strategy notes are to be updated regularly, and in particular in 2006. On that occasion, the linkage between operational strategies for cooperation and specific fundamental rights should be highlighted even more.

2. In 2000, Belgium subscribed to the Millennium Development Goals (MDGs). Although they do not include in detail all rights stipulated in the Covenant, those goals are not attainable unless economic, social and cultural rights are exercised in the developing countries. Accordingly, pursuit of the MDGs may increase pressure on Governments to ensure respect for those rights.
3. In the framework of the International Conference on Financing for Development (held at Monterrey, N.L., Mexico on 18-22 March 2002), the Belgian Government committed itself to increasing official development assistance (ODA) to 0.7 per cent of GNP by 2010. The current Government has confirmed that promise. Increased ODA should further contribute to the attainment of MDGs and to respect for economic, social and cultural rights.
4. The Belgian Cooperation budget includes statutory and voluntary contributions to ILO, UNESCO and the Office of the United Nations High Commissioner for Human Rights (UNHCHR).

### ARTICLE 3

*The States parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.*

51. This article is amply discussed in the reports drawn up by Belgium on the implementation of the Covenant (the preceding report was submitted in 2003) and on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (the third and fourth reports were submitted in September 1998 and orally defended in June 2002).

#### 1. Federal level

- (a) **Revision of titre II of the Constitution**
- (b) **Legislation against discrimination**
- (c) **Creation of the Equality Institute**
- (d) **Follow-up of the Fourth World Conference on Women**
- (e) **European level**
- (f) **United Nations level**
- (g) **Establishment of a Gender mainstreaming unit**
- (h) **National action plan for employment**
- (i) **National action plan for combating violence against women**
- (j) **Gender parity on electoral lists**
- (k) **Tax reform**
- (l) **Paternity leave**
- (m) **Parental leave**
- (n) **Improved tax status for assisting spouses**
- (o) **EVA, ELECTRONICA and DIANE projects**
- (p) **Women and health in the workplace**

2. **French-speaking Community Commission**
3. **French-speaking Community/Walloon Region**
4. **Flemish Community**
5. **Brussels-Capital Region**

**1. Federal level**

**(a) Revision of title II of the Constitution**

52. In order to enshrine gender equality in the basic texts, the Government approved in 2000 a proposal to revise title II of the Constitution by adding a provision establishing the right of women and men to equality and supporting equal access to elective and public office. That text, adopted by the Senate on 8 March 2001 and by the Chamber of Representatives on 24 January 2002, lays down explicitly the principle of gender equality, opening up the way for legal action in the event of averred discrimination and legitimizing positive action. After the constitutional amendment, article 10 stipulates that "equality between men and women is guaranteed" and article 11 *bis* specifies that "the law, decree or rule referred to in article 134 shall guarantee equality between men and women in the exercise of their rights and freedoms, and shall in particular facilitate their access, on equal terms, to elective and public office".

**(b) Legislation against discrimination**

53. The *act of 25 February 2003* (cf. section on article 2) addresses gender-based discrimination. However, article 5 of the act reads: "Save for chapter III (criminal provisions) and article 19 (3) and (4) (shift of the burden of proof in cases where there is a presumption of discrimination), which shall continue to apply, gender-based discrimination related to the matters referred to in article 2 (4), subparagraphs 2 and 3, shall be exclusively subject to the provisions of the act of 7 May 1999 on the equal treatment of men and women with regard to working conditions, access to employment, promotion possibilities and access to an occupation as self-employed workers and to social security supplementary schemes".

54. The *act of 7 May 1999* transposes into domestic law Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes, and Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex. The scope of the act encompasses working conditions, access to employment, promotion possibilities and access to an occupation as a self-employed worker and to social security supplementary schemes.

55. The above act addresses "direct" and "indirect" discrimination, contains civil and criminal provisions, provides for a shift of the burden of proof in cases of presumed discrimination, allows any demonstrably interested party to initiate accelerated civil proceedings, authorizes a number of organizations to take part in court proceedings brought on the basis of that act and, in article 5, stipulates that "for the purposes of this act, sexual harassment in the workplace shall be presumed to constitute gender-based discrimination".

56. The act of 11 June 2002 concerns protection against violence and psychological or sexual harassment in the workplace.

**(c) Creation of the Equality Institute**

57. Acting on a proposal by the Minister responsible for equal opportunities, the Government approved on 26 October 2001 a bill for creating an equal opportunities institute. Adopted on 16 December 2002, the act establishing the Equality Institute aims at making equal-opportunities policy better known and more effective.

58. The main objectives of the Equality Institute include developing appropriate surveys and statistical tools, coordinating responsibilities and resources in the area of gender equality, formulating recommendations to public authorities, raising public awareness and taking legal action in relation to gender-based discrimination. The Equality Institute has the legal status of a public body.

**(d) Follow-up of the Fourth World Conference on Women**

59. Since the adoption on 6 March 1996 of the act relating to monitoring of the implementation of the resolutions adopted at the Fourth World Conference on Women (Beijing, September 1995), the Federal Government and the ministers or secretaries of State responsible for equal opportunities policy and development cooperation must every year report to Parliament on the policy conducted in those areas. Four such reports have been drawn up so far. Furthermore, on 17 June 2004 Belgium signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

**(e) European level**

60. On 11 May 2005, Belgium signed Protocol No. 7 to the European Convention for the Protection of Human Rights and Fundamental Freedoms which, in article 5, guarantees the application of the principle of equality of rights and responsibilities of under private law between spouses and in their relations with their children, as to marriage, during marriage and in the event of its dissolution. Its ratification should take place in the next few coming months.

**(f) United Nations level**

61. On 17 June 2004, Belgium ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. That protocol provides for the capacity of CEDAW to examine communications presented by individuals or groups subject to the jurisdiction of a State party, who consider themselves victims of a violation, by that State, of one of the rights stipulated in the Convention.

**(g) Establishment of a Gender mainstreaming unit**

62. As part of specific gender-equality measures, the Government decided on 26 January 2001 to set up a Gender mainstreaming unit consisting of academics and entrusted with introducing a gender approach in all Federal Government policies and activities.

63. The work of the unit comprises the following four main thrusts:

- Training intermediaries in public administration units through seminars and documentation;

- Identifying policy provisions and measures with a view to strengthening their gender perspective and, if appropriate, redefining them;
- Analyzing and evaluating the impact of such measures and recommendations for continuous improvement;
- Disseminating good practices by raising awareness of the relevant procedures.

64. This project lasted from 2001 to 2003 and comprised the preparation of a full report in March 2003.

**(h) National plan of action for employment**

65. Gender equality is a pillar and cross-cutting objective of employment strategies formulated as part of the NAP for employment. Raising women's employment while ensuring sustainable jobs and equality at work requires coordinated long-term efforts. The federal, community and regional authorities and the social partners are committed to constantly evaluating the gender dimension in the training, orientation and skill-enhancing activities carried out, in order to ensure that all measures taken to raise the national employment rate contribute to enhancing women's employment.

**(i) National plan of action for combating violence against women**

66. In line with a decision taken on 14 November 2000 by the Inter-Ministerial Conference on Equal Opportunities, Belgium's first NAP for combating violence against women was drawn up, in May 2001, in coordination with the Regions and the Communities. A related note of cooperation was signed with the federated entities in 2002.

67. In late 2003, the Equality Institute was entrusted with evaluating the plan and, on the basis of that evaluation, a new draft NAP, specifically addressing spousal violence, was drawn up for the period 2004-2007 and approved by the Council of Ministers.

68. The above NAP against spousal violence pursues six strategic objectives: awareness raising, training, prevention, care and protection for victims, repression and evaluation.

69. Along with coordination and information exchange, the Equality Institute was assigned the task of organizing an inter-departmental working party and a group of experts to monitor the implementation of the activities. Comprehensive evaluation of all measures taken as part of the plan is expected to show the results obtained.

**(j) Gender parity on electoral lists**

70. As part of the process of revision of title II of the Constitution in 2000, the Government approved several bills aimed at enhancing women's participation in electoral lists. These so-called "parity acts" regarding candidatures to regional, federal and European elections were voted in the summer of 2002 and stipulate that "the difference between the numbers of candidates of each gender may not exceed one. The top two candidates on each list shall be of opposite sexes".

71. The "parity acts" were first implemented during the legislative elections of 2003 and the European and regional elections of 2004, which led to a clear increase in the number of women elected to the federal, regional and European assemblies.

Annexes: Basic documentation, 2005

Government Report, 2002-2003 (pursuant to the act of 6 March 1996)

**(k) Tax reform**

72. As part of a tax reform launched in 2000, the Minister of Finance took steps to ensure the neutrality of taxes, particularly the personal income tax, towards the taxpayers' way of life. The following measures were taken to eliminate gender-based discrimination:

*Deductible expenses for childcare*

73. The act of 23 March 2001 abolished the cap on deductible expenses for the care of children under three and raised the maximum deduction per child per day from €8.55 to €11.20.

*Tax credit or negative tax*

74. Designed to promote employment and targeting the lower income brackets, the tax credit is certainly the most innovative provision against gender-based discrimination in the act of 10 August 2001 on the reform of the personal income tax. The basic tax credit rate increased from €78 in 2002 to €440 in 2004.

*Tax reduction on individual life-insurance*

75. The age limit applicable to women for taking out, or defining the benefits under, a life insurance policy has been raised from 60 to 65, the age limit applicable to men.

*Advance on income tax payable on personal immovable property*

76. In the interest of gender equality, the provision that income tax payable on the wife's personal assets could be posted under the husband's name has been abolished.

*Taxation in the case of living apart*

77. A new measure, taken in response to long-standing requests, limits a person's liability for tax debts incurred by her or his separated spouse to one year after the year of separation. Beginning with tax year 2005 (income earned in 2004) cohabitants are assimilated to spouses and are therefore subject to the new provision.

*Additional income tax deductions for single taxpayers with dependent children*

78. The entitlement divorced parents who have not remarried to additional income-tax deductions, as is the case for widowed parents who have not remarried and single parents, posed interpretation problems. Henceforth, any taxpayer who is single and has one or more dependent children shall be entitled to additional income tax deductions.

**(l) Paternity leave**

79. Effective 1 July 2002, paternity leave, increased from three to 10 days, may be taken any time within 30 days after childbirth. The measure aims at reconciling work and private life and encouraging men to become more actively involved in household responsibilities regarding the newborn.

**(m) Parental leave**

80. The right to parental leave is governed by the royal decree of 29 October 1997 implementing the act on parental leave under the career breaks scheme. In the past, the leave could be taken only in one of two forms: full cancellation of the employment contract for a three continuous months (full-time parental leave) or half-time employment for six continuous months (half-time parental leave).

81. Since 1 January 2002, full-time parental leave may be taken in the form of a reduction of working time by one day per week over a 15-month period, the objective again being to encourage men to involve themselves more actively in family life.

**(n) Improved tax status for assisting spouses**

82. This measure is in line with a Government policy of promoting the assisting spouses' own social-security and tax-deduction entitlements.

83. Since in most cases the assisting spouse is a wife, improvement of the status of assisting spouses is of particular interest to women. The primary objective has been to provide social protection for assisting spouses who had lacked such cover heretofore. This special consideration for assisting spouses was then expanded from social security to taxation (articles 9-37 of the financial programme act of 24 December 2002).

**(o) EVA, ELECTRONICA and DIANE projects**

84. In the framework of the 2000-2006 federal programme for European Social Fund (ESF) activities, the Equality Institute implements a project entitled EVA (for "analytical evaluation"), aimed at providing the social partners and the sectors with tools supporting the introduction of new task classifications and encouraging the revision of obsolete systems.

85. As part of the same programme, the Equality Institute has carried out since March 2001, in cooperation with field training associations, the ELECTRONICA project, aimed at promoting the employment of women in the new technologies sector.

86. Co-financed at the federal level by the Equality Institute under the European programme EQUAL, the DIANE project develops and analyzes gender-related quantitative and qualitative data pertaining to entrepreneurial structures.

**(p) Women and health in the workplace**

87. In the framework of Belgium's European Union Presidency (second semester of 2001), the Minister responsible for equal opportunities launched, in the 15 member States, a survey on

"Women and health in the workplace". A report on the survey was broadly disseminated and a book was published on the subject.

## **2. French-speaking Community Commission**

88. In 1994, CCF established the Brussels French-Speaking Vocational Training Institute, "Bruxelles Formation" (or Brussels training organization), which trains more than 5,000 job-seekers per year.

89. In 2003, the percentage of women and men among interns was, respectively, 48.6 and 51.4 per cent.

90. This is the result of a series of specific measures aimed at facilitating the access of women to training programmes by enabling them to place their children in day nurseries, adapting training hours to women's constraints and paying special attention to women's specific needs regarding access to training.

91. On 27 April 1995, CCF adopted a decree on the accreditation of agencies for social integration through employment and on subsidies for the vocational training that they provide in order to enable unemployed, low-skilled job-seekers to find a job or change jobs, as part of a series of coordinated measures designed to encourage social integration through employment.

92. This policy targets unemployed job-seekers in the Brussels-Capital Region, who are unable to meet job requirements because of inadequate or non-existent qualifications, destitution or discrimination against the population group to which they belong.

93. In the framework of social and vocational integration activities, subsidies are granted to associations which develop vocational training activities for various groups of women (with inadequate education or qualifications, of foreign origin, returning to work etc.).

## **3. French-speaking Community / Walloon Region**

### *French-speaking Community*

94. On 25 February 2005, the Government of the French-speaking Community adopted a programme of action for the promotion of gender equality.

95. According to this programme, the objective of gender equality implies not only equal access and participation, but also equal satisfaction of needs and interests, so that women and men may blossom in all areas of life.

96. The following gender-equality objectives are pursued within the competence of the French-speaking Community:

- Combating sexist stereotypes, particularly through cooperation with the Higher council for the audiovisual sector (CSA), the media and advertising professionals in addressing the issue of sexism in advertising and in television and radio broadcasts.
- Combating, by means of activities that complement measures taken by other authorities, violence against women, particularly through close cooperation with civil society associations in raising awareness among all population groups, consistent

efforts to prevent violence in the love relationships of young people and making use of the potential role of teachers and advisers in identifying occurrences of violence and counselling the victims.

- Promoting equality and gender-desegregation in compulsory and higher education.
- Promoting gender studies and research.
- Ensuring a balanced participation of women and men in decision-making.
- Establishing a consistent internal system for gender-disaggregated statistical data.
- Establishing a system for the evaluation of Community policies in relation to gender-equality objectives.

### *Walloon Region*

97. A number of amendments have been introduced into Walloon legislation to ensure greater gender equality.

98. The decree of 15 May 2003 guarantees a balanced participation of men and women in the advisory bodies of all public institutions of the Walloon Region.

99. By a decision dated 10 July 2003, the Walloon Government created the Walloon Council for gender equality.

100. The Council, which plays an advisory role and is expected to contribute to the elimination of all direct or indirect discrimination against men or women, has the following specific tasks:

- Formulating opinions and recommendations on any gender equality issue
- Proposing ways for achieving gender equality
- Issuing opinions regarding regulatory measures.

101. Of the Council's 25 members, 12 are designated by organizations representing workers and employers and 13 belong to associations active in the area of gender equality.

102. Where appropriate, the Walloon Region has supported a number of initiatives against gender discrimination. For instance, support has been provided to organizations assisting, inter alia, prostitutes, mothers addicted to drugs, single mothers etc., and to women's organizations promoting gender equality.

103. The Region adopted the decree of 12 February 2004 on care, shelter and support for persons in social distress; and reorganizes the care sector with a particular focus on shelters for mothers and agencies specialized in care and support for women victims of spousal violence.

104. Moreover, the Region supports provincial committees for the coordination of activities against spousal violence and for the reduction of inequality regarding access to training and employment.

105. In the current legislative period, the Walloon Government committed itself to the promotion of comprehensive gender equality, particularly through the following measures:

- Combating gender segregation in the labour market;
- Encouraging business initiatives by women;
- Developing and diversifying the supply of care services for toddlers and of extra-scholastic childcare;
- Strengthening the combat against violence suffered by women, in cooperation with the French-speaking Community, inter alia through the professional organization, increase and continuous funding of care centres and through specific financing for associations combating human trafficking and providing front-line care for victims.

106. Lastly, on 30 November 2005, the Walloon Parliament adopted a decree on the reform of the local government code. This decree provides for gender parity in all community and provincial electoral lists and stipulates that the top two candidates on each list shall be of opposite sexes and that the community and provincial boards shall comprise members of both genders.

#### **4. Flemish Community**

107. Responsibilities for equal opportunities policy have been defined in the Flemish Government since 1995 and institutional mechanisms have been set up to deal with various issues in this area.

108. Under a decree, adopted by the Flemish Parliament on 13 May 1997, regarding the implementation of the Beijing Declaration and Platform for Action, the Flemish Government submits to the Flemish Parliament annual reports on progress achieved in the various areas and on action and activities carried out by Flemish NGOs.

109. In addition to the "Equal Opportunities in Flanders" unit, set up in the Coordination Department of the Ministry for the Flemish Community, an Equal Opportunities Committee has been created to coordinate activities carried out by various departments in the area of equal opportunities.

110. In July 2005, the Flemish Government adopted an action plan for gender mainstreaming in the above Ministry through the "open coordination method". Policy goals in each area are recapitulated in a document which will be part of the action plan. The Equal Opportunities Committee will resume operating in 2006. It will monitor and prepare the evaluation of the implementation of the plan.

111. Women's participation in decision-making power has been a priority for the Flemish Government for several years. A strategic plan was drafted and implemented in this area in the period 2000-2004, and new priority goals have been set for the current legislative period. The Flemish Parliament has adopted the decrees of 15 July 1997 and 18 May 1999 regarding quota in, respectively, advisory and management bodies. Most of the activities in this area involve partnerships with NGOs and independent specialists.

112. In 2001, an Equal Opportunities Policy Research Centre was set up on the basis of a five-year contract to investigate discrimination mechanisms affecting various target groups. The Centre carries out basic research, compiles statistics and develops indicators regarding discrimination. In particular, it conducts comparative research on the above mechanisms in order to formulate new strategies for managing diversity in Flemish society.

113. Equal pay is one of the new policy priorities for 2006. Despite a number of measures taken by various Governments, the wage gap persists and is probably due to the so-called "career gap". New research conducted in 2006 is expected to identify the processes underlying the career gap and lead to the formulation of appropriate policies.

## **5. Brussels-Capital Region**

114. In 2002, the Government of the Brussels-Capital Region and the social partners concluded the "Brussels employment pact", aimed at promoting employment in Brussels, particularly by banning all forms of discrimination and therefore ensuring equal opportunities for men and women. According to the pact, the Economic and Social Council is to be entrusted with a prospective study addressing in particular the unequal treatment of men and women in the Brussels labour market. This three-part study is expected to enable the Council to draw up an action plan for gender equality. The first two parts of the study, entitled "Women's situation in the labour market of the Brussels-Capital Region" and "Employment and vocational-training policies in the Brussels-Capital Region from a gender perspective" have been carried out by the Brussels Labour Market and Qualifications Observatory .

115. Through the partnership for social and vocational integration, led by ORBEM, ASBLs are commissioned to provide active support for, inter alia, female job-seekers, insufficiently qualified female workers, working single mothers and women workers of foreign origin.

116. To facilitate the integration of job-seekers, the day-care centres of ORBEM provide since 1992 child-minding services on a "day-nursery" basis (for a maximum period of three months) or on a "drop-in day care" basis for up to three-year old children. This measure receives support under EFS Objective 3 in the framework of the Brussels-Capital Region programme. Moreover, 14 partner nurseries accept job-seekers' children of the above age for the same purpose, namely, to enable the parents to take the steps required for integration (such as looking for employment or participating in a workshop on active job-seeking methods or in a social- and vocational-integration module). The "Partnership for minding job-seekers' children" receives support under EFS Objective 3 in the framework of the of Brussels-Capital Region programme.

## ARTICLE 6

1. *The States parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.*

2. *The steps to be taken by a State party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.*

### **A. The development of employment and of the policy against unemployment in Belgium**

1. **Federal level**
2. **Walloon Region**
3. **Flemish Community**
4. **Brussels-Capital Region**

### **B. Main policies and measures**

1. **Federal level**
  - (a) **Training**
  - (b) **Guidance and integration of job-seekers**
  - (c) **Tax incentives and reduction of the cost of labour**
  - (d) **Flexibility / mobility**
  - (e) **Boosting employment for older workers**
  - (f) **Sectoral activities based on social dialogue**
  - (g) **Combating discrimination**
2. **Walloon Region**
  - (a) **Non-discrimination**
  - (b) **Employment promotion policy**
  - (c) **Technical and vocational training programmes**
3. **Flemish Community**
4. **Brussels-Capital Region**
5. **Development cooperation**

### **A. The development of employment and of the policy against unemployment in Belgium**

#### **1. Federal level**

117. The Belgian labour market remains highly sensitive to the macroeconomic situation. The slowdown observed in 2001 and 2002 was followed by a modest recovery in the second half 2003, with a 1.1 per cent per annum growth rate in 2003, slightly higher than the average rate for the European Union (0.9 per cent). This limited recovery has not yet translated into higher employment, as businesses tend to cope with increased activity by making better use of existing personnel. In fact, in 2003 Belgium's employment rate declined, by 0.3 of a percentage point, to 59.6 per cent, while employment in the European Union as a whole increased slightly (by 0.1 of a percentage point, to 62.9 per cent). The employment rate increased from 55.8 per cent in 1993 to 57.4 per cent in 1998 and 59.3 per cent in 2003 (an increase by 3.5 points since 1993). Although

the employment rate continues to be lower for women than for men, that gap has narrowed from 22.5 points in 1993 to 15.5 points in 2003.

TABLE 1

**Development of the employment rate in Belgium, 1993-2003 (%)**

<i>Years of age</i>	<i>1993</i>			<i>1998</i>			<i>2003</i>		
	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
15-64	55.8	67.0	44.5	57.4	67.1	47.6	59.6	67.3	51.8
15-24	29.0	31.4	26.6	26.8	30.4	23.0	27.4	29.9	24.7
25-54	73.0	86.6	59.0	74.3	85.6	62.8	76.5	85.0	67.8
55-64	21.9	32.4	12.0	22.9	32.1	14.0	28.1	37.8	18.7

*Source:* Eurostat

118. The slowdown in economic growth has highlighted the structural weaknesses of the Belgian labour market. The difference with regard to employment between Belgium and the better faring countries of the European Union occurs mainly in the 15-24 and over-55 age groups. Unemployment among the young is less of a priority because it is due to compulsory education up to age 18 and a high overall school-enrolment rate. However, the low rate of employment - 28.1 per cent - of older workers gives grounds for concern, as it lags far behind the European Union average rate (40.2 per cent), itself considerably lower than the 2010 objective (50 per cent).

119. Non-European citizens steadily experience more problems than European citizens in accessing the labour market. There is a 27.1 point employment rate gap between the two groups.

TABLE 2

**Employment rates for non-European-Union citizens aged 15-64 (%)**

	<i>1993</i>	<i>1998</i>	<i>2003</i>
Men	42.3	39.7	45.0
Women	15.0	17.0	20.6
Total	29.9	28.7	32.5

*Source:* Eurostat

120. In 2002, the rate of employment among disabled workers was lower by 17.4 points than among workers without disabilities. The gap was more significant in Brussels (23.2 points) and Flanders (17.8 points) than in Wallonia (14.3 points).

121. Sensitivity to the macroeconomic situation also translated into a rise of overall unemployment, which increased by 0.8 points between 2002 and 2003, attaining 8.1 per cent (its pre-2002 level), compared to an increase in the European Union average from 8.9 to 9.1 per cent. The 2003 unemployment rate for young workers was 21.5 per cent.

TABLE 3

**Overall and young-worker unemployment rates in Belgium, 1993-2003 (%)**

<i>Years of age</i>	<i>1993</i>			<i>1998</i>			<i>2003</i>		
	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
15 or more	8.6	6.7	11.5	9.3	7.7	11.6	8.1	7.8	8.5
15-24	20.7	19.6	22.0	22.1	20.2	24.5	21.5	22.6	20.1

*Source:* Eurostat

122. Raising employment in Belgium would require, inter alia, greater labour-market flexibility because the geographic and occupational mobility of Belgian workers is still too low.

123. Furthermore, high labour costs - resulting not from high gross wages but from high payroll-related contributions - are a structural obstacle to job creation in Belgium. On the other hand, a unilateral approach to that issue should be avoided, since those contributions evidently serve to fund social security. Moreover, developments in some member States show that high social contributions are not necessarily incompatible with high employment. Yet the conviction persists that efforts towards a reduction in social contributions and a tax reform should continue. In recent years, steps were taken to eliminate so-called "employment traps", situations in which welfare beneficiaries have few, if any, incentives to seek full-time or part-time employment.

## **2. Walloon Region**

*Statistical data regarding the labour market in Wallonia*

*(Source: Walloon Institute for Assessment, Forecasting and Statistics (IWEPS))*

A.1. Unemployment rate (percentages used for international comparisons: Unemployed labour force (ILO definition) / Total labour force)

A.1.1. Breakdown by gender (%)

<i>Year</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1993	8.6	14.8	11.1
1998	11.4	17.5	14.0
2003	10.1	11.9	10.9

A.1.2. Breakdown by age and gender (%)

<i>Year</i>	<i>Years of age</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1993	15-24	26.6	32.5	29.2
	25-49	7.0	13.2	9.6
	50-64	4.0 (doubtful figure)	5.9 (doubtful figure)	4.6
1998	15-24	31.0	38.7	34.4
	25-49	10.0	16.4	12.8
	50-64	6.1	7.4	6.5
2003	15-24	31.4	32.3	31.8
	25-49	9.0	11.1	9.9
	50-64	4.0	4.4	4.2

A.2. Activity rate (percentages used for international comparisons: Total labour force / Total population aged 15-64)

A.2.1. Breakdown by gender (%)

<i>Year</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1993	69.0	48.4	58.7
1998	71.5	52.4	62.0
2003	72.9	56.9	64.9

A.2.2. Breakdown by age and gender (%)

<i>Year</i>	<i>Years of age</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1993	15-24	35.0	29.0	32.0
	25-49	91.6	68.7	80.3
	50-64	44.9	19.7	31.9
1998	15-24	34.8	28.2	31.6
	25-49	92.5	71.9	82.3
	50-64	51.3	26.8	38.8
2003	15-24	34.3	26.4	30.5
	25-49	90.8	73.4	82.1
	50-64	54.9	33.2	43.3

A.3. Employment rate (percentages used for international comparisons: Employed labour force / Total population aged 15-64)

A.3.1. Breakdown by gender (%)

<i>Year</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1993	63.1	41.3	52.2
1998	63.4	43.2	53.3
2003	63.5	47.4	55.4

A.3.3. Breakdown by age and gender (%)

<i>Year</i>	<i>Years of age</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1993	15-24	25.7	19.6	22.7
	25-49	85.2	59.7	72.6
	50-64	43.2	18.6	30.4
1998	15-24	24.0	17.3	20.7
	25-49	83.3	60.1	71.8
	50-64	48.2	24.9	36.2
2003	15-24	23.6	17.9	20.8
	25-49	82.6	65.2	74.0
	50-64	52.7	31.7	42.0

### 3. Flemish Community

*Statistical data regarding the labour market in Flanders*

A.1. Unemployment rate (percentages used for international comparisons: Unemployed labour force (ILO definition) / Total labour force)

A.1.1. Breakdown by gender (%)

<i>Year</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1993	3.8	8.0	5.5
1998	4.0	7.1	5.3
2003	5.2	6.3	5.7

A.1.2. Breakdown by age and gender (%)

<i>Year</i>	<i>Years of age</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1993	15-24	10.4	13.3	11.8
	25-49	3.1	7.5	4.9
	50-64	2.9	4.5	3.4
1998	15-24	7.4	11.0	9.0
	25-49	3.6	6.8	5.0
	50-64	3.9	5.8	4.5
2003	15-24	15.6	15.3	15.5
	25-49	4.4	5.5	4.9
	50-64	3.0	3.8	3.3

A.2. Activity rate (percentages used for international comparisons: Total labour force / Total population aged 15-64)

A.2.1. Breakdown by gender (%)

<i>Year</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1993	72.0	50.6	61.4
1998	74.4	55.7	65.2
2003	74.6	58.7	66.8

A.2.2. Breakdown by age and gender (%)

<i>Year</i>	<i>Years of age</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1993	15-24	35.9	35.6	35.8
	25-49	95.0	71.6	83.6
	50-64	48.4	17.0	32.5
1998	15-24	39.2	32.5	35.9
	25-49	95.0	77.5	86.5
	50-64	54.1	25.1	39.6
2003	15-24	41.5	35.4	38.5
	25-49	94.6	80.2	87.5
	50-64	55.9	31.0	43.5

A.3. Employment rate (percentages used for international comparisons: Employed labour force / Total population aged 15-64)

A.3.1. Breakdown by gender (%)

<i>Year</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1993	60.8	41.1	51.1
1998	71.4	51.7	61.7
2003	70.7	55.0	62.9

A.3.3. Breakdown by age and gender (%)

<i>Year</i>	<i>Years of age</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
1993	15-24	28.9	27.7	28.3
	25-49	80.4	58.5	69.7
	50-64	41.5	14.2	27.7
1998	15-24	36.3	28.9	32.7
	25-49	91.6	72.3	82.1
	50-64	51.9	23.7	37.8
2003	15-24	35.0	30.0	32.6
	25-49	90.4	75.8	83.2
	50-64	54.2	29.8	42.1

**4. Brussels-Capital Region**

TABLE 4

**Employment rate in the Brussels-Capital Region, 1993 - 2003 (%)**

<i>Years of age</i>	<i>1993</i>			<i>1998</i>			<i>2003</i>		
	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
15-64	53.6	60.7	46.8	53.2	59.4	47.1	53.2	59.1	47.4
15-24	21.3	20.7	22.0	17.2	18.0	16.5	19.1	21.0	17.3
25-49	70.5	77.7	63.3	69.8	76.3	63.2	66.3	72.6	59.9
50-64	39.9	52.4	28.5	41.0	50.0	32.7	35.5	42.6	29.1

*Source:* INS- EFT (National Statistics Institute - Labour force).

124. The Brussels-Capital Region employment rate is low (53.2 per cent). Between 2000 and 2003, it regressed for both genders to a level where it had been five years earlier.

125. In Brussels, employment rates by age and gender are systematically lower than in the two other Regions, save for the older workers, whose employment rate exceeds the national average. The gaps between men's and women's employment rates are smaller in Brussels than at the national level.

126. Despite a low employment rate, employment in the Brussels-Capital Region is dense. The Region's residents account for 9.6 per cent of the Belgian population but its 650.000 jobs account for 16 per cent of the country's total employment. In fact, 54 per cent of those jobs are held by commuters. In other words, in Brussels less than one out of two jobs is held by a Brussels resident.

TABLE 5

**Unemployment rate in the Brussels-Capital Region, 1993 – 2003 (%)**

Years of age	1993			1998			2003		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
15-64	15.0	14.2	16.0	16.5	15.9	17.3	15.8	16.1	15.3
15-24	28.8	33.3	24.0	35.5	37.3	33.6	35.1	38.1	31.1
25-49	14.4	13.1	15.9	16.0	15.4	16.6	15.6	15.6	15.5
50-64	10.2	10.0	10.4	9.6	9.1	10.4	7.3	7.5	7.0

Source: INS- EFT (percentages used for international comparisons: Unemployed labour force (ILO definition) / Total labour force))

127. The Brussels-Capital Region unemployment rate (15.8 per cent in 2003) is the highest in the country and, contrary to the gender distribution of aggregate national unemployment, slightly lower for women than for men in any age group. The highest unemployment rate in the region (35.1 per cent) prevails among persons under 25. Although the region's unemployment level may seem stable over the last ten years, a year-by-year analysis reveals a period of slight increase (1993-1998) followed by a period of decrease (1998-2001) and a new period of increase (2002-2003).

## **B. Main policies and measures**

### **1. Federal level**

128. All federal employment policies aim at boosting waged employment or self-employment in the private sector.

129. The Belgian labour market faces the following challenges:

- Low employment rate, particularly among older workers;
- High labour costs;
- Inadequate financial incentives to employment;
- Inadequacy of life-long training initiatives;
- Need to strengthen the market's flexibility and dynamism.

130. The Belgian authorities have for years endeavoured to develop multifaceted policies to stimulate job creation and meet the challenges confronting Belgium. Those policies are described comprehensively in the response provided in relation to Covenant article 6, point 9(b) and in Belgium's various NAPs, drawn up in the framework of the European Employment Strategy (EES).

**(a) Training**

*Paid education leave*

131. The purpose of paid education leave is the social development of workers employed in the private sector. It aims at alleviating the difficulties and fatigue experienced by workers who attend certain training courses while employed. Specific part-time worker categories were admitted into the programme on 1 September 1999 and after 1 September 2001.

**(b) Support for and integration of job-seekers**

*Integration pathway*

132. The overall objective of the integration pathway is to forestall long-term unemployment and to allow young and inadequately qualified job-seekers to be integrated into the labour market through, in particular, the Convention of the First Job for Young People. To that effect, the integration pathway aims at:

- Enhancing the job-seekers' aptitude for integration into the labour market through appropriate support and specific integration measures;
- Supporting job-seekers in their vocational integration efforts, particularly in the framework of the above convention.

133. A cooperation agreement between authorities at various levels (federal, regional and community) has been concluded in order to implement the above procedures, provide remuneration for training and achieve better and more consistent results. As part of their employment programmes, the regional and federal authorities offer incentives for the integration of unemployed workers.

*Completion premium*

134. This measure aims at encouraging young and insufficiently qualified job-seekers to attend and complete a vocational programme. To receive the premium, a young job-seeker must finish such a programme, organized or subsidized by the Walloon Service for Vocational Training and Employment (FOREM), VDAB, the Employment Office of the German-Speaking Community (ADG) or "Bruxelles Formation" in the framework of an integration convention. The training must have lasted at least two months on, at least, a half-time basis.

*Vocational "immersion" agreement*

135. This measure aims at providing a minimum set of working conditions and rules for an internship in enterprises where no legal framework for such training exists, or at ensuring a minimum framework for existing training schemes. The agreement may also apply to any

situation where a worker acquires, through a task performed in an enterprise, specific knowledge or skills.

*Social integration and employment assistance measures*

136. On 1 October 2002, the right to minimum subsistence (minimex) resources was replaced by a right to social integration (DIS). Any former minimex beneficiary or person eligible for that benefit may exercise the new right by claiming a job or an integration income.

*Social economy for integration (making use of unemployment allowances)*

137. This measure aims at the integration of particularly hard-to-place unemployed workers through the use of unemployment allowances. Unemployed persons who, when hired, have received unemployment subsidies for at least five years, or have been in a similar situation, and hold a lower secondary education certificate or an equivalent certification, may be hired in the framework of this measure. An employment contract for at least half-time work is required. Part of the worker's net wage is paid by the National Employment Office (ONEM) from wage-earners' social security funds. Moreover, the employer is entitled to a reduction on social security contributions. These benefits are provided for employment periods of any length.

*Progressive introduction of a new follow-up system for the unemployed, strengthening the linkage between unemployment benefits and the obligation to seek an appropriate job*

138. Cf. reply to observation No. 12.

**(c) Tax incentives and reduction of labour costs**

*Reductions in social security contributions*

139. On 1 January 2004, the system of reductions in social contributions was drastically streamlined. In principle, such reductions comprise a structural component which is degressive because of a significant "low wage" factor. A reduction regarding upper-range salaries was introduced in 2004.

140. In addition to the structural reduction, various reductions benefiting specific target groups were also streamlined. Two non-combinable reductions (amounting to €400 and €1,000 per quarter) have been introduced for the following target groups:

- Inadequately qualified young workers
- Older workers
- First waged workers hired by an employer
- Workers on a collective working-time reduction system or on a four-day week
- Long-term unemployed workers.

141. On 1 July 2004, the category of workers from a restructured enterprise who are employed by another entity was added to the above list.

142. Rules specific to each target group determine the reduction accorded and the period during which it may be claimed. Compared to the previous schemes, the new system is much simpler to manage and easier to understand.

143. Low wage workers are entitled to reduction in personal contributions, which as a rule amount to 13.07 per cent of gross monthly earnings.

144. As the table below shows, additional resources will be made available in future years for further reductions in social security contributions. The structural reduction in the fees will increase. Moreover, a new reduction in contributions for restructured enterprises has been introduced. In addition, the reduction in personal contributions increases through the work-bonus system.

TABLE 6

**Reductions in social security contributions (€million)**

	2002	2003	2004*	2005*	2006*
Structural reduction	2,771,280	2,954,820	3,392,212	3,736,807	3,849,427
Reduction for specific target groups:	226,390	228,260	277,286	300,812	303,380
- of which, for older workers			71,270	90,340	90,384
- of which, for restructured enterprises			18,750	50,000	50,000
Specific reductions:	229,290	233,560	218,670	215,233	219,969
- of which, for scientific research and education	38,500	60,580	62,740	64,180	65,592
- of which, for direct job creation	116,490	110,500	113,500	116,108	118,664
Reduction in employers' contributions	3,226,960	3,416,640	3,888,168	4,252,852	4,372,776
Reduction in social and cultural sector contributions	265,524	369,861	413,790	491,290	491,290
Reduction in personal contributions	100,670	144,340	162,230	222,526	621,580
Total reduction in contributions	3,593,154	3,930,841	4,464,188	4,966,668	5,485,646
Reduction (% of contributions)	11.26	12.11	13.35	14.56	15.83

\* Estimates.

Source: Comprehensive presentation of the budget (2002 and 2003), and National Office of Social Security (NOSS) (2004-2007)

145. An "employment credit bonus" system has been introduced, progressively replacing, since 2005, the tax credit, the reductions on personal social-security contributions for low wages and the supplementary unemployment benefit for part-time workers with a single reduction on personal contributions.

*Reductions in the case of workers victims of restructuring*

146. Where such workers find a new job, they are entitled to reductions in their personal social security contributions; and a temporary reduction applies to the employer's social security.

### *Service vouchers*

147. Service vouchers are a way of subsidizing consumption by promoting demand for domestic and neighbourhood-based services and constitute an incentive to formal employment in sectors where undeclared work is frequent.

148. The vouchers cost the user €6.70 per hour and can be used to purchase from an accredited enterprise household assistance consisting in housework (cleaning, laundry and ironing). Persons with reduced mobility may use vouchers to pay an errands or public-transport enterprise. Enterprises eligible for accreditation in this area include existing commercial firms (for instance, in the temporary employment or cleaning sectors) and enterprises in the social economy or public service sectors (such as local agencies of a social action entity). In addition to the €6.70 rate, the employer receives a €14.30-per-hour subsidy to pay the worker the going wage rate.

149. The work contract specific to service vouchers represents an exception to a Belgian labour code rule stipulating a minimum duration of work at least equal to one-third-time work. The system also allows exceeding the current maximum allowable number of successive fixed-duration contracts.

150. This system was launched in late 2003 and the federal authorities expect it to create 25,000 jobs by the end of 2007. In January and October 2004, 118,000 and 673,000 hours of work, respectively, had been provided through service vouchers. Of the total number of hours of service provided in the first half of 2004, 66.7 were supplied in Flanders, 14.3 percent in Wallonia and 19.1 per cent in Brussels. Based on realistic assumptions regarding the number of hours per worker, the above service hours account for the employment of 5.450 persons.

### **(d) Flexibility and mobility**

#### *Reduced working hours*

151. Under the act of 10 August 2001 on reconciling employment and quality of life, a universal and obligatory reduction of working time to 38 hours per week became effective on 1 January 2003. This measure is exclusively applicable to private enterprises and, in the public sector, to establishments carrying out an industrial or commercial activity (in particular, to autonomous public undertakings) or providing health, disease-prevention or hygiene-related services.

152. Moreover, two non-compulsory measures providing for, respectively, a collective reduction of working time to less than 38 hours and a four-day week entered into force on 1 October 2001. These purely voluntary, convention-based reductions apply only to private-sector employers and workers and to autonomous public undertakings.

153. The above working-time reductions are accompanied by a system for reductions in social security contributions.

#### *Schemes for time credit, career reduction and reduction in working hours to half-time*

154. In 2002, an earlier scheme allowing workers to temporarily interrupt their career partially or fully was replaced by the time credit scheme, agreed upon by the social partners. As a major difference from the previous system, there is no longer an obligation to replace the person

interrupting his/her career with an unemployed worker. The new system guarantees the right of workers:

- To a complete or half-time withdrawal from the labour market for one year over an entire career. The sectoral social partners may decide to extend this withdrawal right to a maximum of five years. Actually, such an extension has been introduced in most of the sectors.
- To a reduction of working time by one fifth during five years over an entire career.
- If they are over 50 and have worked for at least 20 years, to a reduction of working time by one half or one fifth over an unlimited period.

155. To keep the system workable from the employer's viewpoint, no more than 5 per cent of the personnel may simultaneously take advantage of the above rights, while enterprises with fewer than 10 workers may in principle refuse such requests. The 5 per cent limit may be modified through a sector-wide agreement.

156. Workers also enjoy the following rights to a temporary career break:

- Up to a child's fourth year of age, either parent may cease work completely for three months, work half-time for six months or reduce her/his working hours by one fifth for 15 months.
- In order to attend to a seriously ill family member, a worker may request a career break on a full-time basis for 12 months or on a part-time basis for 24 months.
- In order to attend to a terminal patient, a worker may request a full- or part-time career break of one month, renewable once.

157. In each of these cases, there are provisions for indemnification by the federal authorities.

**(e) Boosting employment for older workers**

*Vocational reclassification for workers 45 years old or more*

158. This measure aims at compelling employers to provide for the reorientation of dismissed workers who are 45 years old or more.

*Unit for employment consolidation (ETE Unit)*

159. The activity rate among Belgians over 50 gives grounds for concern. The Federal Government has taken a number of positive and preventive measures to forestall early retirement, including the establishment of the "Employment of experienced workers" (ETE) unit. The unit's main objectives are to provide information on end-of-career issues, raise awareness of related problems among all actors concerned and strengthen their network. After a period of assessing existing needs, the unit is expected to provide workers and enterprises faced with end-of-career management issues with appropriate solutions.

### *Supplement for resumption of work*

160. This measure aims at encouraging fully unemployed workers receiving an age supplement to resume work.

### *Older unemployed workers*

161. As part of the policy of encouraging the employment of older workers, new provisions entered into force 1 July 2002 regarding the availability of older unemployed persons on the labour market. Previously, unemployed workers 50 years old or more were entitled, subject specific conditions, to the status of an "unemployed aged person" and to concomitant advantages, including exemption from availability in the labour market and from registration as a job-seeker. The new provisions changed the terms of implementation of that exemption inasmuch as, after receiving 312 (or a year's) allowances, the workers in question forfeit their entitlement to non-availability and registration. They must be registered as job-seekers, respond to employment service notifications and accept appropriate job offers.

162. The main policies and measures implemented by the Federal Government since 1 January 2001 are described below. For additional information, please consult the following publications:

- High Council for Employment, "Inventory of measures for employment" (*Inventaire des mesures en faveur de l'emploi*), June 2003
- Federal Department of Employment, Labour and Social dialogue, "National action plan for employment 2004 - Belgium" (*Plan d'action nationale pour l'emploi 2004 - Belgique*), September 2004.

### **(f) Sectoral activities based on social dialogue**

163. Point 30 in the preceding report describes measures taken by joint committees in order to promote the employment of members of risk groups, namely, disadvantaged persons, through the labour market. In the framework of subsequent multi-sector agreements, the measures in question have been replicated by most of the sectoral joint committees. In order to apply these sectoral policies effectively, new structures, the social welfare funds, have been devised in. These funds, established through collective agreements at the level of sectoral joint committees, meet requirements specified by law (act of 7 January 1958 on social welfare funds). The scope of the funds is not limited to issues related to the employability of workers belonging to risk groups, but also comprises agreement-based early pensions, various premiums and benefits and, in the construction sector, issues of safety and health in the workplace. There is synergy between the funds and the National Office of Social Security (NOSS). Interesting statistical data are provided at <<http://www.vsi-ais.be>>.

### **(g) Combating discriminations**

164. While gender equality has actually become a cultural reality in Belgium, the social partners have incorporated into CNT Collective Agreement No. 38, governing the selection and recruitment of workers, a stipulation - aimed at eliminating discriminatory treatment - which provides that, during the recruitment procedure, "*the employer shall treat all candidates equally. He/she may not make any distinctions based on personal elements unrelated to the activity or nature of the enterprise, unless the law authorizes or compels him/her to do so. Accordingly, as a*

*matter of principle, the employer may make no distinction based on age, gender, civil status, medical background, race, colour, descent, national or ethnic origin, religious or philosophical beliefs or membership of a trade union or any other organization"* (Collective Agreement No. 38, article 2).

165. In July 2001, a "Multicultural enterprise unit" was set up in the Federal Department of Employment, Labour and Social dialogue to promote the equal treatment of foreign-origin workers in the labour market through awareness-raising, information and education campaigns regarding ethnic discrimination.

166. The main tasks of the above unit are as follows:

- Sensitizing and supporting the sectors of economic activity in concluding collective agreements against unequal treatment based on origin;
- Sensitizing and training the Department's social security and welfare inspectors in processing complaints of ethnic discrimination, focusing on problems and of the various possible forms of discrimination;
- Sensitizing enterprises to ethnic discrimination in the labour market and supporting them in implementing diversity policies.

167. Initiatives launched by the above unit with the various actors concerned in order to carry out the above tasks are described below.

*In the area of sensitizing and training the Department's social security and welfare inspectors*

- Information campaign on the phenomenon of ethnic discrimination in the labour market
- Design and publication of a guide to identifying ethnic discrimination<sup>4</sup>
- Training for social security inspectors<sup>5</sup>
- Distribution of a pamphlet entitled "Protection against discrimination in the workplace - in brief"

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<sup>4</sup> The guide has been designed to help inspectors in the new task of addressing discrimination problems in addition to the other issues within their competence (act of 25 February 2003 against discrimination, articles 17 and 21 (1); and act of 30 July 1981 punishing certain acts motivated by racism or xenophobia, article 5 *ter*)..

<sup>5</sup> Based on the above guide, the training covered the following points:

- Ethnic discrimination practices related to employment;
- New legal provisions on combating ethnic discrimination related to employment;
- An inspector's area of competence under the new legislation;
- Identification and treatment of discriminatory practices.

*In the area of informing and sensitizing joint committees*

- Awareness-raising as part of social dialogue, through support for the conclusion of, or the inclusion of non-discrimination provisions in, sectoral collective agreements
- Design of a document containing a sectoral assessment of measures for preventing and combating ethnic discrimination in professional life

*In the area of sensitizing enterprises to ethnic discrimination*

168. The approach used in this area is the promotion of diversity in the enterprises. Over and above legislation against ethnic discrimination, the management of diversity is an effective tool for ensuring equality opportunities and treatment in the labour market. Distribution of a brochure entitled "Keys for diversity in the enterprise" has been the first step taken to encourage enterprises to implement diversity management.

169. The brochure mainly targets decision-makers and human resources managers in the enterprises. Diversity management is clearly linked to the management of human resources, particularly in respect of policies on, inter alia, recruitment, selection, training and promotion. The brochure stresses the potential of labour diversity for the implementation of such policies.

170. The brochure aims mainly to:

- 1) Outline the principles of diversity management in view of the social responsibility of enterprises, stressing the potential positive effect of such management on the efficiency of an enterprise.
- 2) Propose a series of effective diversity-policy measures to be taken at various levels
- 3) Describe a number of examples and tools that employers can use to implementing a diversity policies.

## **2. Walloon Region**

### **(a) Non-discrimination**

171. As part of the transposition of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, the Government of the Walloon Region adopted the decree of 27 May 2004 on equal treatment in employment and vocational training. This decree bans all direct or indirect discrimination based on religious or philosophical convictions, disabilities or physical characteristics, current or future state of health, age, civil status, gender, sexual orientation, national or ethnic origin, descent, family situation or social and economic status.

172. The decree applies to any person in the public or private sector and to the areas of vocational guidance, placement of workers, assistance for employment, social and vocational integration and vocational training, including validation of skills.

173. The decree provides for the creation of a reconciliation unit and entrusts the Walloon Institute for Assessment, Forecasting and Statistics (IWEPS) with coordinating, collecting and disseminating, without indicating the source, any surveys, analyses or information related to equality treatment; and with systematically reporting to the Government on developments regarding the combat against discrimination.

174. Walloon policy aims at "diversity mainstreaming" by effectively ensuring that the diversity of needs is reflected and incorporated rather than by systematically implementing measures specifically designed for particular target groups. However, to ensure full equality among employed or unemployed workers, the Walloon Government is ready to continue or adopt, in the interest of the principle of equal treatment, specific measures and positive initiatives helping disadvantaged groups to avoid or overcome the obstacles that they encounter in the labour market.

175. FOREM implements the various aspects of the above policy as follows:

#### *Equal opportunities*

The FOREM management contract for 2001-2005 stipulates that "*the Public Employment Service (SPE) shall adopt the policy formulated at the European level with regard to gender equality and equal opportunities and shall launch targeted activities based on priorities established by the supervising authority*" (article 38).

#### *Access to social and professional integration services and to vocational training*

Any person (legally residing in the country and no longer subject to compulsory school attendance) may register with FOREM as a job-seeker. Accordingly, since March 2003, any person who is not a citizen of the European Union and possesses a residence permit or has filed a regularization or asylum application considered admissible may, by registering with FOREM as a job-seeker, use, free of charge and without discrimination, social and professional integration services and/or attend a vocational training programme. Previously, although they might obtain a work permit or temporary authorization if an employer filed an application on their behalf, such workers could not register as job-seekers or receive vocational training.

#### *Universally accessible and differentiated services*

FOREM provides a range of services open to all and accessible, on a voluntary basis and without discrimination, to any person properly registered with the Service. These services may be differentiated to suit individual circumstances. Accordingly, the counsellors (and most of the partners) of FOREM participate in awareness-raising activities and training programmes for advisers with a view to enhancing their understanding of, and capacity to respond to, the needs of the group concerned (inter alia, training in intercultural relations for improving communication and relations with aliens or persons of foreign origin, training in the integration of persons with disabilities, exchange of experience in the orientation of persons serving or having served a prison sentence, and developing appropriate tools and documents).

#### *Combating discriminatory hiring practices*

Concern for equal access to employment translates into specific and systematic measures against any form of discrimination in connection with employment offers disseminated by

FOREM. Recruitment advisers constantly remind employers, using any of the communication channels provided by FOREM to advertise job offers, of the principles of equal treatment, which ban the application of any discriminatory criteria (related to religious or philosophical convictions, disabilities, physical characteristics, or a person's current or future state of health, age, civil status, gender, sexual orientation, national or ethnic origin, descent, family situation or social and economic status).

**(b) Employment promotion policy**

*Contract for the future*

Through the "Renewed contract for the future", the Walloon Government set in 2004 the objective of ensuring the convergence of Wallonia's employment rate towards European objectives by 2010 (+ 1.5 per cent annually, 70 per cent employment, and a 60 per cent female employment rate).

To that end, the Walloon Region committed itself to a proactive economic policy conducive to innovative activities and job-creation, in pursuit of the following objectives:

- Increasing the number of enterprises in Wallonia by helping to transform ideas into plans and to implement those plans by creating enterprises, facilitating the transfer of businesses, developing international trade and actively attracting and assisting foreign investors;
- Supporting the development of enterprises and sectors by helping to revitalize enterprises, assisting them to anticipate and take advantage of market opportunities, modernizing the traditional sectors, backing innovative sectors (such as biotechnology, nanotechnology, microelectronics and the space industry) by encouraging the development of technology clusters and by supporting spin-offs, developing the social economy, stimulating tourism and steadily supporting agriculture.
- Facilitating access to employment, inasmuch as combating unemployment remains a major regional priority in view of weaknesses specific to Wallonia regarding the employment of young people, women and workers aged over 55. In the Walloon Region, employment issues are addressed through the following two complementary strategies:
  - Creating jobs by encouraging economic development;
  - To the extent possible, adapting training activities to labour market requirements.

*Employment promotion grants (APE)*

176. APEs are aimed at a twofold objective: combating unemployment effectively and creating jobs in the various sectors by addressing the population's needs through the reinforcement of social cohesion, a prerequisite for economic recovery and quality-of-life improvement. This mechanism encourages the hiring of job-seekers by local, regional and community authorities, in

the non-market sector, in education and in the commercial sector through an annual subsidy that covers part of the remuneration of the workers.

APEs are a simple and transparent mechanism that combines all unemployment reduction programmes (PRC), safeguarding the PRC-related measures already taken and strengthening employment. In particular, every employer receives an overall subsidy equal to or greater than the sum of grants provided under the earlier subsidy schemes. This reform has led to the following achievements:

- Streamlining of existing measures;
- Transparency and coordinated management;
- Sustainability of projects and stability of jobs;
- Equal treatment of all workers;
- Safeguarding of existing subsidies and jobs.

This measure, implemented in 2003, concerns more than 40,000 workers.

#### *Professional transition programme (PTP)*

177. Through a subsidy to the employer, this mechanism aims at encouraging local authorities and employers in the non-market sector to hire fully unemployed persons who are inadequately or moderately qualified and receive benefits; and at satisfying collective public needs that the regular employment system fully or partly fails to meet.

178. The employer is expected to propose to the workers training designed to adapt their skills to a future job or enhance their chance of being integrated.

179. Although expected to facilitate the performance of tasks in the public interest, PTP is mainly designed to contribute to the integration of job-seekers.

#### *Integration training programme (PFI)*

180. The objective of PFI is to enable job-seekers to acquire, through training at the facilities of an employer and, where appropriate, a training operator or an accredited training centre, the skills necessary for a job with that employer. This measure allows an enterprise to train its own personnel at a cost reduced by a financial incentive. The training, whose content is developed with the help of FOREM, lasts four to 26 weeks and is followed by an employment contract for at least an equal period. The enterprise entrusts one or more members of its personnel with mentoring the intern during the training period. If appropriate, the intern continues to receive an unemployment, waiting or minimex allowance. Where these allowances do not exceed €124 per month, the intern also receives an encouragement premium and an assignment allowance payable by the employer, and a travel-expense allowance and a compensation benefit payable by FOREM.

181. PFI entered into force in 1998 and has been increasingly successful (the number of PFI beneficiaries was 5,538 in 1998, 6,410 in 1999, 7,362 in 2000, 7,842 in 2001, 8,225 in 2002 and 8,350 in 2003).

**(c) Technical and vocational training programmes**

182. In recent years, the integration and training services market in the Walloon Region has been thoroughly reformed, particularly by completely restructuring FOREM in 2003 and implementing the Integrated system for social and professional integration (DIISP) in 2004.

*DIISP*

183. DIISP offers every job-seeker (with priority for particularly vulnerable groups) the possibility of custom-made, effective and high-quality support based on an integration contract for a maximum period of two years. The system draws on integrated activities relying on coordination among various local and regional training and integration operators. FOREM Conseil, entrusted - in its capacity as leader and moderator - with steering and coordinating DIISP activities, is responsible for organizing, orienting and developing the network of DIISP actors on a professional basis; forming partnerships between them in all parts of the country; and designating a monitor for each DIISP beneficiary.

184. DIISP actors are "FOREM Formation", Work-training enterprises (EFTs); social and professional integration organizations (OISPs); regional agencies; skills validation centres; the Walloon Institute for alternating training, self-employed workers and small and medium-sized enterprises (IFAPME); CPASs; community businesses; the Walloon Agency for the integration of the disabled (AWIPH); social development bodies; and education/job-training centres.

185. Additional information on the range of services offered in the Walloon Region is available at [http://www.leforem.be/informer/se\\_former/seformer\\_forem\\_carrefour.htm](http://www.leforem.be/informer/se_former/seformer_forem_carrefour.htm).

186. The Walloon Government has streamlined the administrative and financial status of interns receiving vocational training with a view to facilitating access to training and eliminating inequalities in the treatment of the interns. Accordingly, job-seekers receiving training from "FOREM Formation" or any other operator approved by the Walloon Region and accredited by FOREM enjoy a single administrative status throughout their integration pathway and the following benefits:

- A training contract clearly stating the job-seeker's rights and obligations
- A €1 premium per hour of training actually received
- Reimbursement of travel expenses
- A subsidy covering day-nursery or day-care costs actually incurred.

187. In 2003, more than 37,000 "integration credit" contracts were serviced by FOREM Conseil vocational guidance advisers.

*Dissemination of information regarding training opportunities*

188. Any job-seeker may obtain information and advice on employment and training from 40 employment centres and 10 Carrefour training and employment network agencies currently operating at the level of, respectively, communes and employment basins ([http://www.leforem.be/informer/se\\_former/seformer\\_forem\\_carrefour.htm](http://www.leforem.be/informer/se_former/seformer_forem_carrefour.htm)).

### *Vocational guidance*

189. Vocational guidance activities are made available by FOREM Conseil either under its own management or through outside providers financed by FOREM (on the basis of calls for projects).

190. Job-seekers, regardless of their social and professional profiles, have access, free of charge, to the above vocational guidance services in a form that meets their individual needs and/or plans.

191. These services may comprise the development of an action plan through a personal interview and/or the identification of appropriate individual or collective training modules.

192. The objective is to help job-seekers to choose or change their trade, clarify their vocational plans, manage their career (on the basis of a career plan) and assess their own skills (or have them validated).

### *Vocational training offered by FOREM Formation*

193. In early January 2001, FOREM Formation launched a major reorganization exercise. Traditionally, vocational training had comprised three distinct components: secondary level training, higher level training, and social and professional guidance. Under the management contract concluded in 2001, FOREM Formation refocused on training leading to qualification. Accordingly, it no longer manages social and professional guidance and initiation activities. This shift was accompanied by the organization's resolve to make the services offered broadly accessible.

194. The supply of training for adult (at least 18 years old) job-seekers is now organized into sectors (construction; industry; transport and logistics; non-market activities; data processing and telecommunications; hotels, restaurants and coffee-shops; cleaning and gardening; quality, security and environment; languages and communication techniques; management and secretarial services; and business administration and commerce). This classification comprises 44 product categories and more than 150 trades or professions, covered by more than 800 training modules.

195. FOREM Formation conducts training activities either under its own management or through partnerships with a series of trade associations and training organizations (including at European Union level). It has concluded 16 sectoral agreements which are regularly renewed.

196. The training distribution network comprises 52 sites throughout the Walloon Region. They received ISO 9001 certification in October 2000.

197. All training is available free of charge to individual workers and to some worker categories that, although systematically excluded by market mechanisms from training provided by enterprises, can certainly fulfil public needs.

198. The methods used consist in the provision of products and related services increasingly adapted to individual requirements (modular products, analysis of needs, flexible products, coaching and counselling); guidance throughout training; alternating classroom/ workplace training; guided self-training; and distance training.

199. Training is organized on the basis of local centres for guided self-training; and, in each region, client support units whose main tasks are to arrange entry into training programmes, ensure regular attendance and provide support for integration. Moreover, FOREM Formation has set up call centres that supply information, promote the available training arrangements and follow up on the interns after six months and one year.

200. Additional information on the range of services provided by FOREM Formation is available at <[http://www.leforem.be/informer/se\\_former/seformer\\_forem\\_formation.htm](http://www.leforem.be/informer/se_former/seformer_forem_formation.htm)>.

#### *The Walloon network of skills centres*

201. The Walloon skills centre concept is an original idea. In view of the significance of skills and qualifications (whose absence causes visible bottlenecks) and the scale of intangible investment undertaken by enterprises in a bid to boost performance and innovation capacity, the Walloon Region has developed this new generation of centres aimed at implementing a multifaceted approach involving:

- Footholds in the social and economic environment of the sub-regions concerned. The centres - which are set up in areas with considerable potential for development favourable to new products, know-how acquisition and training - contribute to the economic development of the Walloon Region.
- Training (in 2003, the centres provided about 2 million hours of training to more than 33,000 beneficiaries) and dissemination of techniques. Standard or custom-made training courses are offered in combination with guidance and in line with developments and training requirements in the various trades; and are backed by research and development in teaching tools, information initiatives and activities designed to raise awareness of the use of technological developments.
- Multiple-user resource centres. Well equipped and efficient technical facilities are made available to training organizations and enterprises. The training provided by the skills centres targets a variety of groups: the personnel of enterprises, job-seekers, workers in general, apprentices, teachers and students.
- A partnership between the public and private sector. Skills centres result from partnerships between the Walloon Region, FOREM, IFARME, the social partners in the various sectors, research centres and universities. The partnerships are co-financed by the Walloon Region, FOREM, sectoral funds managed by the social partners, and European structural funds (ESF and the European Regional Development Fund (ERDF)).

202. Currently, 19 skills centres, accredited and networked (to ensure operational consistency) are in operation, distributed over the territory on the basis of social and economic criteria in relation to the following sectors: Transport, logistics, assembling, industrial automation, information and communication technologies (ICTs), wood processing, aeronautics, electricity and new materials. They launch common training projects, such as distance training, technological development monitoring, quality management etc. The Walloon network of skills centres covers the following areas: Industrial maintenance, graphic arts (including prepress processing and printing), multimaterials, factory automation and electrical engineering, assembly methods, ICTs, aeronautics, transport, logistics, vehicle maintenance, wood processing,

automobile-related sectors, glass processing, management, trade and sales, environment protection, agriculture and horticulture, construction, industrial painting and food and beverage processing.

203. The number of skills centres in the network is expected to increase to about 30 by the end of 2006.

204. Additional information on the range of services offered by the Walloon net of skills centres is available at <<http://www.centresdecompetence.be/hp/fr/hp.asp?Navigateur=IE>>.

### **3. Flemish Speaking Community**

205. In combating unemployment, Flanders takes a proactive and preventive approach aimed at offering job-seekers a fresh start (through counselling and training) before they become long-term unemployed. This approach, implemented since the late 1990s, draws on the European Employment Strategy (EES). At the national conference for employment, which was held in 2003, the Federal Government, the Regions and Communities and the social partners agreed to increase investment in training and counselling job-seekers. By a phased process, starting with the youngest group (persons under 30), the scope of the above approach is widened each year in order to provide full coverage by 2007. In 2004 and 2005, the Flemish Government allocated an additional €33,5 million to VDAB to implement a new service modelled on the agreed approach.

206. Increased investment in training and counselling job-seekers has had positive consequences for the unemployed: Between 1999 and 2004, the percentage of Flemish job-seekers becoming long-term unemployed without the benefit of being evaluated and taken in charge by SPE decreased from 11 to 5 per cent. As Table 1 shows, the number of job-counselling and training programme beneficiaries increased between 2000 and 2003. The gradual implementation of the new service model, translating into increased investment in training and counselling - especially for the long-term unemployed - in 2004 and 2005, has meant creation of 3,000 additional training places, 400 additional individual in-house training programmes (IBO) and 400 new places in the work experience programme (WEP and WEP-plus).

207. Moreover, measures have been taken to remedy the impact of restructuring. Furthermore, in view of a decrease in the number of combined training and work-experience programme trainees, the Flemish Government has taken action in order to improve image and quality of the programmes. The number of places in traditional direct job-creation initiatives is gradually reduced in favour of WEPs aimed at integrating beneficiaries into the regular labour market.

TABLE 7

**Number of beneficiaries of the main labour-market measures managed  
by the Flemish Government, 2000-2003**

	2000	2001	2002	2003
Reference population (number of unemployed job-seekers)	169,656	169,651	187,023	207,806
Number of beneficiaries:				
1. Intensive job counselling and outplacement	61,593	67,791	74,811	72,316
Intensive job counselling for job-seekers	61,593	67,767	71,852	71,738
Outplacement after lay-off due to restructuring	-	24	2,959	464
2. Training	25,508	26,626	27,068	30,182
Training modules as part of personalized action plans for job-seekers	16,233	17,908	18,245	21,644
Combined training and WEPS (as part of secondary education)	9,275	8,718	8,823	8,538
3. Integration of the disabled into the labour market	16,282	16,888	17,083	17,586
Sheltered workplaces	11,694	11,867	11,790	11,884
Job counselling and training (CBO)	876	874	871	884
Employment subsidies for the disabled (VIP, CAO26)	3,712	4,147	4,422	4,818
4. Direct job creation	55,347	45,129	42,311	41,922
Third employment circuit (DAC)	9,876	2,889	1,968	1,271
Stimulation of employment in the non-profit sector (PBW)	2,587	-	-	-
Subsidized contractors (GESCO)	37,541	37,271	35,125	34,564
Social workplaces	1,993	2,024	2,107	2,712
Integration companies and departments	91	61	151	316
Work experience programme (WEP-plus)	3,259	2,884	2,960	3,059
Total	158,730	156,434	161,273	162,006

**4. Brussels-Capital Region**

208. Two preliminary remarks are in order:

1. This section is limited to matters that come under the competence of the Region, namely, employment issues, and therefore does not deal with vocational training.

Established in 1989, the Brussels-Capital Region, consists of 19 communes and has a bilingual status, in view of which a two-tiered system of institutional competence applies: social and economic questions (including employment) constitute a bilingual or regional area of competence; while questions related to vocational training, education, extra-scholastic child care, culture and health are the responsibility of francophone or Dutch-

speaking community institutions or - where an issue regards both communities - joint structures. Accordingly, employment policy is implemented by ORBEM, a regional equi-representational body, while vocational training policy is implemented by "Bruxelles Formation" and by the Regional Vocational Training Service for the Brussels-Capital Region (RDBB), which answers to VDAB. The social partners also participate in the management of "Bruxelles Formation" and RDBB.

2. This section does not discuss the main thrusts of employment policy since the establishment of the Region, the various public institutions and advisory bodies related to employment, the links between that policy and the EES, or the EFS contribution. Relevant information is provided in the document "Europe and employment - that's my business", available on the web site of the Territorial Employment Pact of the Brussels-Capital Region ([www.pactbru.irisnet.be/FR/actua\\_fr.htm#études](http://www.pactbru.irisnet.be/FR/actua_fr.htm#études)).

The priority goal of the employment policy of the Brussels-Capital Region is to raise the employment rate through direct job-creation (unemployment reduction plans, public subsidies etc.) aimed at meeting specific collective needs; and by creating conditions that will encourage job-seekers to find a suitable job and enterprises to hire and keep employing Brussels residents.

209. Brussels is confronted with issues involving, inter alia, vocational qualification, foreign nationality or origin, bilingualism (French/Dutch) and severance of social or family bonds. The policy adopted by the Region aims at developing various tools for providing custom-made solutions and making them accessible and visible to interested job-seekers and employers.

210. The Social Pact for the Employment of Brussels Inhabitants was concluded in June 2002 between the Government of the Region, organizations representing employers and the middle class, and trade unions. The pact provides guidelines in the following areas:

- Extending targeted and contract-based financial assistance to enterprises;
- Strengthening public employment and training organizations;
- Banning any discriminatory hiring practices;
- Setting up vocational resource centres for the various urban economy sectors;
- Promoting mechanisms for the integration of job-seekers (inter alia, as part of regional, community and federal ESF-Objective-3 programmes)
- Promoting training for workers;
- Implementing the skills portfolio;
- Combating discriminatory hiring practices.

211. C2E is an extension of the Social Pact. Signed in March 2005, it provides for the participation of the Brussels social partners in implementing for Brussels, in the period 2005-2010, 27 projects aimed towards the following objectives:

- Reducing the unemployment rate through job-creation;
- Broadening access to employment through a consolidation of the training process;
- Focusing on the role of enterprises.

212. To carry out a cross-cutting employment policy, appropriate tools for coordinated implementation have been developed. Accordingly:

- In June 2003, the Brussels regional Government approved a decree on the "joint management of the labour market" (to be seen in the light of ILO Convention No. 181 on private employment agencies). Two implementing decisions regarding the order were approved in April 2004 and March 2005. The decree modifies the roles of SPE, the private employment agencies (temporary employment agencies, selection agencies etc.) and the local social- and professional-integration bodies in relation to the regional employment policy. In particular, the social and professional integration procedures defined by the regional Government's decision of 27 June 1991, authorizing ORBEM to conclude partnership agreements in order to enhance job-seekers' opportunities to find a job, are being revised.
- The regional employment policy is in line with the EES. Since 1998, the Brussels-Capital Region participates in drafting and monitoring the NAP for employment. Drawn up every year under the aegis of the federal Ministry for Employment, this document describes how European guidelines should be implemented at the national level in view of the objectives of the European strategy. In 2001, 2002 and 2003, the Region drew up its own action plan for employment (PARE), based on cooperation between the social partners and all regional Government authorities. PARE 2003 comprises three main levels, namely, the chief 2002 achievements, measures planned for 2003 and the main thrusts of the employment and training policy for the period 2004-2006.

213. Other instruments for coordinating specific activities carried out by Brussels actors in the interest of job-seekers and/or enterprises include the following:

- *Vocational resource centres.* Resulting from a partnership between public employment and training organizations, the economic activity sectors needing a qualified labour force and the education networks, the vocational resource centres are designed to provide, in a single facility, state-of-the-art training equipment used simultaneously for initial technical and vocational education, alternating training, vocational integration activities for job-seekers, continuing training for workers, training for trainers and counselling and training for mentors in enterprises. Moreover, these centres are expected to administer vocational aptitude (screening) tests and validate job-seekers' and workers' skills. A bilingual resource centre for the metal constructions sector and the technology industry in Brussels ("IRIS TECH +") was launched in 2004. Furthermore, C2E comprises a project for the development of five vocational resource centres during the current legislative period.
- *Territorial Employment Pact of the Brussels-Capital Region.* The voluntary participation of major Brussels stakeholders (including the Government, the Ministry for the Region, ORBEM, communes and CPAS, training operators, social partners,

the Port of Brussels, the Brussels Regional Development Agency (BRDA) and the Brussels Regional Investment Company (SRIB)) in the pact shows the significance ascribed to linking economic and employment policy. With ESF Objective 3 support, the pact aims at coordinating the employment initiatives developed by the participating actors, in order to ensure consistency, optimization and innovation. The action plan for 2001-2006 comprises six main thrusts: matching labour supply and demand (one working group), supporting local development and providing advice in relation to the social economy (two working groups), stimulating the sectors that have a growth and employment potential (two working groups), encouraging entrepreneurship (one group), promoting equal opportunities (two groups) and raising awareness of work accomplished (one group).

- *Brussels service for employers (SBE)*. Funded since 2003 under ESF Regulation article 6, this innovative initiative is the result of a partnership formed by local agencies, the Consultative committee for training and employment initiatives Brussels (OOTB), and ORBEM. Under ORBEM management, SBE engages in "coordinated future-oriented research into enterprises in Brussels", mainly in order to:
  - Address employers' needs in personnel in a timely, systematic and coordinated manner;
  - Enhance job-seekers' chances of finding a job and reduce the risk of discriminatory hiring practices;
  - Contact all employers in order to systematically identify employment possibilities and meet their labour requirements.

214. Moreover, a number of reforms have taken place to facilitate access to the existing tools or measures for job-seekers. The reforms include the following two measures:

- PRC revision in 2002. Earlier measures (subsidized contractual agents (ACs) accredited by some Brussels-Capital Region authorities, TCT and FBI) merged into a single system, namely, "public authorities ACS"; and access to the system was broadened and 250 new ACS posts were created in the sectors of infant care, support for the disabled and combating social exclusion).
- Broader access to the professional transition bonus in 2004. (This bonus is granted to small and medium-sized enterprises (SMEs) and ASBLs, headquartered or established in Brussels, which hire job-seekers belonging to specific disadvantaged categories and provide them with in-house training accredited by a competent authority).

215. Lastly, the work plan contract (CPP) is a recent example of the ORBEM policy of custom-made support for individual job-seekers and employers.

216. Through CPP, a cross-cutting tool for supporting job-seekers, the employer pledges to implement the vocational project specified (in agreement with ORBEM) and ORBEM undertakes to support the employer in such action. Established in May 2004, CPP represents a signatories' voluntary commitment to meeting the job-seekers' specific requirements and choices in a feasible manner.

217. Three lines of action have been developed:

- Strengthening of the internal units of ORBEM, particularly in terms of human resources (employment counsellors and advisers for active job-seeking and targeted guidance);
- Broadening of the job-seekers' access to e-government in order to enhance their autonomy;
- Building the capacity of partners, particularly members of the network for active job-seeking and local agencies, to enable them to carry out contractual activities.

## 5. Development cooperation

1. Pursuant to the act of 25 May 1999 on Belgian international cooperation, Belgian Cooperation is limited to the following five sectors: Basic health services, basic education, food safety, basic infrastructure and society consolidation. *Accordingly, Belgian Cooperation is no longer active in "productive" sectors, such as industry, services and export-oriented agriculture.* Consequently, Belgian Cooperation projects and programmes do not address issues related to some of the rights specified in article 6 of the Covenant, including employment policy and discrimination with regard to employment.
2. CEDAW, however, is an important frame of reference underlying the strategy note on gender equality (one of the four cross-cutting themes specified in the above act).

Belgian Cooperation supports a number of activities in that area through multilateral partners (including the United Nations Development Fund for Women (UNIFEM)) or bilateral programmes implemented in 18 partner countries.

The programme entitled "Strengthening economic governance: Gender analysis applied to Government budgets", carried out in cooperation with UNIFEM, is probably the most interesting. It consists in examining sectoral policies and national budgets in a given country (to determine whether they eliminate discrimination against women and guarantee their access to public office) and calling upon ministries to improve their sectoral and budgetary policies. Currently, Belgium funds this programme in four countries (Mozambique, Senegal, Ecuador and Morocco).

3. Belgian Cooperation rigorously abides by the rights stipulating non-discrimination (with regard to employment and occupation). For instance, Belgian Cooperation has completely liberalized its bilateral assistance activities, including the area of technical assistance. Accordingly, candidates of any nationality may be recruited to technical assistant posts in Belgian bilateral cooperation projects and programmes.

## ARTICLE 7

*The States parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:*

- (a) *Remuneration which provides all workers, as a minimum, with:*
  - (i) *Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;*
  - (ii) *A decent living for themselves and their families in accordance with the provisions of the present Covenant;*
- (b) *Safe and healthy working conditions;*
- (c) *Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;*
- (d) *Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.*

### **1. Federal level**

- (a) **Wage determination**
- (b) **Minimum monthly wage scheme**
- (c) **Health and safety**
- (d) **Rest periods**
- (e) **Working hours**
- (f) **Night work**
- (g) **Sunday rest**

### **2. Development cooperation**

### **1. Federal level**

#### **(a) Wage determination**

218. Wages are determined according to minimum legal wage schedules set by collective bargaining. Collective agreements take precedence over individual contracts of employment, and the provisions of individual contracts which contravene collective agreements are null and void: in such cases they would be superseded by the amounts laid down in the collective agreement. The rules governing minimum wages are also applicable when a contract is concluded which does not provide for a specific wage or when it is difficult to determine the wage specified.

219. For professional staff, whose wages and working conditions are often not covered by collective agreements, wages are determined by individual bargaining.

220. It is important to note that minimum wage rates are in principle determined by management and labour rather than the governmental authorities. Nevertheless, economic circumstances and the fact that management and labour have not followed the Government's recommendation to

conclude multi-industry agreements have led the Government to take two types of measures: first, regulations on the way in which wages are linked to the consumer price index, and second, a policy of wage moderation.

221. To compensate for loss of purchasing power from currency devaluation (inflation), wages are linked to fluctuations in the consumer price index. From 1 January 1994 onwards, wages have been indexed in accordance with a "health-index" corresponding to the previous index minus a few products (alcohol, tobacco and fuel). The use of this new index, however, cannot result in a drop in wages. The penalty for failure to observe this indexing method can be as severe as a prison term.

222. Wage moderation during the period 1994-1996 meant that no individual contract of employment or collective labour agreement could include wage increases or new entitlements in any form whatsoever. Failure to respect these terms is punishable by imprisonment. The Wage Moderation Act of 26 July 1996 provided for a maximum range of labour cost increase in keeping with the labour cost increase in certain reference countries, applicable for the following two years. The labour cost increase is 6.1 per cent distributed over two years and includes indexing and increments.

223. The wage moderation system was replaced by a system of careful observation of the competitiveness of the Belgian economy vis-à-vis neighbouring countries. The social partners set wage standards on the basis of an assessment of that competitiveness. The wage standards are specified in the text of a multi-sector agreement, which does not constitute a collective agreement but an informal frame of reference for collective bargaining and expresses the social partners' expectations from the Government, regarding, for instance, the modification of existing regulations with a view to facilitating the implementation of the agreement. The system aims at ensuring competitiveness, a principle established by law (act of 26 July 1996 on the promotion of employment and the defence of competitiveness).

224. The Central Economic Council, comprising representatives of the social partners and experts, is specifically responsible for assessing the country's competitiveness. The Council plays a significant role in relation to parliamentary procedures for addressing social and economic issues. Wage-related questions are treated in the latest "Technical report of the Secretariat on maximum margins for changes in wage costs" (4 November 2004) on the Council's web site (<<http://www.acerb.fgov.be>>), which addresses a number of further issues related to the Covenant and discussed in this report.

225. The above questions are handled in accordance with the EES. Belgium's multi-sector agreement covers a two-year period. The multi-sector agreement for the period 2005-2006 is in the finalization stage.

226. To illustrate the relation between minimum wages (and, in some cases, the wages actually practiced) and the cost of living, two tables annexed to this report show the situation as of 11 January 2005 (implementation of Collective Agreement No. 43, discussed in paragraph 72 of the preceding report, sectoral collective agreements concluded under the previous multi-sector agreement and royal decree of 24 December 1993 regarding the linkage of remuneration to the price index).

227. Collective agreements may provide for profit sharing.

**(b) Minimum monthly wage scheme**

228. In Belgium, a minimum income for employed wage-earners is guaranteed by various provisions, such as those stipulating a minimum wage or guaranteeing an income for full-time unemployed who find a part-time job.

*Minimum pay*

229. By establishing, in 1975, the "guaranteed minimum average monthly income" (RMMMMG), Belgium sought to set a minimum income applicable to all wage-earners in the private sector.

230. RMMMMG, introduced on 1 January 1975 under CNT Collective Agreement No. 21 of 15 May 1975, is the minimum income that an employer in the private sector must pay a full-time worker for an average month's work. Employer compliance with this provision should be monitored by systematically calculating the workers' average monthly income.

231. The concept of income is broader than the concept of wage. Joint committees may determine the content of the term "income". If no relevant agreement is concluded, a subsidiary scheme applies. In that event, average monthly income comprises all forms of wages (wages in cash or in kind, fixed or variable wages, and premiums or benefits) due for normal working hours, but does not include some wage elements or components, such as overtime pay, and some benefits, such as the trade union bonus, double holiday allowance, subsidized meals at the restaurant of the enterprise, other allowances (such as for travel expenses or working clothes) or complementary benefits stipulated by law in the event of suspension of the work contract (including health or partial unemployment benefits).

232. Annual income consists of the sum of the above amounts over a calendar year. A monthly average is calculated on the basis of the number of months of work. That average may be compared to the RMMMMG and the employer is expected to make up any difference. The RMMMMG is linked to the health index according to rules in force within the given joint committee. Moreover, the RMMMMG may be raised by a CTN collective agreement separate from the indexation mechanism.

233. As of 1 October 2004, the RMMMMG is equal to €1,210.

*Income guarantee allowance*

234. This complementary unemployment benefit is currently payable to unemployed persons who accept a low-wage part-time job but remain available for full-time employment. The amount of this allowance is a function of the wage received and the unemployment benefit that the worker would be entitled to, if he/she continued to be unemployed. The allowance is accompanied by a lump sum supplement designed to make work more attractive and depending not on the number of hours of work but on the family situation of the worker. With the progressive implementation of the new "employment credit bonus" system since 2005, this supplement will no longer be a lump sum but will be based on the actual number of hours of work (and an hourly rate of €2.75 for a head of household, €1.75 for a single person and €1 for a cohabitant). Only workers employed on at least a one-third-time basis shall be eligible for this supplement, while the worker's total net income shall be capped at the net wage that he/she would receive by working full time on the same job.

235. According to the Labour Force Survey, the number of workers simultaneously holding a full-time and a second job and usually totalling 73- 97 hours of work was only 3,595 in 2002 and 4,102 in 2003. The figure is still lower for workers with a full-time job and a second job which usually requires more than 32 hours.

**(c) Health and safety**

236. In Belgium, health and safety in the workplace are part of the broader concept of well-being in the workplace, developed in the act of 4 August 1996 and the related implementing decisions. The act and decisions in question apply to all workers and employers other than household servants, other domestic workers and their employers. The exception does not apply to the protection of maternity and protection from harassment.

237. Since 11 June 2002, violence and psychological or sexual harassment in the workplace fall specifically within the scope of the act of 4 August 1996 on well-being in the workplace. Mechanisms for the prevention, and for the protection of victims, of such acts are currently in place.

238. The general regulations on protection in the workplace contained all provisions on safety and health. Almost all those provisions have since taken the form of royal decrees and will constitute the code of well-being in the workplace. Accordingly, these new royal decrees are decisions implementing the act of 4 August 1996. Some of them transpose the European directives on the health and safety of workers into the Belgian law.

239. Over and above the afore-mentioned forms of harassment, provisions adopted since 2001 include, inter alia, measures for monitoring the health of the workers, measures specifically regarding such workplaces as temporary or mobile sites, stipulations concerning the coordination of provisions for safety and against exposure to chemical substances in the workplace and specific provisions for the protection of the health of night or shift workers and for the protection of interns.

240. All these measures are taken with a view to improving occupational hygiene, ensuring the safety of workers and protecting their health in the workplace, particularly in order to prevent occupational diseases and reduce the number of industrial accidents.

**(d) Rest periods**

241. When working time exceeds six hours, workers are entitled to a pause whose duration and details are determined by a collective agreement concluded at the level of the sector or the enterprise. In the absence of such an agreement, the worker is entitled to a 15-minute pause after six hours of work at the latest.

242. Every 24-hour period, namely, between two working days, every worker is entitled to a pause of at least 11 consecutive hours. Sunday rest must be combined with the 11-hour pause in order to ensure a pause of 35 consecutive hours every week. A less-than-11-hour daily pause or non-combination of the daily pause with the weekly rest is authorized in certain cases (such as force majeure or work in successive shifts).

243. Workers under 18 are entitled to at least a half-hour break after four and a half hours of work. After six hours of work, they are entitled to a one-hour break, including an uninterrupted

span of at least half an hour. Furthermore, they are entitled to an at least 12-hour pause between two working days.

244. The general regulations also contain provisions governing rest periods for people exposed to high temperatures.

**(e) Working hours**

245. Working hours are limited by law to eight hours per day and 40 hours per week. However, numerous collective agreements (some of which have been made mandatory by a royal decree) provide for shorter hours.

246. Under the act of 10 August 2001 on reconciling employment and quality of life, the weekly working hours, already reduced to 39 through earlier provisions (1 January 1999), was further reduced to 38, effective by 1 January 2003. This measure is applicable to private enterprises and, in the public sector, to establishments carrying out an industrial or commercial activity. The implementation details of this reduction are freely determined (there is an option between a straight-forward reduction to 38 hours or an equivalent reduction to the same number of hours per week over a predetermined period through compensatory leave). The same act provides for a scheme designed to encourage enterprises to reduce working hours to less than 38, with a reduction in social contributions as an incentive.

**(f) Night work**

247. Night work, namely, work between 10 p.m. and 6 a.m., is prohibited as rule.

248. Where night work is possible, current provisions draw a distinction between the following two categories:

- Workers under 18;
- Male and female workers 18 years old or more.

249. Exceptions to the prohibition of night work are of the following three types:

- (a) Automatic exceptions stipulated by law for activities that by their nature take place at night (for instance, in hotels, health care facilities, bakeries and reform schools).
- (b) Exceptions created by royal decree or, failing that, by law. In cases where night work is chosen for economic reasons or made necessary by economic constraints (for instance, work in shifts and perishable substances), a royal decree must be issued after the opinion of the competent joint body has been sought.
- (c) Other exceptions created by royal decree after seeking the opinion of the competent joint committee:
  - For specific sectors, enterprises or occupations;
  - For carrying out specific work.

- (d) Exceptions created in accordance with new schemes related to work (under CNT Collective Agreement of No. 42 of 2 June 1987).

250. Currently, night and shift workers are regarded as persons engaged in an activity entailing a known risk and are subject to compulsory medical supervision. Additional risks or physical and mental tension specific to the activity must be identified. General or - where appropriate - special medical supervision is organized and, with regard to health, the employer must ensure that the above workers enjoy the same protection as others.

**(g) Sunday rest**

251. It is in principle prohibited to make anyone work on Sunday. There are, however, three kinds of exceptions: general exceptions, valid for all Sundays or for an entire day; partial exceptions, valid for certain Sundays or for part of the day; and work in shifts. Exemptions are also allowed for tourist centres, the list of which has been expanded.

252. A worker must be unoccupied on ten public holidays per year. A public holiday that falls on a Sunday or another non-working day is replaced by a working day. Work on public holidays may be authorized according to the same rules as work on Sunday. A worker who works on a public holiday is entitled to compensatory leave to be taken within six weeks.

253. A worker is entitled to remuneration for every public holiday or holiday-replacement day on which he/she is does not work and for every day of compensatory leave.

**2. Development cooperation**

1. Pursuant to the act of 25 May 1999 on Belgian international cooperation, Belgian Cooperation is limited to the following five sectors: Basic health services, basic education, food safety, basic infrastructure and society consolidation. *Accordingly, Belgian Cooperation is no longer active in "productive" sectors, such as industry, services and export-oriented agriculture.* Consequently, Belgian Cooperation projects and programmes do not address issues related to some of the rights specified in article 7 of the Covenant.
2. Belgian Cooperation supports economic rights indirectly, particularly by encouraging fair trade. For years, Belgian Cooperation has been financing activities designed to raise awareness of fair trade issues among Belgian actors. Fair trade bodies rigorously monitor the implementation of the rights specified in article 7. As in other European countries, the market share of the products concerned is expanding.
3. The only bilateral cooperation programmes that are directly related to the rights specified in article 7 involve civil-service reform. They address, inter alia, wages and working conditions and include, for instance, a reform programme carried out in close cooperation with the United Nations Development Programme (UNDP) in the Democratic Republic of Congo. In this type of programme, collaboration with United Nations agencies, guarantors of internationally acknowledged rights, is crucial.

## ARTICLE 8 (Trade union rights)

1. *The States parties to the present Covenant undertake to ensure:*

(a) *The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;*

(b) *The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;*

(c) *The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;*

(d) *The right to strike, provided that it is exercised in conformity with the laws of the particular country.*

2. *This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the civil service.*

3. *Nothing in this article shall authorize States parties to the ILO Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.*

1. **Federal level**
2. **Development cooperation**

### 1. Federal level

254. The situation described in the preceding report has remained unchanged. Regarding the private sector, the act of 5 December 1968 on collective labour agreements and joint committees continues to form the legal basis for industrial relations in Belgium. The rules governing CNT are laid down in the act of 29 May 1952 establishing CNT.

255. The web site of the Federal Department of Employment, Labour and Social dialogue (<<http://www.meta.fgov.be>>) provides considerable information on legal provisions, joint committees and collective labour agreements as well as links to organizations representing workers and employers.

256. The CNT web site (<<http://www.cnt-nar.be>>) provides information not only on collective agreements concluded at the level of the Council but also on the opinions and reports drawn up by that important body.

257. Globalization has reinforced the trend toward enterprise relocations, with a significant loss of jobs, and considerably intensified the problems related to competitiveness. Those

developments have complicated the context for social dialogue. The issues linked to the restructuring of enterprises have led to trade disputes. It became necessary to enhance the rights of workers to be informed and consulted. In this connection, it would be useful to refer to the reports submitted by Belgium in the framework of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (EFSRA) adopted by the ILO Governing Body. This report describes specific situations. The above reports are available on the ILO web site (<<http://www.ilo.org>>).

258. The ILO web site also provides information (contained in the ILOLEX database) on the ratification of international work-related conventions by Belgium.

259. Belgium has also ratified the European Social Charter (a Council of Europe treaty).

260. In Belgium, the settlement of trade disputes relies on the principle of voluntary conciliation. A corps of social conciliators, part of the General Directorate of Collective Labour Relations, is at the disposal of the parties. As a rule, these conciliators chair joint committees. Each joint committee comprises a conciliation office (under the above-mentioned act of 5 December 1968). Basic services are provided under the act of 9 August 1948 on services in the public interest in peacetime, which stipulates that the social partners shall define the tasks in question in the framework of joint committees.

261. Statistical data on industrial relations in Belgium are provided as an annex.

## **2. Development cooperation**

1. Belgian Cooperation has been active in the area of trade union rights for years. In 2002, the Council of Ministers approved funding trade unions - broadly speaking, their operation - in developing countries. Such support significantly contributes to democratization and social dialogue in accordance with the act on Belgian international cooperation.

Negotiations regarding this cooperation began in September 2002. An agreement was concluded with the Institute for International Workers' Education (IIWE), the European Trades Union Confederation (ETUC) and the Movement for International Solidarity (MIS).

These bodies may formulate every year a programme covering a number of countries and types of activities.

2. Belgium has also supported the ILO programme entitled "Promotion of Social Dialogue in French Speaking Africa" (PRODIAF).

Launched in 1998 and funded mainly by the Belgian government, this regional programme covers about 20 countries.

PRODIAF aims mainly at helping French-speaking African countries to strengthen tripartite cooperation structures at the national and sub-regional levels and enabling the Governments and social partners to evaluate their social dialogue and tripartite cooperation systems and to examine all rectifications, modifications and improvements. The programme focuses on the institutional and organizational aspects of tripartite consultation and negotiation mechanisms.

PRODIAF helps the countries concerned to assess the situation, strengthen their institutions, enhance their deliberative and negotiation capacities, carry out research activities and build a network of social dialogue practitioners and experts in Africa.

One recent example, supported by Belgian Cooperation, of PRODIAF activities is located at Lubumbashi, Democratic Republic of the Congo and consists in organizing three training workshops for the promotion of decent work in the Katanga mining sector.

## ARTICLE 9

*The States parties to the present Covenant recognize the right of everyone to social security, including social insurance.*

1. **Federal level**
  - (a) **Social security organization, funding and participation**
  - (b) **Health benefits**
  - (c) **Industrial accidents and occupational disease**
  - (d) **Pensions**
  - (e) **Unemployment**
2. **Flemish Community**
3. **Walloon Region / French-speaking Community**
4. **Development cooperation**

### 1. Federal level

- (a) **Social security organization, funding and participation**

*Reconciling employment and quality of life*

262. The act of 10 August 2001 on reconciling employment and quality of life provides for reductions of employer contributions for social security in order to promote a general reduction of working time to 38 hours per week and encourage the implementation of schemes for time credit, career reduction and reduction in working hours to half-time.

263. The same act also provides for the right to a 10-day paternity leave and to adoption leave.

*The status of volunteers*

264. Volunteers and the agencies having recourse to their services are exempted from social security participation, provided that the volunteer's activities are carried out in the interest of others and of the agency, operating on a non-profit basis; that the volunteer's compensation does not exceed €27.37 per day and €1,094.79 per year; and that the volunteer does not carry out other, remunerated activities in the same agency.

*The e-government project*

265. The social security e-government project for social security management provides for computerizing administrative procedures to streamline declaration forms and facilitate record keeping. The project consists of three major components:

*(a) Generalization of the immediate notification of employment (DIMONA):*

266. Since 1 January 2003, all public and private employers have an obligation to immediately inform NOSS of any start or end of employment.

267. This notification significantly simplifies administration. It requires the employer to provide only a limited amount of information to the authorities, namely, the employer's NOSS registration number, the worker's national registration number, the joint committee number, and the date of start or end of employment.

*(b) Generalization of the NOSS multi-purpose electronic statement:*

268. Since 1 January 2003, wage and work-hours statements to NOSS are submitted electronically.

269. These statements are quarterly and are based on codified classifications of data regarding working time and the calculation of contributions to NOSS, vacation pay and pensions.

270. Using these statements, employers no longer need to periodically submit redundant information to the various social security bodies.

271. Currently, the information in question is required and submitted only once, in the form of the NOSS multi-purpose electronic statement. The data are then transmitted to social security bodies as a function of the social security branch concerned.

*(c) Computerization of the social risk declaration:*

272. After a long illness, an industrial accident or a dismissal, social security bodies need information in addition to the data contained in the multi-purpose statement. This additional information is provided as necessary, through a social risk declaration specific to the social risk concerned.

*Autonomous public undertakings*

273. The contractual staff of autonomous public undertakings is henceforth subject to the general social security scheme applicable to the private sector. Their statutory personnel is still subject to the special social security scheme applicable to the public sector.

274. Accordingly, contractual personnel of the above undertakings is subject to the general social security scheme for waged workers in respect of all social security branches.

*The scheme for under age labourers*

275. Financial programme act I of 24 December 2002 integrates the special scheme for under age labourers into the general social security scheme for waged workers.

Accordingly, in respect of social security, under age labourers are assimilated to waged workers.

*Welfare status of artists*

276. With effect on 1 July 2003, the irrefutable presumption that artists enjoy waged-worker status has been transformed into refutable assimilation to waged workers.

277. An artist may opt for the welfare status of self-employed workers, if it can be proved that, vis-à-vis the employer, the artist's status is not similar to the status of a waged worker.

278. An "Artists' committee" has been set up to inform artists of their rights, advise them or provide them with a self-employed worker statement for a fixed period.

279. A royal decree dated 23 June 2003 reduces the employer's contributions by granting exemption on a fixed part of the average daily or hourly wage of an employed artist.

*Streamlining of social security contribution reduction schemes*

280. Financial programme act I of 24 December 2002 streamlined a number of employer's contribution reduction schemes.

281. The reduction in question consists of two parts: a general reduction, called structural reduction, of the contribution, as a function of the worker's reference wage; and a reduction for specific target groups, equal to a fixed amount depending on various criteria that the employer and/or worker must meet.

282. The target groups in question are the following:

- Workers 58 years old or more;
- Long-term job-seekers;
- First workers hired;
- Young workers;
- Workers subject to a collective reduction of working time or a four-day week;
- Workers dismissed as a result of restructuring.

*Welfare status of childminders*

283. According to a reform dated 19 July 2002, accredited childminders are entitled to minimum social protection.

284. Since 1 April 2003, childminders enjoy special social protection. They are covered against illness, inability to work, occupational disease and industrial accidents and are entitled to a family allowance and a retirement pension. They may also claim compensation when a child is absent for one day for reasons beyond the childminder's control. The amount depends on the number of children normally looked after and the number of children absent.

285. The legislation in question meets a twofold concern: preservation of the childminders' autonomy and enjoyment of full social protection.

*Preservation of some reductions in employer contributions for social security when the employer merges, splits or is transformed*

286. Financial programme act II of 27 December 2004 provides for the continuation of contribution reductions in the event of transformation of the legal structure of an employer belonging to some specified categories.

287. In the event of a merger, split or similar operation concerning commercial companies; of purchase of the business of self-employed worker by a company; or of constitution of a non-profit legal entity subsequent to the dissolution and liquidation of other non-profit legal entities, the employers may continue to enjoy the contribution reductions to which the predecessors had been entitled.

*Single enterprise number*

288. The act of 16 January 2003 establishing a *Banque-Carrefour des Entreprises* (BCE) modernizing the trade register, setting up approved business assistance services and implementing various provisions provides for obligatory use of an "enterprise number" in all of an enterprise's contacts with administrative and judicial authorities and in all official correspondence.

289. As of 1 January 2005, every enterprise is identifiable, in all contacts with authorities, through the single enterprise number (BCE number).

290. Essential data regarding any individual enterprise will be available through BCE. Eventually, the BCE number will be an enterprise's sole identification number and will replace the NOSS registration number.

*Welfare status of self-employed workers*

291. Under the financial programme act of 24 December 2002, any self-employed person's spouse having no personal right to benefits, based on a compulsory retirement-pension, family-allowance or health and disability insurance scheme, that are at least equal to the welfare benefits enjoyed by the self-employed person shall be presumed to be an assisting spouse.

292. As of 1 January 2003, assisting spouses are obligatory participants in the health and disability insurance scheme, with entitlement to compensation (including maternity benefits); and optional participants in the other components of the self-employed worker's welfare status, namely, retirement-pension and health-care insurance and family benefits (participation obligatory as of 1 July 2005).

293. In view of their participation, assisting spouses are liable for social security contributions.

294. With regard to social security contributions:

- Calculation has been simplified for self-employed workers. Currently, the contribution comprises the rate-based increment (*brutage*) and the fixed contribution. Maxima and minima are adjusted in a way precluding any impact on the amounts due.

- Under the financial programme act of 22 December 2003 and the royal decree of 31 July 2004, the contribution payable by companies as of 2004 is a function of their size.

**(b) Sickness benefits**

*Self-employed workers*

295. The royal decree of 15 January 2001 reduced the period of non-compensated primary disablement from three months to one month.

296. The royal decree of 10 July 2002 increased incapacity-for-work compensation paid to unemployed workers for the period of primary disablement, and the disability benefits paid after closure or full cessation of an enterprise.

**(c) Industrial accidents and occupational disease**

*Wage ceiling for the calculation of benefits*

297. In virtue of the financial programme act of 9 July 2004, the ceiling in question was aligned, as of 1 September 2004, with the ceiling applicable to health insurance.

298. The ensuing increase in benefits is not to be borne by the insurance enterprises but by the Occupational accidents fund.

299. The new ceiling applies also to occupational disease benefits.

*Reimbursement of travel expenses*

300. The maximum amount payable to an industrial-accident victim by the insurance enterprise for any travel expenses incurred as a result of the accident and any accommodation expenses incurred as a result of the travel had not changed since 1972, and was raised in 2004 to €27.27 per night.

*Pilot project regarding occupational disease prevention*

301. In 2004, an important pilot-project was launched in the area of dorsal ailment prevention among persons employed in certain hospitals, psychiatric institutions and nursing and convalescent homes. The project sets criteria to be met by candidates for the prevention programme, determines the facilities concerned and addresses organizational, funding and operational issues.

**(d) Pensions**

*Guaranteed income for the elderly*

302. Earlier provisions on guaranteed income for the elderly have been replaced by GRAPA (act of 22 March 2001). The objective is the same, namely, providing the elderly with enough resources to live in dignity. GRAPA is based on equal treatment in respect of age and calculation methods. Minimum beneficiary age for both men and women was initially set at 62 years and

raised to 63, 64 and 65 years in, respectively, 2003, 2006 and 2009. The amount of the benefit no longer depends on civil status.

303. Persons sharing the same main residence may each claim the same basic amount of the benefit (individual entitlement). A person living alone may claim the basic amount increased by 50 per cent. To assess the benefit in case of cohabitation, account is taken of all resources of the individual concerned and of any other persons sharing the (main) residence.

#### *Fixed daily remuneration*

304. In order to defuse any "employment traps", provisions adopted in 2001 and amended in 2004 stipulate that in certain cases, particularly in connection with the re-employment of dismissed workers who are 50 years old or more, the calculation of the retirement pension is based on a fixed daily remuneration rather than the worker's actual remuneration, where the latter is lower.

#### *Fund for population aging*

305. The act of 5 September 2001 established the fund in question as a way of building reserves to meet, in coming years, additional pension-scheme expenditures occasioned by population aging.

#### *Maximum authorized income from employment*

306. In 2002, the ceilings on income from employment that the beneficiaries of a retirement or survivor's pension may earn after the legal retirement age (65 for men and 63 for women) were raised by about 50 per cent in order to encourage the participation of the elderly in active life. The ceilings for retirees under the above age increased by 2 per cent. In 2004, the ceilings for the first category were raised by a further 25 per cent.

#### *Assimilation of time-credit to employment periods*

307. A royal decree dated 21 January 2003 modified the way of assimilating time credit to employment periods for the calculation of the pension of waged workers. Currently, costless assimilation of full-time or part-time career reduction periods is limited to 12 or 36 months. Where working time is reduced by one fifth, assimilation is costless for a maximum period of 60 months. As in the preceding scheme, assimilation is costless up to retirement age for workers who are 50 years old or more and have reduced their working time by 50 per cent or by one fifth.

#### *Second-pillar pension funds*

308. An act dated 28 April 2003 aims at stimulating the creation of second-pillar pension funds in the framework of sectoral collective labour agreements and disconnecting such funds from the wage scale in order to make complementary pensions more broadly accessible. Instead of being designed solely for some workers (professional and salaried staff, and the personnel of a sector's largest enterprises), such pensions are now available for all (including labourers and MME personnel).

*Pension raises and readjustments*

309. Since the preceding report, an effort has been made to raise the smaller pensions (guaranteed income for the elderly and minimum retirement pensions) and to adjust the oldest pensions for well-being, namely, in line with the development of wages.

**(e) Unemployment**

310. The text below is reproduced from the chapter on unemployment in the Social Security Service publication entitled "Everything you have always wanted to know about social security" (October 2004).

311. The unemployment sector is discussed here mainly in relation to its primary role as a source of income substitution benefits for fully unemployed job-seekers and non-job-seekers. However, the sector has a much broader scope, as it provides support for reduction in working hours on a part- or full-time basis (career reduction or time credit), partial resumption of work, training and childminding. The sector also supports resumption of work by members of risk groups and the development of neighbourhood-based services.

312. In principle, the unemployment sector exclusively targets waged workers. Self-employed persons may not claim unemployment benefits, since they do not pay the required contributions. Under certain conditions, however, self-employed persons who find themselves without work but had been waged workers (or unemployed) before becoming self-employed may claim unemployment benefits. Civil servants do not contribute to the unemployment scheme either, on the grounds that they enjoy permanent appointments and may not find themselves unemployed. Today, however, civil servants too may be subject to dismissal. Accordingly, a very specific scheme has been developed for civil servants to enable them as well to claim unemployment benefits. A similar scheme applies to the military.

313. In short, waged employment subject to unemployment contributions may provide entitlement to unemployment benefits. This does not apply, inter alia, to casual work, student contracts or the labour of domestic workers who do not reside in the home of their employer and do not work more than four hours per day for a single employer or at least 24 hours per week for several employers.

*Eligibility and prerequisites for entitlement*

314. Participation in the social security scheme for waged workers is not a sufficient condition for entitlement to unemployment benefits. A sufficient number of days worked, or assimilated thereto, in a specific reference period must be proved. The length of the reference period, which precedes the application for unemployment benefits, and the above number of days depend on the worker's age, as shown in the following table:

<i>Years of age</i>	<i>Number of days worked or assimilated thereto</i>	<i>Reference period (in months)</i>
Under 36	312	18
36-49	468	27
50 or more	624	36

315. Meeting the prerequisites stipulated for an older age group, instead of one's own, provides entitlement to unemployment benefits. From age 36 onwards, it is still possible, under certain conditions, to make use of the days worked, or assimilated thereto, within 10 years preceding the reference period. The reference period indicated in the table may be extended on various grounds.

316. Days assimilated to days worked are, for instance, days covered by health insurance, paid vacation days and strike days.

317. Persons having done part-time voluntary work must prove as many half-days worked in the above reference period, lengthened by six months, as the number of full days specified above. In exceptional situations, the law enables part-time voluntary workers to be assimilated to full-time workers.

318. Claiming unemployment benefits is subject to the specific conditions listed below.

1. Not receiving any remuneration

319. A worker may not claim unemployment benefits while still receiving pay in lieu of notice or dismissal compensation from his/her former employer.

2. Not working

320. Work done by the unemployed person on his/her own behalf must be limited to the normal management of that person's property and may not enter the circular flow of goods and services in the economy. For instance, the above person may not build his/her own house. Moreover, the unemployed person may not carry out for a third party any work yielding any remuneration or benefit in kind to the unemployed person or his/her family. Working for someone is presumed to yield some benefit. Accordingly, the worker must prove that no benefit is involved or request authorisation before doing such work. Some subsidiary types of work may be authorized subject to prior approval, provided the petitioner has carried out such work, while still a waged worker, for at least three months before filing an application for unemployment benefits. Furthermore, the work in question must be done between 6 p.m. and 7 a.m.

3. Being unemployed for reasons beyond one's control

321. Generally speaking, a person having caused his/her own unemployment may claim unemployment benefits only after a certain period. Such claims are considered on a case-by-case basis.

4. Being available for employment

322. Job-seekers must register with FOREM (Walloon Region), VDAB (Flemish Region) or ORBEM (Brussels-Capital Region) and accept any job that may be considered appropriate. Moreover, they must actively seek employment. Since 2004, there is systematic follow-up in this area and those who refuse or fail to comply with a contract stipulating "active seeking" are subject to penalties. This approach is expected to gradually replace practices which lead to long-term unemployment and exclusion.

5. Being capable of working

323. The unemployed person concerned should be fit for work. In the event of illness or disability, he/she is entitled to the respective benefits.

6. Complying with monitoring requirements

324. As a rule, the unemployed persons concerned must, on the third and 26th day of each month, report at the monitoring unit in the community where they reside. Unemployed persons belonging to certain categories, such as elderly workers (50 years old or more), are expected to show up only once a month (a measure known as "mini-dispensation") or, under certain circumstances, are exempted altogether (this is known as "maxi-dispensation").

7. Residing in Belgium

325. Starting at 60, elderly unemployed persons, those enjoying "maxi-dispensation" and early-pension beneficiaries are only required to reside in Belgium most of the year.

8. Being under the legal retirement age

326. Unemployed persons cease to be eligible for unemployment benefits once they attain the legal retirement age (on the first day of the following month). That age is 65 for men and (since 2006) 64 for women. In 2009, it will become 65 for women also (cf. section entitled "Pensions").

327. Exceptions to the above prerequisites are many. Some are mentioned above. For instance, unemployed early-pension beneficiaries are not only exempt from monitoring and availability requirements, but also from holding a control card and losing their benefits in the event of disability. Under certain conditions, they may carry out a non-profit activity on their own behalf (such as construction work in their home) or engage in a subsidiary activity, even though they may have not done so for at least three months while still being waged workers. The last two exemptions are available to elderly unemployed persons also.

*Benefits*

1. Unemployment subsequent to full-time employment

328. A full-time worker who finds himself/herself fully unemployed is entitled to benefits for every week day, except Sunday. To qualify as full-time employment, a job must meet two prerequisites: contractual working time normally equivalent to the maximum number of working hours practised in the enterprise, and pay equal to a full week's wage. A worker who earns at least the RMMMAG and is eligible (cf. above) is considered a full-time worker. An unemployed person entitled to benefits for all week days (except Sunday) may keep this right even after resuming work on a part-time basis, by applying for the status of a "part-time worker with continuing benefits" at the start of the part-time employment in question, during which, moreover, that person may, under specific conditions, claim an income guarantee allowance in addition to the wage.

329. A person who qualifies neither as a full-time worker nor as a part-time worker with continuing benefits might be able to claim benefits as a part-time voluntary worker. If fully unemployed, he/she might then receive benefits reduced in proportion to the contractual working

time, which must be equal to at least 12 hours or one-third-time employment. In the event of resumption of work for fewer hours, some part of the benefits might still be preservable.

2. Amount of the benefits

330. The amount of the benefits depends on the worker's family situation, duration of joblessness and former average daily wage.

331. Unemployed workers are classified as follows:

- Waged workers with dependents. Unemployment implies loss of the sole family income.
- Single workers living alone. Unemployment implies loss of the sole family income but there are no dependents.
- Workers living with a partner. Unemployment does not imply loss of the sole family income.

332. The basic unemployment benefit amounts to 40 per cent of the average daily wage, subject to a EUR 67.07 ceiling as of 1 August 2005. Per-cent increments to this basic 40 per cent rate are possible as a function of the category to which the worker belongs and the duration of joblessness.

333. The following three percent increments are available:

(a) Retraining allowance (15 per cent)

This allowance is paid to workers with dependents, those living alone and those living with a partner, during the first year of unemployment.

(b) Compensation for loss of one's sole income (5 per cent)

This allowance is paid to workers with dependents and those living alone and is not subject to any time limit, although in the case of workers living alone it is set equal to 10 per cent after one year of unemployment.

(c) Family supplement (15 per cent)

This supplement is paid to workers with dependents after one year of unemployment, to compensate the loss of the retraining allowance.

334. The *second period* of unemployment starts at the end of the first year of unemployment and is of unlimited duration for the first two categories of unemployed workers but of limited duration for the third. For workers living with a partner, the second period lasts in principle three months but can be extended by three months for every year of past waged employment (including days assimilated to days worked). Thereafter, unemployed workers living with a partner enter the third period and are entitled to a EUR 15.27 flat rate, which under certain conditions is increased to EUR 20.03 (as of 1 August 2005).

335. The table below shows the average daily wage percentage rates that workers in the various categories may claim during each unemployment period (% unless otherwise specified).

<i>Categories</i>	<i>1st year of unemployment</i>	<i>2nd period</i>	<i>3rd period</i>
Workers with dependents	60	60	60
Workers living alone	60	50	50
Workers living with a partner	55	40	EUR 14.97 (possibly EUR 19.64)

(d) Seniority supplement

336. After the first year of unemployment, workers 50 years old or more may claim seniority supplement, provided that they meet the following conditions:

- Proving a previous waged employment for 20 years;
- Not receiving any early retirement pension based on a collective labour agreement or any early retirement pension as a frontier worker.

337. The amount of the seniority supplement is a function of the unemployed person's family status and age.

338. In addition to the above benefits, there are provisions for *waiting allowances* for young people who have finished their studies and wait to find work or enter the unemployment benefits scheme. Waiting allowances depending on the age and family status of the persons concerned.

3. Procedure

339. Unemployment benefits are not granted automatically. The worker must file an application with a benefits payment agency, to be chosen among bodies linked to a trade union or to the Ancillary fund for the disbursement of unemployment benefits (CAPAC).

*Exclusion and penalties*

340. Unemployed persons may in certain cases be excluded from benefit schemes or suffer penalties. The main grounds for exclusion are as follows:

(a) Voluntary unemployment

Unemployment is considered voluntary in the following cases:

- Leaving a job without a legally valid reason;
- Being dismissed as a result of adopting an incorrect attitude;
- Failing to meet an employer subsequent to a request to do so by the placement services or refusing an appropriate job offer;

- Failing to report to a competent employment or vocational training unit;
  - Refusing or failing a counselling programme;
  - Failing to make job-seeking efforts considered as inadequate.
- (b) Unavailability for employment as a result of:
- A legal provision or an actual situation, such as being on maternity or paternity leave;
  - Conditions attached by the worker to the resumption of employment.
- (c) Long-term unemployment

341. Unemployment benefits may be suspended in the case of an unemployed worker under 50, living with a partner and having been jobless for a period whose length is determined by the unemployment office in view of the unemployed person's gender and age.

342. Gradually, this reason for exclusion is abolished - for persons under 30 as of 1 July 2004, for persons under 40 as of 1 July 2005 and for other persons under 50 as of 1 July 2006 - and replaced by monitoring the worker's job-seeking efforts and provisions for possible penalties (cf. "Be available for employment" above).

- (d) Failure to submit an obligatory statement in time, making an incorrect or incomplete statement or using of faulty documents

In such a case, unduly received benefits may be recoverable and the right to unemployment benefits may be forfeited for a given period.

343. Where fraudulent intention is proved, criminal proceedings may be instituted.

#### *Early retirees and young persons leaving school*

344. Regardless of their family situation, older waged workers taking early retirement are entitled, up to the actual retirement date, to unemployment benefits equal to 60 per cent of their wage, subject to a ceiling in that period; and to an additional compensation payable by their former employer.

345. Young people leaving school are not immediately entitled to an unemployment allowance. There is a waiting period, during which they may claim benefits. The length of that period depends on their age. Subsequently they receive a flat-rate waiting allowance based on their family situation and age.

#### *Employment measures*

346. In recent years, various measures were taken to promote employment and reduce the unemployment rate, including particularly Maribel, first-job collective agreements and harmonization of hiring plans. Trough reduced social security contributions, these measures are mainly designed to encourage certain employers to recruit from specific categories.

347. Further measures (such as the Activa Plan, neighbourhood-based services and jobs, PTPs and local employment agencies (ALEs)) have been taken to enhance the access of long-term unemployed workers to unemployment benefits, a part of which is contributed by ONEM.

348. The various Regions have also developed specific employment programmes, mainly targeting long-term unemployed workers.

## **2. Flemish Community**

349. On 30 March 1999, the Flemish Community adopted a decree on the organization of care insurance. Under this decree and the related implementing decisions, Flemish care insurance entered into force on 1 October 2001 and is operational.

350. Flemish care insurance has been characterized as "assistance to persons" which, in accordance with the Belgian system of regional jurisdiction, falls within the competence of the Flemish Community. At the level of European law, however, care insurance has been viewed as "medical insurance" and therefore - as a form of "health insurance" - part of social security. For that reason, Flemish care insurance is briefly explained in this report.

### *1. What is the Flemish care insurance?*

351. The Flemish care insurance provides for a flat-rate benefit towards covering non-medical expenses incurred by persons suffering from significant and prolonged reduced autonomy. The benefits may be granted for neighbourhood-based care, domestic care and care provided in a residential facility.

### *2. Beneficiaries and benefits*

#### *(a) Membership*

352. Membership of a care insurance fund is compulsory for persons 25 years old or more:

- Who reside in the Flemish Region;
- Who reside in a European Economic Area (EEA) country other than Belgium or in Switzerland and who, according to Regulation (EEC) No 1408/71 of the Council, are entitled to Belgian social security benefits by virtue of their personal rights and to employment-related benefits in the Flemish Region.

353. Membership is optional for persons 25 years old or more:

- Who reside in the Brussels-Capital Region;
- Who reside in an EEA country other than Belgium or in Switzerland and who, according to Regulation (EEC) No 1408/71 of the Council, are entitled to Belgian social security benefits by virtue of their personal rights and to employment-related benefits in the Brussels-Capital Region.

354. Membership is neither compulsory nor optional for persons:

- Who reside in the Flemish Region or in the Brussels-Capital Region and who, according to Regulation (EEC) No 1408/71 of the Council and by virtue of their personal rights, are subject to the social security system of a European Economic Area (EEA) country other than Belgium or of Switzerland.
- Who may rely on an international treaty or agreement, to which Belgium is a party and which provides for an exemption with respect to social security.

(b) Benefits

355. Flemish care insurance benefits may be granted to persons affiliated with a care insurance fund and to persons under 25 residing in the Flemish Region or the Brussels-Capital Region.

3. *Financing*

356. Flemish care insurance is funded by a subsidy from the general means of action and by members' contributions, amounting to €25 per year or, for persons entitled to higher insurance benefits under article 37, paragraphs (1) (b) and (19) of the act on health-care compulsory insurance and benefits, coordinated on 14 July 1994, to €10 per year.

4. *Benefits*

357. Benefits amount to a flat monthly rate of €90 for neighbourhood-based and domestic care and €125 for care in a residential facility.

5. *Organization*

(a) Flemish Care Fund

358. The Flemish Care Fund accomplishes the following tasks:

- Subsidizing care-insurance funds;
- Creating and managing financial reserves for meeting future expenses;
- Without prejudice to reviews by the Insurance enterprises audit unit and the Mutual benefit associations audit unit, supervising and monitoring the management, operation and financial situation of care insurance funds;
- Collecting and processing data provided by the care insurance funds.

(b) Care-insurance funds

359. There are eight care insurance funds. They have the following tasks:

- Screening applications for reimbursement of expenses;
- Ensuring the implementation of decisions to reimburse expenses;
- Recording information on memberships, applications and commitments to reimburse expenses;

- Receiving members' contributions;
- Where appropriate, managing their own financial reserves.

6. *Main legislation*

- Decree of 30 March 1999 on the organization of care insurance (*Moniteur belge* (official journal) of 28 May 1999), amended by:
  - Decree of 22 December 1999 (*Moniteur belge*, 30 December 1999)
  - Decree of 8 December 2000 (*Moniteur belge*, 13 January 2001)
  - Jurisdiction and Procedure Court decision of 13 March 2001 (*Moniteur belge*, 27 March 2001)
  - Decree of 18 May 2001 (*Moniteur belge*, 28 July 2001)
  - Decree of 20 December 2002 (*Moniteur belge*, 31 December 2002)
  - Decree of 30 April 2004 (*Moniteur belge*, 9 June 2004)
  - Flemish Government decision of 8 June 2000 on the organization, management and operation of the Flemish Care Fund (*Vlaams Zorgfonds* or *Fonds flamand d'Assurance Soins*), as successively amended.

**3. Walloon Region / French-speaking Community**

360. Considering that the Federal Government has exclusive competence in the area of social security, the Walloon Region and the French-speaking Community have not set up any mechanism comparable to that of the Flemish Community.

361. The French-speaking Community and the Walloon Region filed an application, dated 3 December 2004, for setting aside the Flemish mechanism on the grounds that it violates various articles of the Constitution, the special act on constitutional reforms of 8 August 1980, various articles of the European Community Treaty and articles 2, 3, 13, 18, 19, 20, 25 and 28 of Regulation (EEC) No. 1408/71 of the Council.

362. The above dispute is still pending before the Jurisdiction and Procedure Court.

363. On 17 December 2002, the European Commission questioned the Belgian State on the compatibility of the Flemish Parliament decree of 30 March 1999 on the organization of care insurance, as amended by the decree of 18 May 2001, with European Community legislation.

364. The Commission noted in particular that "[its] services [had] indicated that certain provisions in the decree are not in line with European Community legislation, particularly with regard to the obligatory membership criterion and the terms governing the reimbursement of expenses in the case of persons subject to Regulation (EEC) No. 1408/71 of the Council".

365. Subsequent to the above request for explanations, the Flemish Community amended a second time, by a decree dated 30 April 2004, the decree of 30 March 1999.

#### 4. Development cooperation

Basic health care has always been a priority sector for Belgian Cooperation. The General Directorate for Development Cooperation strategy note on "Basic Health" of August 2002 is based on, inter alia, the universal right to basic health and refers to the various relevant international declarations and conventions. It states that "Belgium shares the international community's goal of ensuring that partner countries are able to offer a minimum package of health services to all ...".

Belgium adheres to the principle that every person has a right to health services and that persons facing the same needs are entitled to equal treatment regardless of their financial possibilities.

Accordingly, financial and other resources must, on a priority basis, be channelled to quality basic-health services accessible to all, including the poorest population sections.

In order to enhance the accessibility of basic health services, Belgium favours reducing direct payment for such services to a minimum, since, as a rule, the destitute cannot afford those services.

Belgium therefore supports in a number of countries activities aimed at strengthening social security mechanisms, targeting in particular the poorest population sections, as explained below.

1. The most significant programme that Belgian Cooperation supports in this area is the ILO programme entitled "Strategies and Tools against social Exclusion and Poverty" ("STEP"). STEP is a world-wide programme for combating social exclusion and poverty in line with the outcomes of the major international social-development summits, held in Copenhagen and Geneva.

During the International Labour Conference of June 2001, the Governments and employers' and workers' organizations reached a consensus on the need to improve and broaden social security cover to all those who need such protection. Accordingly, ILO launched in June 2003 the Global Campaign on Social Security and Coverage for All. STEP, the key operational instrument for that campaign, aims at broadening social protection and combating social exclusion. The programme carries out field, research, training and knowledge-dissemination activities with a view to broadening the scope and raising the effectiveness of social protection for all.

In the face of inadequate welfare cover, STEP develops innovative strategies and mechanisms specially designed for the protection of persons excluded from existing systems. STEP promotes community-based social-protection systems (particularly mutual benefit associations) and social-security mechanisms addressing excluded persons and the responsible professional staff in organizations active in that area. STEP also works on linkages between these instruments and the national welfare systems. This particular component is supported by Belgian Cooperation.

Currently, STEP funds approximately 30 projects.

2. Moreover, Belgium engages in bilateral cooperation. Recently, for instance, Belgium decided to support the comprehensive health service (SIS) fund in Peru, where the formal social-security system fails to cover the poorest population sections, particularly people living in rural areas and in shanty towns. The objective of the SIS programme is to establish a social security system for such groups. The Belgian contribution targets in particular the rural areas.

## **ARTICLE 10**

*The States parties to the present Covenant recognize that:*

1. *The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.*

2. *Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.*

3. *Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.*

### **1. Federal level**

#### **(a) Protection of the family**

#### **(b) Maternity care**

1. **Female waged workers**
2. **Female self-employed workers**
3. **Adoption leave**

#### **(c) Protection of children**

1. **Legislation**
2. **Family allowances**
3. **Protection of under age and young workers**

### **2. Development cooperation**

### **1. Federal level**

#### **(a) Protection of the family**

366. Reference is made here to the information provided by Belgium in the reports on the implementation of the International covenant on civil and political rights (CCPR) (written report dated 2003 and oral defence of that report in July 2004), articles 23 and 24; and to Belgium's reports on the implementation of the Convention on the Rights of the Child (CRC) and of CEDAW.

367. Nevertheless, the facts discussed in the following paragraphs should be highlighted.

368. In recent years, the initiatives listed below were taken with a view to strengthening family protection.

369. The *act of 30 June 1994* amending article 931 of the judicial code and the provisions on divorce (*Moniteur belge*, 21 July 1994), combined with the *act of 20 May 1997* amending judicial and the civil code provisions on divorce proceedings, has, generally speaking, completely recast those procedures with a view to simplifying them and rendering them more compassionate.

370. The *act of 24 November 1997*, aimed at combating violence within couples, introduces into the criminal code the concept of a crime and an offence against a spouse as an aggravating circumstance in cases involving the offences referred to in articles 398 to 405, which deal with intentional homicide not categorized as murder and with intentional bodily injury.

371. The *act of 23 November 1998*, which took effect on 1 January 2000, instituted legal cohabitation (articles 1475 to 1479 of the civil code): the shared living arrangements of two people who make a declaration of legal cohabitation. The declaration is made in writing to the civil registrar for the area where they have their shared domicile; the registrar acknowledges it with a receipt. The two parties must be capable of entering into a contract and must not be bound by marriage or other legal cohabitation arrangements. The civil registrar checks to see whether the two parties meet the legal conditions and, if so, enters the declaration into the population register. Legal cohabitation ends when one of the two parties marries, dies or either or both parties so decide. Protection of the family home is governed by the civil code. Legal cohabitants must contribute towards the expenses of their life together in accordance with their abilities, and all debts contracted by either one - other than debts disproportionate to the cohabitants' resources - to meet the needs of their life together and any children they raise are equally binding on the other. If relations between cohabitants are seriously strained, either one may apply to the justice of the peace, who will order urgent, temporary measures for a defined period of time regarding the occupation of the common home, the cohabitants, the children and their property, and the legal and contractual obligations of the two cohabitants. The same applies in the event of interruption of life together for a limited period.

372. The *act of 16 April 2000*, amending article 232 of the civil code and articles 1270 *bis*, 1309 and 1310 of the judicial code, reduces from five to two years the length of *de facto* separation required before one can apply for divorce on such grounds. It also reduces to two years (from three previously) the length of time after which separation can be converted into divorce.

373. The *act of 19 February 2001* on mediation in family matters during the course of judicial proceedings took effect on 1 October 2001. It introduces a means of conflict resolution based on cooperation among the parties who agree, in the course of proceedings already in train, to the appointment of a third party – a neutral individual whose involvement is confidential – as mediator. The objective is to reach partial or complete agreement. In the event of partial or complete agreement, and having sought the opinion of the crown procurator pursuant to the law, the court will check whether the interests of the children are protected. The justice of the peace can take any action required to ascertain the family situation, psychological and physical circumstances of a minor and the conditions in which the minor is living.

374. The *act of 28 January 2003*, complementing article 410 of the criminal code, provides for the occupancy of the family quarters by the spouse or legal cohabitant who has been a victim of

violent behaviour by the other partner. The same act increases the penalties for physical violence between partners and provides a legal basis for "temporary removal" of the perpetrators of such violence.

375. The *act of 13 February 2003*, which took effect on 1 June 2003, allowed same-sex marriages. The main argument for the new law was the quest for equal treatment of homosexual and heterosexual couples with regard to marriage-related issues. Currently, the rules relating to the conclusion, dissolution and effects of a marriage apply also to homosexual couples. Differences, however, still exist in respect of filiation. Article 46 (2) of the act of 16 July 2004 on the code of private international law is favourable to homosexual couples comprising at least one partner who is not Belgian, inasmuch as it stipulates an equal right to marriage where one of the persons concerned is a citizen - or customarily resides in the territory - of a State, whose domestic legislation authorizes the type of marriage in question. This provision is to be applied in combination with article 44 of the same law, which provides that a marriage may be concluded in Belgium, provided that one of the future spouses is Belgian and domiciled in Belgium when the marriage is celebrated.

376. In the spring of 2004, the Government approved, for the current legislative period, a framework note for comprehensive and integrated security, defining the criminal occurrences whose treatment is a priority and which should be combated effectively by all ministerial departments concerned. Domestic violence and sexual delinquency are among these occurrences.

377. On 7 May 2004, the Council of Ministers approved a note on the 2004-2007 NAP against spousal violence, and the plan itself, which is aimed at six strategic objectives:

- 1) Awareness raising
- 2) Education and training
- 3) Prevention
- 4) Protection and care for the victims;
- 5) Repression and other measures;
- 6) Evaluation.

The Equality Institute was entrusted with organizing an interdepartmental working group of experts responsible for coordination, information exchange and follow-up regarding the development of the above objectives. Once fully formulated at the national level, the action plan will comprise the areas of competence of the Communities and the Regions.

378. A number of training initiatives for judges and judicial trainees are aimed at informing and instructing them on the protection of women against violence.

## **(b) Maternity care**

### **1. Female waged workers**

379. The financial programme act of 9 July 2004 amended existing legislation on female wage workers with regard to the following three points:

- Length of maternity leave: prenatal and postnatal leave were, respectively, reduced and extended by one week. Overall maternity leave remained unchanged at 15 weeks (six before birth, including one compulsory and five optional weeks, and nine after birth).
- Multiple births: where such a birth is expected, prenatal leave is eight weeks and the worker may request an increase of postnatal leave by two weeks. She may therefore take in total 19 weeks of maternity leave (instead of 17 weeks previously).
- Postnatal leave: if the newborn must remain in the hospital longer than seven days after birth, postnatal leave may be extended at the request of the worker by the number of additional days beyond the initial seven. The extension may not exceed 24 weeks.

380. From the time when an employer is informed of a worker's pregnancy until one month after postnatal leave, work relations may not be severed because of the pregnancy lest the employer should pay an indemnity equal to six times the gross monthly wage.

381. Once the employer is informed of a worker's pregnancy, the worker is entitled to paid absence for the time necessary for any prenatal medical examinations that may not take place before or after working hours.

382. Lastly, a pregnant worker may request not to work at night for a period of two to three months before childbirth or, on presentation of a medical certificate, for longer periods. Furthermore, pregnant or nursing workers may not work overtime.

#### *Risk assessment*

383. The act of 3 April 1995 (amending the act of 16 March 1971 on work) and the related implementing decision of 2 May 1995 ensure the protection of the health of workers who are pregnant, nursing or in childbed. Activities that present a risk or are prohibited for such workers must be identified on the basis of a risk assessment, to be carried out by the employer in cooperation with the occupational physician and prevention advisor. Any preventive measures - including appropriate spacing of the workstation components - taken in order to avoid exposure to risks should be inspected by the occupational physician and, if necessary, readjusted. All female workers should be informed of any dangers posed by their activity and of the steps to be followed in case of pregnancy. The employer must abide by the occupational physician's decision as to whether a worker is or is not capable of working. Lists of risks and prohibited activities are annexed to the royal decree of 2 May 1995.

384. Pregnant workers are entitled to being absent for going to any prenatal medical examinations that cannot not take place outside the working hours.

385. Accordingly, and also in order to enjoy an appropriate protection of her health and the health of the child, it is in an expectant worker's interest to inform the employer of her pregnancy.

## **2. Female self-employed workers**

386. For female self-employed workers and for assisting wives, the royal decree of 13 January 2003 has:

- Increased the duration of maternity leave from three to six weeks. In the event of a multiple birth, workers are entitled to an additional week, during which they must abstain from their normal job and any other occupational activity.
- Raised the flat rate of maternity allowance and, for assisting wives, provided for a six-month training period, abolishing the requirement for a minimum previous membership.

### **3. Adoption leave**

387. The financial programme act of 9 July 2004 contains new and broader provisions regarding waged workers and persons assimilated to them. Adoption leave may be six weeks, if, the child is under three, and four weeks otherwise, up to the age of eight, when the right to adoption leave ceases. Maximum adoption leave is doubled where the child suffers from a physical or mental impairment of at least 66 per cent or a serious infection.

388. Compensation, paid by the mutual insurance system, is subject to a ceiling equal to 82 percent of the gross daily wage (or, as of 1 October 2004, €84,66 par day) for six days per week.

#### **(c) Child protection**

##### **1. Legislation**

389. A number of amendments regarding child protection have been adopted. They are discussed below.

390. The *act of 23 March 2000* added article 22 *bis* to the Constitution. The new article enshrines the principle of respect for the moral, physical, emotional and sexual integrity of children.

391. The *act of 28 November 2000* on the protection of minors under criminal law, amply discussed above, entered into force on 1 April 2001. It introduced various amendments to the act of 13 April 1995 on the prosecution and punishment of human trafficking and child pornography.

392. The new legislation clarifies and tightens up the arrangements prescribed by the act of 13 April 1995 on sexual abuse of minors, which ban persons convicted of immoral acts from working in any area involving children, and extends the requirements of a prior opinion from a specialized sex-offender counselling and treatment service, and of supervision of the counselling or treatment received by the individuals concerned, to circumstances other than release on parole.

393. The act of 28 November 2000 contains innovative elements, such a provision specific to genital mutilation; for persons with an obligation of professional secrecy, a qualified and conditional right to speak; and specific rules for recording the audio-visual hearings of minors who have suffered or witnessed a variety of offences. The recording can be produced in court instead of the minor being present to testify.

394. As regards civil law, the *act of 29 April 2001*, which took effect on 1 August 2001, reformed Belgium's rules on guardianship as laid down in articles 389 to 475 of the civil code and articles 1232 to 1237 of the judicial code.

395. The main features of the reform are:

- Retention of parental authority in the event of both parents dying;
- Abolition of the family council (but close family may be consulted when necessary);
- Greater responsibilities for the justice of the peace;
- Appointment of the guardian by the justice of the peace, with due regard for the circumstances of the case and the interests of the minor;
- Establishment of the right to decline guardianship;
- Modernization of administrative arrangements;
- Greater responsibility for the tutor-dative;
- Greater regard for the person of the minor.

Guardianship is now established if both the father and the mother are dead, legally unknown or incapable, other than for a brief period, of exercising parental authority. The minor is more closely involved in the establishment and operation of the guardianship arrangements. From the age of 12 on, he/she is given a hearing in proceedings relating to him or her personally, and from 15 onwards, in proceedings concerning his/her property. The interests of the child are a priority. If they so dictate, the justice of the peace may order guardianship to be transferred from the place of the child's domicile to that of the guardian's domicile or residence. The justice of the peace may take any action necessary to ascertain the minor's family, moral and physical circumstances and living conditions.

396. Significant amendments to *adoption* provisions were introduced on 24 April 2003 (through the act on adoption reform, *Moniteur belge*, 16 May 2003) and 13 March 2003 (through the act amending the judicial code with respect to adoption). These amendments were mainly aimed at two objectives, described below.

397. First, permitting the implementation of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 29 May 1993. Any adoption must respect the best interests and the internationally recognized fundamental rights of the child. Ratification of the Convention was a key step in ensuring such respect and protection. The instrument of ratification was transmitted in May 2005 and, with regard to Belgium, the Convention entered into force on 1 September 2005. For adoption procedures launched after that date, relations between Belgium and the other States parties are governed by the Convention; and the procedure must be supervised by a Community-accredited body or, if that is not possible, by the competent Central agency of the Community. No unregulated adoption procedure is possible since 1 September 2005.

398. Second, closing certain loopholes in the current law, modernizing adoption law and adding some new features (for instance, fully allowing adoption by unmarried, unrelated individuals of opposite sexes with a permanent emotional attachment who have been living together for at least three years at the time when adoption proceedings commence; and the stipulation that the

adoption of a child must be grounded in the best interests of the child as assessed in the light of children's basic rights enshrined in international law).

399. Under the act of 24 April 2003, a federal central agency responsible for international adoption issues was set up in September 2005.

400. Currently, a cooperation agreement is being concluded with the Communities. It aims in particular at coordinating jurisdictions in this area, defining methods for studying the social aspects of the issue and establishing a coordinating and monitoring committee.

401. The chapter on justice of the financial programme act of 27 December 2004, the act on various provisions of 20 July 2005 and the act of 6 December 2005 amending certain provisions on adoption introduce specific amendments to the act of 24 April 2003. In particular, they furnish it with transitional provisions defining procedures for appealing the decisions of the federal Central agency regarding the acknowledgment of adoptions carried out abroad; modify the procedure for filing (unilateral) applications for adoption; and lay down rules for the acknowledgment of procedures enabling a child to travel to Belgium in view of an adoption where the legislation of the country of origin has no provisions for adoption.

402. Foreign unaccompanied minors (FUMs), discussed above, have received considerable attention in conjunction with combating human trafficking. Under the act of 24 September 2002, FUMs are counselled by a guardian responsible for representing the minor in all legal steps and procedures for foreigners. The guardian has further specific tasks with regard to protecting the minor and searching for the minor's relatives. The guardian is supervised by the Guardianship unit (established on 1 May 2004) which has, in the first place, assigned the guardian after ensuring that the minor meets the legal prerequisites for protection.

403. The Justice Department has adopted coordinated measures at the international and national level with regard to the international travel of children.

404. *At the international level*, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, of 25 May 2000, was ratified on 16 May 2002; and the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing that convention, were ratified on 11 August 2004.

405. The ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography is in progress.

## **2. Family allowances**

### *Children of frontier workers*

406. Earlier, the children of persons who reside in Belgium, are subject to Regulation (EEC) No. 1408/71 of the Council of 14 June 1971 and are employed as frontier workers in another EEA member State lacked entitlement to family allowances, where the legal scheme of the EEA member State in which the beneficiary is insured provides for no such allowance for certain children or categories of children and where the lack of insurance under the Belgian scheme precluded granting Belgian benefits for such children when they were brought up in the Belgian territory. The royal decree of 13 March 2001 and the ministerial decision of 15 March 2001,

which took effect on 1 July 1999, have structurally resolved the issue of granting Belgian family benefits (childbirth allowance, adoption grant and family allowances) for those children of frontier workers in an EEA member State, for whom no entitlement to family allowances is possible.

#### *Children with disabilities*

407. The financial programme act of 24 December 2002 thoroughly overhauled the scheme of family allowances for children with disabilities. The earlier scheme, still applicable to children born no later than 1 January 1996, addressed handicaps entailing a physical or mental impairment of at least 66 per cent. The new scheme, applicable to children born after that date, provides for an assessment of the impact of the disability on the children and distinguishes between physical or mental disabilities (pillar 1), disabilities regarding a child's activity and capacity to participate (pillar 2) and the impact of a disability on the household (pillar 3). Access to benefits under that scheme requires at least 6 points for all free pillars or 4 points for pillar 1 alone.

408. The above act introduced a number of *further amendments* to earlier coordinated acts regarding family allowances for waged workers. The amendments described below establish new rights.

- For ranking purposes, children receiving family allocations paid by other States under international conventions are taken into consideration (this amendment entered into force retroactively on 1 July 2001).
- A provision that allowed grandparents and great-grandparents to claim family allowances for grandchildren and great-grandchildren placed in institutions has been amended. Under the new provisions, these allowances are subject to the requirement that the children in question were part of the beneficiary's household before placement. Moreover, a beneficiary's possibility to claim allowances for children of a person with whom he/she forms a household, children adopted by or under the guardianship of that person, children of a former spouse or children adopted by or under the guardianship of a former spouse has been extended to include the cases where such children are placed in an institution.
- The obligation to prove residence of at least five years in Belgium has been abolished for citizens of EEA States, refugees, stateless persons and citizens of non-EEA States that have ratified the European Social Charter.
- A ministerial circular currently provides for the possibility to claim benefits for a kidnapped child. This possibility has been established by law. A royal decree shall specify who may claim such benefits, their duration and the meaning of "kidnapping".
- A new, flat-rate allowance has been established for a child is placed with a private household. The allowance is granted (under the terms and for an amount specified in the royal decree of 11 June 2003) to the child's family (actually to the recipient of family allowances up to the placement) in addition to the allowances paid to the host family.
- The limitation period to which welfare beneficiaries were subject has been extended from three to five years. As a result (save for cases of fraud), welfare beneficiaries are

now subject to the same limitation periods enjoyed by family allocations organizations.

409. Under the family allowances scheme, persons exempted from the obligation to have resided in Belgium for at least five consecutive years preceding the application now include citizens of non-EEA States that have ratified the European Social Charter.

#### *Legal cohabitation*

410. The financial programme act of 9 July 2000 amended those provisions of coordinated acts on family allowances for waged workers which specify the required links between the payee and the beneficiary child. As a result, in certain family situations legal cohabitation is now considered as an element that may constitute such a link.

#### *Various amendments*

411. The financial programme act of 27 December 2004 introduced various amendments to the above coordinated acts, particularly with regard to the issues discussed below.

- Marriage or remarriage of the surviving primary claimant or the surviving spouse imply loss of the orphan premium in the case of an orphaned child of a worker or a disabled beneficiary, and to loss of payee status in the case of the beneficiary of a survivor's pension and in the case of a surviving spouse claiming benefits for a beneficiary child. Previously, those rights were restored where the (re)marriage was dissolved or a court established separate residences for spouses in divorce proceedings. Currently, recovery of the rights in question occurs at the time of separation evidenced by the existence of separate addresses or, in the last resort, by official proof of the existence of separate residences.
- Earlier, young people receiving in an enterprise vocational training organized by a Community or Region could not on that basis claim family allowances for their children. Currently the persons in question are entitled to such allowances, provided that they are covered by an in-house training agreement complying with Community or Region regulations and that there is no conflicting entitlement, emanating from the young person concerned or another individual, under the waged-worker or self-employed worker schemes.

### **3. Protection of children and young workers**

412. It is generally prohibited to encourage or allow children under 15 or who are still subject to mandatory full-time school attendance to work. However, activities related to children's education or training or for which a personal exemption has been granted (for instance, a child's participation as an actor, walk-on or singer in a cultural event or as a model in a fashion show) are authorized. When an exemption is granted, specific working conditions must be observed with regard to the activity's duration and frequency and to rest periods.

413. Young workers are minors 15 years of age or over who are no longer subject to mandatory full-time school attendance (up to age 18). They may not work more than eight hours per day and 40 hours per week. Moreover, they may not work overtime (save for force majeure) or on holidays or Sundays. They are entitled to an additional day of rest which they must take on

Saturday or Monday. If they work on Sunday or on an additional day of rest, they must take a compensatory 36-hour break. Furthermore, they may not work at night (save for force majeure or by virtue of a royal decree).

414. The royal decree of 3 May 1999 on the protection of young persons in the workplace has been amended by the royal decree of 21 September 2004, which also contains specific provisions for interns.

415. Under age workers, young apprentices and part-time working students are subject to comprehensive medical supervision as other workers or to a special medical supervision, if they are under 18, work at night or carry out an activity from which young people are in principle prohibited and which entails specific risks to their health.

416. Interns are students actually working for an employer as part of their educational programme. They are protected inasmuch as the employer must carry out an assessment of potential risks to the intern. Moreover, as in the case of young worker, interns are subject, as appropriate, to comprehensive or special medical supervision, starting with a medical examination before their first internship.

417. *At the international level*, on 8 May 2002 Belgium ratified ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

## **2. Development cooperation**

1. The act on Belgian international cooperation not only defined five focus areas, but also stipulated that Belgian Cooperation must endeavour, in all of its activities, to promote the rights of the child and gender equality.
2. As a party to the international agreements on these items, Belgium submits periodic reports to the competent committees and bodies.
3. With regard to the rights of the child, Belgian Cooperation supports inter alia the following programmes:
  - A United Nations Children's Fund (UNICEF) programme in the West Africa Region regarding trafficking in children (since 2004)
  - A UNICEF programme in Peru in the area the protection of children who are victims of sexual exploitation (starting in 2006)
  - A programme for combating child labour in traditional mines in southern Katanga, Democratic Republic of the Congo
  - Several programmes for the rehabilitation and reintegration of demobilized child soldiers in the Democratic Republic of the Congo, Uganda, Rwanda and other countries (activities in progress for several years).
4. With regard to gender equality, Belgian Cooperation has supported inter alia the following activities:

- A UNIFEM programme entitled "Strengthening economic governance: Gender analysis applied to Government budgets" (cf. section on article 6)
- Capacity building in relation to the management of Vietnam Women's Union micro-finance programmes (through bilateral cooperation)
- A joint United Nations Population Fund (UNFPA), UNICEF and UNHCHR programme in the Democratic Republic of the Congo on "preventing and addressing sexual violence against women, young people and children" (launched in 2004)
- A bilateral project entitled "Institutional capacity-building in relation to the Ombudsman for promoting and defending citizens' rights" in Peru, aimed at protecting fundamental human rights, combating human rights violations, promoting gender equality, and enhancing the effectiveness and transparency of Government policy in view of the country's cultural diversity
- As part of the UNDP programme entitled "Policy Support for Governance", Belgium specifically supports activities designed to promote and raise awareness of the significance of gender equality and women's representation in Parliament. There are plans to develop the same activity in Morocco, Algeria, the Niger and Benin.

## ARTICLE 11

1. *The States parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.*

2. *The States parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:*

(a) *To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating information on nutrition principles and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;*

(b) *Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.*

### **A. Adequate standard of living**

#### **Federal level**

### **B. Community policies on social assistance**

1. **French-speaking Community**
2. **Walloon Region**
3. **French-speaking Community Commission**
4. **Flemish Community**

- C. Housing**
  - 1. Walloon Region**
  - 2. Brussels-Capital Region**
  - 3. Flemish Community**
  - 4. Development cooperation**
- D. Nutrition principles**
  - 1. French-speaking Community**
  - 2. Flemish Community**
  - 3. Development cooperation**
- E. Safety of the food chain**
  - Federal level**

### **A. Adequate standard of living**

#### **Federal level**

418. Building on Belgium's effective mechanism for ensuring an income consistent with human dignity for all, a series of new measures, described below, were introduced in recent years.

419. As all other member States of the European Union of 15, Belgium developed NAPs for social inclusion for the periods 2001-2003 and 2003-2005. The two plans included all federal, community and regional measures designed to contribute to the attainment of the European Union poverty-reduction objective. NAP development, monitoring and evaluation are carried out by the federal administration. The plans, the 2003-2005 NAP implementation report and NAP implementation prospects for 2005 are available on the Internet at:

<<http://www.mi-is.be/FR/Themes/AB/index.html>>.

420. The act on DIS, which replaced the 1974 act on the "minimex" allowance and took effect on 1 October 2002, probably introduced the most significant change that has occurred at the federal level. The objective no longer is to merely grant an income but to enable the persons concerned to generate their own income and, ultimately, to fully participate in social life. The new provisions, considered to be more appropriate to the current social, economic and family circumstances, is mainly aimed at promoting personal autonomy in a spirit of partnership and focus on young people. (Act of 26 May 2002, *Moniteur belge*, 31 July 2002)

<<http://www.mi-is.be/FR/Themes/MI/Règlementation.htm>>

421. The DIS, currently at €408.89 for a person sharing a residence and €613.33 for a person living alone, is approximately 13.7 per cent higher than the "minimex" of four years ago.

<<http://www.mi-is.be/NL/content/BMREEELEBEDRAGEN.pdf>>

422. CPASs<sup>6</sup> receive subsidies in order to assist tenants in providing security of tenure. As a rule, Belgian landlords require a guarantee deposit equal to three months' rent for possible damage to the premises. Where a tenant is unable to pay four monthly rents at once, CPASs often provide the landlord with a letter of guarantee. However, many landlords require a cash advance, which is a budget risk for a CPAS. The above specific federal subsidies are designed to solve that problem and enable candidate tenants to sign the lease. (Royal decree of 18 June 2004, *Moniteur belge*, 16 July 2004). <<http://www.mi-is.be/FR/content/circ%2013-09-04.pdf>>

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<sup>6</sup> These centres are located in every community.

423. Accommodation-related service charges affect a person's ability to enjoy the right to housing and to dignity. In view of the consequences of gas – and power-market liberalization, the Belgian Government, as part of ensuring energy supply to the poor, adopted an act entrusting CPASs with providing counselling and financial assistance in cases of excessive debt. Under the act, CPASs may draw on a fund, financed through a tax on energy transport, in order to assist needy persons to pay their energy bills. (Act of 04/09/2002, *Moniteur belge*, 28 September 2002.) <<http://www.mi-is.be/documents/Reglementering%20en%20Rechtspraak/WET%20ELEKTRICITEIT%20EN%20GAZ/circulaire%203-4-2003.pdf>>

424. In order to enable low-income households to meet their winter heating requirements, the Government had, as a first step, adopted a temporary measure regarding oil and related fuels, authorizing CPASs to provide heating allowances to households meeting specific prerequisites. The establishment of a welfare fund for heating oil on 1 January 2005 made it possible to perpetuate that form of assistance. <http://www.mi-is.be/NL/content/BS-Mon31-12-04.pdf> <<http://www.mi-is.be/FR/content/ALLOCATIONDECHAUFFAGE.pdf>>

425. Lastly, any person residing legally or illegally in the national territory is entitled to emergency medical care, the need for which must be attested by a physician (articles 1 and 57 of the act of 8 July 1976 establishing CPASs).

## **B. Community policies on social assistance**

### **1. French-speaking Community**

426. On 25 February 2005, the Government of the French-speaking Community adopted an action programme for the promotion of social inclusion.

427. In that area, the following aims are pursued within the competence of the French-speaking Community:

- Ensuring access to knowledge for all, regardless of age, particularly by combating dropping out of school, by developing social policies aimed at broadening access to higher education and by facilitating the access of disabled persons to basic, secondary and higher education.
- Ensuring the application of the principle of equal treatment.
- Encouraging the participation and social integration of persons in difficulty, particularly young people, especially by promoting pilot projects encouraging the practice of sports among persons in a precarious financial situation.
- Encouraging women's access to employment, inter alia by developing childminding units.
- Supporting parenthood and preventing abuse, particularly by encouraging the development of prenatal consultations for women living in a precarious situation in various neighbourhoods.

- Ensuring equal access to health services while taking into account the diversity of individual needs, particularly through the increase of financial resources earmarked for programmes addressing vulnerable population sections.

## **2. Walloon Region**

### *Activities for promoting social integration and combating excessive debt*

#### *Debt mediation*

428. The Walloon Region is the first federate entity to have adopted provisions regarding the accreditation of debt mediation bodies.

429. In short, debt mediation consists in drawing up a draft budget in cooperation with the excessively indebted person concerned and organizing a repayment schedule. This plan is subsequently submitted to the creditors for negotiation and agreement. Debts are reimbursed on a realistic basis, while the debtor and his/her family are guaranteed a life consistent with human dignity.

430. Moreover, a credit and indebtedness observatory, recognized by a ministerial decision of 31 December 1999, is responsible for collecting statistical data, studying the development of legislation, credit-related practices and any problems in that area, organizing the prevention of excessive debt, disseminating useful information and providing information to welfare and credit professionals. The observatory is routinely consulted by debt mediation staff in search of operational and legal information and advice.

#### *Resource centres for debt mediation units*

431. Accredited resource centres are available for operational and legal assistance to a number of approved debt mediation establishments. This assistance may comprise handling particularly difficult cases.

#### *Social integration services*

432. These services are part of a social policy of maintaining, developing and recognizing citizen and social aptitudes. Under the decree of 17 July 2003, the objective of social integration is to improve the social situation of persons unable to take advantage of existing mechanisms for social and occupational promotion. There is an obligation to provide the necessary means, not to obtain specific results. The activities undertaken must be designed to break social isolation, encourage participation in social, economic, political and cultural life, promote social acceptance, improve well-being and the quality of life and encourage autonomy.

433. Although the relevant legislative and regulatory provisions are expected to take full effect on 1 January 2005, some social integration services have already received subsidies.

#### *Consumer schools*

433. Consumer schools aim at preventing excessive debt and promoting responsible consumption. These training, prevention and integration units target a heterogeneous public, although persons in financial difficulty have priority.

434. People who attend the units learn to cope with such everyday problems as reading an energy bill, drawing up the household budget, using the euro, obtaining information on insurance, planning nutrition, understanding the law on leases and learning the role of various public administration bodies.

*Subsidies to CPASs hiring DIS beneficiaries or recipients of similar allowances to help them claim unemployment benefits or acquire vocational experience*

435. Under article 60 (7) of the act establishing CPASs, such a body may take all necessary measures to provide employment to persons who, in order to claim a welfare benefit in full or acquire vocational experience, are required to show that they have worked during a given period. Where appropriate, a CPAS may provide this assistance by acting as an employer - assigning DIS or welfare beneficiaries to its own operations or making them available to municipalities, ASBLs, local authority associations pursuing social, cultural or ecological objectives, companies pursuing a social objective, associations within the meaning of chapter XII of the act, or accredited CPAS partners.

*Social emergency units*

436. Since 1994, the Walloon Region has subsidized - directly or through social relays - six CPASs (at Charleroi, La Louvière, Liège, Mons, de Namur and Verviers) to enable them to set up social emergency units (DUSs) offering:

- Round-the-clock telephone hotline
- Round-the-clock access to an agent handling emergencies and providing persons in distress with necessary assistance, including short-term room and board.

*Social relays*

437. A social relay is a coordinating structure comprising four mechanisms, each addressing the needs of the target population in the following areas:

- Day reception
- Night reception
- Street problems
- Social emergencies.

To that end, a social relay coordinates various public and private services

438. Moreover, a social relay is responsible for conducting surveys and compiling statistics for readjusting, if appropriate, the action taken by the above mechanisms for greater effectiveness in ensuring social integration.

*Social assistance for prosecuted persons*

439. The accreditation and subsidization of - currently 13 - units responsible for providing psychological and social assistance to victims of offences, defendants, released prisoners and

their families are governed by the decree of 18 July 2001 and the Walloon Government decision of 20 December 2001.

440. Each such unit comprises a psychologist and a social assistant.

441. The assistance in question is provided to the applicants before, during and after legal proceedings. If therapeutic treatment is necessary, the person concerned is referred to a specialized establishment.

442. In 2004, 2,957 victims and 628 offenders were assisted.

*Social service centres*

443. These centres provide persons and families with custom-made social assistance to help them overcome or alleviate critical situations that prevent them from developing their potential.

444. A social service centre fulfils the following tasks:

- At the local community level, initial reception of the persons and families concerned;
- Cooperation with the persons concerned in formulating their social difficulties;
- Facilitating those persons' access to appropriate institutions and social benefits by informing them and, if necessary, referring them to specialized bodies or professionals;
- Counselling the persons concerned with a view to their social integration and active participation in life;
- Drawing the attention of competent authorities to problems and gaps in the community.

*Support for private social-integration services*

445. Financial support, in principle in the form of grants, is provided for the following purposes to associations, mainly ASBLs, assisting victims of social exclusion:

- Creation of community-based neighbourhood centres and "meeting points";
- Creation of workshops (for information exchange, training, discussions etc.);
- Participation in the renovation of premises.

446. The decree of 17 July 2003 on social integration, applicable in 2005, provides for the approval of social integration services aimed at making available, to persons faced with social and health problems, reception facilities and premises for social reintegration workshops conducive to group solidarity and personal self-confidence.

447. The services in question are expected to develop collective or community-based social integration activities of a preventive or (in conjunction with personal counselling) remedial character.

*Support for social action initiatives*

448. Optional financial support, in principle in the form of grants, is provided for the following purposes to associations, mainly ASBLs, developing social integration activities of a social, sociocultural and sociomedical character:

- Job-seeking and/or social and vocational training;
- Integration or social rehabilitation of marginalized groups (unemployed workers, drug addicts, prostitutes etc.);
- Provision of information on administrative and legal procedures and health care (especially preventive) to vulnerable or uneducated persons;
- Organization of social and cultural events;
- Provision of everyday services (helping people to move or shop);
- Provision of food aid;
- Provision of aid in kind (such as clothing, furniture and electrical appliances, provided free of charge or at low prices);
- Provision of temporary housing assistance for highly vulnerable persons;
- Provision of financial management assistance for persons in a difficult financial situation.

*Walloon strategic plan for social inclusion*

449. In October 2005, the Walloon Government adopted a strategic plan for social inclusion. The plan comprises the following six main thrusts and corresponding allocations:

*Main thrust 1: Decent housing for all (cf. below)*

*Main thrust 2: Acceptance of the elderly*

- €1,000,000 for keeping older persons at home, in good living conditions, and improving the coordination of assistance and care services
- €151,000,000 for modernizing the Walloon medical and social infrastructure and building the capacity of centres
- €600,000 for combating mistreatment of the elderly

*Main thrust 3: Recognition of disabled persons as full-fledged citizens*

- €10,000,000 for improving and diversifying the supply of reception and housing facilities
- €6,600,000 for creating 400 jobs appropriate for disabled persons in enterprises

*Main thrust 4: Recognition of vulnerable persons as citizens in need of support*

- €2,980,000 for helping persons in severe distress in the major cities, particularly through the creation of social relays
- €990,000 for broadening the accessibility of family-planning and spousal counselling centres for young and disadvantaged persons
- €2,250,000 for doubling assistance for drug addicts
- €4,550,000 against illiteracy

*Main thrust 5: Recognition of foreigners as full-fledged citizens*

- €2,100,000 for strengthening regional integration centres and organizing citizenship activities

*Main thrust 6: Recognition of job-seekers as persons in need of counselling*

- €10,684,000 for promoting job-creation for inadequately qualified persons in enterprises
- €4,308,000 for promoting job-creation in neighbourhood-based services in depressed areas
- €3,640,000 for increasing the number of DIS beneficiaries available for employment
- €1,800,000 for increasing the number of those least employable who are hired
- €2,002,000 for the public transport expenses of vulnerable job-seekers in order to increase their mobility.

### **3. French-speaking Community Commission**

450. The CCF welfare policy comprises three main thrusts: supporting people in their social environment, improving prevention by identifying problems and resources, and collective mobilization of resources.

#### *Shelters for adults*

451. CCF adopted on 3 May 1999 a decree on shelters for adults. These facilities may be of one or more of the following types: shelters for adults living alone, shelters for adults living alone with children and shelters for families. Their mission is to provide accommodation and psychological and social assistance in order to enhance the beneficiary's autonomy, physical well-being and social reintegration possibilities. Eligible beneficiaries are also minors living alone, under age mothers, under age pregnant women and dependent children who are emotionally, socially or financially too vulnerable to live autonomously.

*Debt mediation*

452. In view of the alarming proportions of begging and excessive household debt in urban areas, CCF adopted on 18 July 1996 a decree organizing the accreditation of debt mediation bodies.

453. The role of accredited debt-mediation institutions consists in making arrangements for the repayment of personal debts under one or more credit contracts.

*Comprehensive social action centres*

454. In view of the current needs and practices in the area of social work, CCF adopted on 7 November 1997 a decree governing the approval and granting of subsidies to the centres for comprehensive social action (CASGs).

455. The objectives of the decree consist in refocusing CASG activities, making the centres as broadly accessible as possible and promoting new collective and community-based forms of intervention.

456. The task of CASGs consists in receiving the beneficiaries, analyzing their difficulties and providing guidance, counselling and follow-up. These services are available to individuals, groups or communities.

457. Moreover, CCF supports original projects, carried out by associations and designed to facilitate the social integration of former prostitutes, prevent spousal and domestic violence and child abuse, and help destitute people to exercise their rights.

*Domestic assistance services*

458. On 12 March 1999 CCF adopted a decree on subsidizing domestic assistance services.

459. The aim of these services is to encourage keeping or bringing home persons who live alone or are aged, disabled or ill and families in difficulty, by providing support and assistance for everyday activities in coordination with the family and the neighbourhood; and to make the above persons more autonomous.

460. The units concerned are expected to provide - regardless of political, philosophical or religious convictions - family, elderly or household assistance to the individuals who are most in need of such services and in a poor financial, physical, psychological or social condition. In addition to the comprehensive ban on gender-based discrimination under French-speaking Community legislation regarding social assistance (welfare, family benefits and social cohesion measures), specific legal provisions favour positive action aimed at gender equality.

*Family planning centres*

461. Family planning centres are crucial to women's autonomy in the face of reproduction-related constraints. The centres facilitate access to contraception and carry out awareness raising activities, mainly targeting young men and women. Moreover, they undertake social cohesion activities encouraging gender equality, especially in social environments in whose culture such equality is less embedded.

*Observatory for health and social affairs*

462. The mission of this observatory, operating in the Brussels-Capital Region, is to collect, analyze and disseminate information necessary for the formulation of coordinated public-health and poverty-reduction policies. <<http://www.oservatbru.be/fr/default.asp>>

#### **4. Flemish Community**

*Overall social policy*

463. On 16 April 1997, the Flemish Parliament ratified a decree on the quality of care provided in social assistance establishments. The decree, which compels all such units to develop a quality policy and thereby provide standardized services and assistance, applies to almost 3,000 social assistance establishments accredited or applying for accreditation by the Flemish Community.

464. The above decree, whose scope is comprehensive, stipulates that an establishment's quality policy must be based on the principle of equality of the users.

465. An establishment's quality policy must guarantee that the assistance and services offered:

- Are consistent with fundamental social rights, namely respect for a person's dignity, behaviour, private life, ideological, philosophical or religious beliefs and right to complain; ensure that the user is informed and participates in the process; and take into consideration the user's social environment;
- Are appropriate;
- Are effective;
- Are always available.

466. In October 2003, the Flemish Parliament ratified the decree on the quality of health and social assistance establishments. This decree aims at harmonizing all other decrees concerning quality in the area of social well-being and health. Earlier decrees concerning that area were repealed but the quality principles continue to apply.

467. Penalties are stipulated for non-compliance. In fact, while the accreditation standards are maintained, maintenance or extension of an accreditation presupposes fulfilment of the requirements of the new decree on quality.

*Comprehensive social assistance*

468. Through a decision of 21 September 1994, the Flemish Government implemented the decree of 24 July 1991 on comprehensive social assistance. The decree provides for six forms of ambulatory, two forms of semi-residential and four forms of residential social assistance.

469. On 19 December 1997 the Flemish Parliament ratified a decree outlining a new legal framework for comprehensive social assistance in Flanders. The new decree, which builds on the broad lines of the decree of 24 July 1991, pursues the following objectives:

1. Defining comprehensive social assistance in the framework of the social services sector as a whole;

2. Shaping comprehensive social assistance as a consistent and diversified network of optimally distributed and accessible structures;
3. Streamlining the regulatory framework for all accredited comprehensive social assistance structures.

470. Comprehensive social assistance centres constitute organized, integrated and easily manageable units combining a number of pre-existing structures so as to offer diversified assistance and services within a single organizational and operational plan.

471. The decree provides the sector with an intermediate role between basic social assistance services and the care sectors; and targets primarily persons and groups who are particularly threatened by a decline in social opportunities.

472. The most important elements of the new provisions are the following:

- Role and objectives of comprehensive social assistance
- Tasks of comprehensive social assistance centres
- Organizational structure
- Planning
- Subsidy budgets

473. In view of evident operational and organizational differences, the decree distinguishes three types of structures:

- *Helplines*: There are currently five such centres. Accessible to all, they operate round-the-clock seven days a week. Moreover, they slot online help on the Internet. The total budget for such units amounted to €1,550,565.54 in 2003 and to €1,585,908.90 in 2004.
- *Comprehensive social assistance centres linked to a mutual insurance system*: There are currently 35 such centres. They are - or operate as - part of the organization of a mutual insurance system. Open to all, they mainly address the members of the system and, in particular, those actually or potentially faced with temporary or permanent problems because of age, illness or disability. They carry out the same tasks as the autonomous social assistance centres (cf. next paragraph) but address a more limited target group and range of problems. The total budget for such units amounted to €10,982,267.65 in 2003 and to €11,218,512.44 in 2004.
- *Autonomous social assistance centres*: There are currently 27 such centres. They address in principle the entire population but focus on persons, families and groups faced with a risk of serious deterioration of their well-being. These centres tackle a broad range of issues, such as psychological difficulties or problems concerning relationships, education, the family, social administration, housing, recreation and health. The total budget for such units amounted to €49,321,319.13 in 2003 and to €52,426,110.03 in 2004.

474. Further information is available at <<http://www.wvc.vlaanderen.be/algemeenwelzijnswerk>>.

*Social policy at the local level*

475. The "local social policy" project aims at:

- Assigning a broader coordinating role to local government authorities
- Consolidating the social assistance sector, which is fragmented
- Enhancing social service accessibility
- Offering organizations and citizens specific opportunities to participate in the development of local social policy.

476. The Flemish Parliament ratified the decree of March 2004 on local social policy with a view to providing a single framework as a basis for a consistent policy.

477. The objective of the decree is to eliminate inequality with regard to accessing and exercising fundamental rights.

478. Further information is available at <<http://www.wvc.vlaanderen.be/lokaalsociaalbeleid>>.

*Poverty reduction*

479. On 12 April 2003, The Flemish Government ratified the decree on the eradication of poverty. The poverty reduction policy consists in a coordinated approach aimed at inclusion.

480. A Flemish action plan for poverty reduction (*Actieplan Armoede*) has been implemented in the above spirit. This plan, set up by persons living in poverty and NGOs active in that area, provides for short- and long-term policy measures and for procedures for evaluation by the Flemish Government.

481. Further information is available at <<http://www.vlaanderen.be/armoede>>.

*Access to culture*

482. The Flemish Community pays particular attention to the involvement of disadvantaged persons in cultural life and encourages sharing and participating in cultural development. The Flemish authorities ascribe considerable significance to such participation. The right to culture implies not only obligations for the authorities, but also the possibility for citizens to take part in cultural initiatives.

483. Coordination involving all levels concerned (from the Minister to the actual paupers) is an annual exercise which provides an opportunity to listen to the poor. Flemish action plan for poverty reduction was recently published. Cf. <[http://www.wvc.vlaanderen.be/armoede/brochure/vap2005-2009/SC\\_definitief%20VAP\\_20051222.pdf](http://www.wvc.vlaanderen.be/armoede/brochure/vap2005-2009/SC_definitief%20VAP_20051222.pdf)>.

484. Moreover, an intercultural action plan (*Actieplan Interculturaliteit*) focused on disadvantaged persons was also launched.

Cf. <<http://www.socius.be/webinvoer/files/File/diversiteit/Toespraak.pdf>>.

485. On the basis of a management contract, the culture department grants an annual subsidy to Welzijnsschakels ASBL which, through a cultural participation fund (*Fonds voor Cultuurparticipatie*), manages requests submitted by 170 organizations addressing approximately 11,000 poor persons.

486. Cultural activities are organized and financial assistance (related to such items as tickets, registration fees and transport expenses) provided to make the cultural supply more accessible to the poor. Cf. <<http://www.armoede.be/fondsduurparticipatie/>>.

487. In cooperation with local authorities, various associations actively provide, inter alia, *kansnpas* (cards for disadvantaged persons), gift checks, guided tours in cultural centres, explanation of printed cultural centre programmes, discounts in certain cinemas, and access to broad-based art projects during amateur art week.

488. Municipalities are entitled to a €1 subsidy per inhabitant to provide "support for specific innovative activities" and may spend these funds at their discretion on, for instance, accessibility-enhancing measures or information activities.

489. Since 2006, broad-based art projects are subsidized on the basis of the decree on the arts. Cf. <[http://www.wvc.vlaanderen.be/cultuur/kunsten/sociaal-artistieke\\_projecten/index.htm](http://www.wvc.vlaanderen.be/cultuur/kunsten/sociaal-artistieke_projecten/index.htm)>

490. The so-called "lottery" regulation makes it possible to address assistance requests concerning, in particular, disadvantaged persons. Cf. <[http://www.wvc.vlaanderen.be/regelgevingcultuur/reglementen/algemeen/part\\_exp\\_bijz\\_hobby.htm#participatie\\_experimenteel](http://www.wvc.vlaanderen.be/regelgevingcultuur/reglementen/algemeen/part_exp_bijz_hobby.htm#participatie_experimenteel)>

491. A significant publication in this area, *Over (Cultuur)participatie* ("On (cultural) participation"), has been prepared by "Kunst en Democratie" ASBL, which is subsidized by the Flemish Government. Cf. <<http://www.cdkd.be/>>.

492. As part of support for disadvantaged aliens, the culture department grants structural subsidies to immigrants' associations.

## C. Housing

### 1. Walloon Region

493. Housing objectives are defined as follows in article 2 (1) of the Walloon housing code, adopted by decree on 29 October 1998, as last amended on 18 December 2003: "The Region and the other public authorities, within their respective area of competence, shall implement the right to decent housing as a place where individuals and families may live, be independent and develop their potential."

494. Activities undertaken in this area by the above bodies promote social cohesion by encouraging the renewal of the housing stock and stimulating the housing supply in densely populated areas.

Under article 2 (2) of the above code, the basic objective consists in "ensuring the salubrity of residences and their availability, primarily to low-income and vulnerable households".

495. Accordingly, the Walloon housing policy focuses on households in that category.

496. Moreover, the federal act of 25 February 2003 against discrimination, which applies to the provision of goods and services, and therefore to housing, punishes all forms of discrimination (based on gender, colour, national origin, age, state of health, sexual orientation, civil status and religious or philosophical beliefs); considers any objectively unjustifiable differentiated treatment as being discriminatory; and enables civil courts to shift the burden of proof.

*Selected figures on housing in Wallonia (INS, 2001)*

497. Wallonia, with approximately 3,300,000 inhabitants, has a housing stock comprising approximately 1.3 million residences, of which more than two thirds are occupied by owners, while the rest are leased.

498. Of the above residences, one third were built before 1919 and one half before 1940.

499. One residence out of ten has been significantly renovated in the last ten years.

500. Of the above leased residences, 90.9 per cent are rented for less than €496 per month. It is also estimated that 5.3 per cent of the residences could be improved or need extensive repairs.

501. In 2004, the Walloon housing budget was approximately €190.000.000.

1. *Social housing*

1.1. *Social housing figures (INS, 2001)*

502. Residences leased by the social housing sector, 102,045 units, account for 25 per cent of the total housing stock and 8 per cent of the total number of residences in Wallonia. As of 31 December 2003, the average monthly rent for a social residence amounted to €188.

503. In the 2002 tax year, the average income per statement among social housing residents and for Wallonia as a whole was, respectively, €13,200 and €23,265. The gap attests to the significance of the social mission of the sector.

504. The following 2003 figures are indicative of the annual activity of the Walloon Housing Association (SWL annual report, 2003):

- 694 residences were offered on the market, 632 for rental and 62 for sale;
- Of the 632 leased residences, 616 are social housing units and 16 are ordinary residences;
- 708 residential building projects were launched (construction has begun);
- The building of 830 residences was planned (construction in the planning stage);
- Renovation work was carried out in 8,360 residences. The corresponding investment amounted to €39 million.

505. In 2002, based on the occupational status of heads of household, 74 per cent of leased social residences were occupied by persons who did not work and lived on income-replacement resources. Of these persons:

- 32.95 per cent were retirees or early retirees;
- 25.47 per cent were unemployed workers;
- 7.47 per cent were DIS beneficiaries;
- 2.28 per cent were persons with disabilities;
- 5.92 per cent were sickness or invalidity insurance beneficiaries.

506. Of the 48,582 candidates for social housing, 80 per cent belonged to vulnerable households.

1.2. *Access to social housing*

507. In view of the objective of making housing accessible to all, access to social housing is subject to rules that favour the least advantaged households. Accordingly, available residences are attributed on a priority basis as a function of a tenant's actual social situation and income, which must not exceed a specific limit.<sup>7</sup>

2. *Private residences*

508. The Walloon Region provides the following types of financial assistance in order to facilitate access to private housing:

- Rehabilitation-renovation bonus
- Reconditioning bonus
- Construction bonus
- Purchase bonus
- Social loan
- Rearrangement bonus
- Demolition bonus
- Free of charge insurance against income loss
- Loan to a young person
- Guarantee for mortgage loans
- Moving and rent allowance.

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<sup>7</sup> Walloon Government decision of 25 February 1999.

509. Under article 24 of the Walloon housing code, the Government determines the method of calculation of financial assistance, taking into account the following factors:

1. Household composition, particularly the existence of children and persons with disabilities
2. Household income
3. Building location, where appropriate
4. Building costs, where appropriate.
3. *New construction sites (2003 (SWL annual report, 2003)*

510. On 3 July 2003, the Walloon Government adopted an exceptional investment programme (PEI) for promoting social housing.

511. The PEI provides for investing €1,053,000,000 in the safety and salubrity of a rental housing stock comprising 36,353 residences.

512. Under the three-year (2004-2006) regional investment programme approved by the Walloon Government on 13 May 2003, €227,162,014 are earmarked for building 2,700 new public residences in 209 of the 262 Walloon communities.

4. *Contract for the future for Walloon women and men*

513. In the "renewed" contract for the future for Walloon women and men, actually a strategic territorial development plan for Wallonia, the Walloon Government has laid down, towards the objective of decent housing for all, the following main lines of action:

- Increasing the supply of residences for rent. The target is to market 2,000 additional residences per year, meeting the demands for social, transitional, reintegration and ordinary housing, by promoting public-private partnerships.
- Authorizing municipalities to levy a deterrent tax on unoccupied residences.
- Encouraging local public entities to make their unoccupied buildings available for the implementation of the housing policy.
- Enhancing the social mix in housing in order to strengthen social cohesion.
- With regard to the composition of housing offered for rental or purchase, giving priority to the vulnerable sections of the population: elderly and disabled persons, lone-parent families and households in emergency situations.
- Reducing taxes on housing purchases and renovations and increasing assistance in disadvantaged areas.
- Reviewing the terms of regional assistance for first-residence purchases in view of the needs of low income earners.

- Through the allocation of Municipalities fund subsidies, encouraging municipalities to pursue a housing policy aimed at guaranteeing a decent housing for all.
- Focusing on public housing that meets current developments in terms of, for instance, type of residence (in view of lone-parent families, persons living alone, elderly or disabled persons and large families) and energy saving. Moreover, housing should be part of social and vocational integration measures, especially those taken in cooperation with CPASs and civil society associations.
- Improving housing attribution criteria and procedures with a view to enhancing social equality, strengthening the social mix and responding to social and/or family emergencies.

## **2. Brussels-Capital Region**

### *Main housing-policy developments since early 1999*

514. The Brussels housing code, a major reform carried out during the last legislative period (1999-2004) through the decrees of 17 July 2003 and 1 April 2004, established the right to decent housing and provided such instruments for implementing that right as public management regulations and new safety, salubrity and equipment standards for residences. Moreover, various provisions governing the related regional operators or mechanisms (such as the social housing sector, the housing fund, social real estate agencies, ASBLs for integration through housing, the housing advisory board, various housing schemes for individuals, the housing information centre and the regional housing observatory) were consolidated.

515. The above major reform, which provided the Brussels-Capital Region with means of action that had been available to the two other Regions since the second half of the 1990s, is not the only significant development with regard to regional housing policy.

516. In addition to the continuation and development of activities carried out by various organizations and mechanisms in the area of housing, significant measures were taken in the social housing sector during the last legislative period with regard to the sector's financial situation, the participation of users, the development of social services and the establishment of various tools for streamlined housing management. The following measures were taken:

- Settlement of the Region's debt to the social housing loan redemption fund (FADELS). The Brussels-Capital Region is the only Region to have settled its debt to that fund and is therefore expected to have more resources available for its housing policy.
- Establishment of tenants' committees to advise the boards of directors of social housing companies.
- Establishment of the so-called "multiple registration" system for assessing the size of the demand for social housing.
- Establishment of the qualitative housing stock registry for assessing renovation needs in the social housing sector.

- Focusing on such housing-related social initiatives as social cohesion projects and the service for social counselling for social housing tenants.
- Establishment of an eviction control system in the social housing sector.
- Development of housing stock renovation investment.

*With regard to the Walloon Housing Fund (FLW)*

- Considerable expansion of the scope of the fund, which currently extends than 700 mortgage loans per year.
- Reform of prerequisites for mortgage loans: currently, not only families, but also - subject to income criteria - households of other types have access to financing
- Establishment of a system for loans, with terms particularly advantageous, to young people.
- Development of credit procedures enabling poor households to borrow the amount of a rental guarantee deposit.
- Development of the FLW rent-assistance housing stock, currently comprising more than 900 residences leased on terms similar to those applicable to social housing.

*With regard to social real estate agencies (AISs)*

- Extension and development of the AIS housing stock, currently comprising more than 1,000 residences.
- To that end, significant increase in the funds allocated to AISs.
- Introduction of the obligation of the owner of a leased residence to entrust its management to an AIS as a prerequisite for claiming a renovation bonus.

### **3. Flemish Region**

517. In 2001, Flanders comprised 2,385,530 households. The Flemish housing market consists of three submarkets: the home-ownership, private rental and social rental sectors. Home-ownership is traditionally the most frequent form of housing tenure, as approximately 72 per cent of Flemish households own their residence. The private and social rental sectors account for approximately 22 and 6 per cent of households, respectively.

518. The Flemish housing code, which constitutes the basis for the Flemish housing policy, was approved in July 1997 and subsequently amended several times. It contains:

1. Basic definitions and stipulations
2. The objectives of the Flemish housing policy
3. Provisions for housing quality control

4. Provisions on housing policy organization
5. Provisions regarding social housing organizations and their scope
6. A description of available housing instruments
7. Provisions on leasing social housing units.

519. The above legal framework is implemented through various decisions and acts adopted by the Flemish Government. The universal right to adequate housing is enshrined in the Belgian Constitution and in the Flemish housing code and is the cornerstone of the Flemish housing policy. Accordingly, an adequate and secure supply of good quality housing in an appropriate living environment at affordable prices is necessary. The goal of the Flemish housing policy is to promote the enjoyment of the above right, especially by the most vulnerable persons.

520. To that end and within the limits of the budget, the Flemish housing policy pursues the following objectives:

- Availability of leased or owned residences for all;
- Renovation, improvement or adjustment of the housing stock;
- Housing support for the disadvantaged households;
- Real estate development aimed at influencing and controlling housing prices.

521. In addition to focusing on vulnerable persons (such as low-income households, the elderly and the disabled), a key objective of the Flemish housing policy is to strengthen the social mix in housing projects. This objective is pursued through small-scale projects integrated into the surrounding housing neighbourhoods and communities and through projects combining all three forms of tenure. To the extent possible, social housing projects are located in or close to existing developments and their layout is conducive to social contact and mobility, which are keys to quality of life and conviviality. The use of ecological materials and procedures in building, renovating, adapting or improving residences is encouraged and supported.

### *Social housing*

522. Of the 134,422 residences managed by the Flemish social housing sector (accredited social housing companies and the Flemish housing company (VHM) as of 31 December 2004, 127,607 (95 per cent) were leased and a small percentage were not rented, mainly because of planned renovations. Municipalities also manage a limited stock of social residences, not included in the information provided in this report.

523. The 98 accredited local social associations operating in Flanders build residences and lease them at a rent which is lower than the market rate and depends on tenant income, household size, construction cost and age of the building. In 2004, the average monthly rent amounted to €198. At the end of 2004, there were 88,202 social housing applicants. Social housing rentals are governed by the Flemish Government resolution of 20 October 2000 (amended by the Flemish Government resolution of 20 December 2002) on the regulation of the social rental scheme for social accommodation rented or sublet by VHM or a social housing company.

524. To become a social housing tenant, one must register as an applicant for such a residence. Applicants must:

- Be adult;
- Have an annual income lower than:
  1. €16,261 for a single person without dependants;
  2. €17,616 for a single person with a disability;
  3. €24,391, plus €1,356 per dependant, in other cases.

525. In addition to being a registered applicant satisfying the above income criteria, a social housing tenant - and the members of his/her household - must not have full ownership or usufruct of any residence in Belgium or abroad. Camping accommodation in the Flemish Region is not considered to be a residence.

526. The above stipulation does not apply where:

- The residence, located in the Flemish Region and actually occupied by the applicant, is subject to expropriation or has been declared uninhabitable;
- The applicant is at least 55 years old and the actual occupant of the residence;
- The applicant is disabled and has registered for a "daily living activities" (ADL) residence.

527. Within one year from the attribution of social housing, the above residence must at any rate be sold or rented or made available to a social housing company for at least nine years.

528. Social housing is attributed in chronological order by date of application, giving priority to tenants who:

1. Suffer from a specific disability or have a family member in that situation, provided that the housing is suitable for a family affected by the disability in question;
2. Have filed an appeal that has been declared admissible and valid in accordance with article 8;
3. Must be relocated;
4. Are entitled to social housing under a special programme;
5. Are tenants in a residence owned by the same social housing company but not complying with the rational occupancy rule, and wish to move into a residence complying with that rule;
6. Are domiciled in the Flemish Region:
  - In a camping accommodation antedating 1 January 2001;

- In a residence declared uninhabitable under article 135 of the new municipalities act, and subject to evacuation;
- In a residence declared uninhabitable under article 15 of the Flemish code on living conditions; or which, according to the regional official responsible - under article 2 (b) of the Flemish Government resolution of 6 October 1998 on quality assurance, the right of first refusal and the social right to accommodation - is uninhabitable because of at least three category III problems related to stability and dampness; and which must be evacuated;
- In a residence subject to expropriation.

529. Subject to the above priority rules, the social housing company may decide to give priority to an applicant having, within the last six years, resided for at least three years in:

- The community where the social housing is located;
- A community within the district covered by the company.

530. Rational occupancy criteria and uninhabitability must always be taken into consideration in attributing a residence. With regard to buildings and individual housing units, uninhabitability implies that optimal living conditions - including the social mix - should be sought.

531. The attribution of social housing in Flanders is governed by the above rules. New stipulations, currently under preparation and expected to be adopted by 1 January 2007, would give social housing companies and municipalities broader responsibilities.

#### *Private rental sector*

532. Increasing attention is paid to the private rental market, to which many low income households are obliged to turn because of the relatively limited supply of social housing. Using social rental offices to make a segment of that market more broadly accessible, while focusing on quality and affordability, is part the Flemish housing policy. The housing supplied through social rental offices currently amounts to only approximately 3,500 residences.

533. Financial support, in the form of rent subsidies and settlement grants, is available to enable households in the lowest income brackets to rent a residence of good quality. An income lower than a specified maximum and moving from poor to appropriate housing are prerequisites for receiving such support.

534. Tenants' associations provide their members with legal information and advice on rental issues.

535. A number of recent policy initiatives are aimed at improving the quality of the housing stock, especially in the private rental market. The Flemish housing code sets safety, health and quality standards and stipulates various instruments for housing quality improvement (such as a conformity certificate and a charge on unoccupied or neglected residences). Incentives and penalties are provided for. Improvement and reconditioning bonuses are provided for limited renovation work in privately owned residences. The Flemish Housing Department comprises a

unit that mainly inspects low-quality housing and seeks to have it improved through appropriate measures, including sanctions.

*Main housing-policy goals for the period 2004-2009*

536. The housing policy bill, drawn up at the end of 2004 by the Flemish Minister responsible for housing for the current legislative period 2004-2009, comprises the following main thrusts:

- Focusing on promoting the exercise of the right to adequate housing through home ownership, private rental and social rental.
- Increasing the availability of affordable building lots and encouraging the building, purchase, or renovation of private residences by raising the amount of renovation grants and reforming the existing systems for social loans and the exercise of the right to buy for social tenants.
- Supporting the private rental sector in enhancing access to affordable residences of good quality, especially for low-income households. The rental subsidy system will be readjusted and expanded, the possibility for a central rental guarantee deposit fund will be examined and the services provided by tenants' unions will be extended to a greater number of municipalities. In order to increase the private rental supply, incentives will be provided to owners and the operation of social rental offices will be broadened.
- Maintaining the high level of investment in social housing. Streamlining the - currently often complex and long - procedures for carrying out social housing projects and expanding the responsibilities of social housing companies. Taking steps to improve community relations and conviviality in social housing facilities. Studying the financial situation of social housing projects and formulating proposals for ensuring sound management and accountability in social housing companies.
- Monitoring the quality of housing, especially in the private rental sector. Building the capacity of the housing inspectorate with a view to, inter alia, combating rack-renting. Redeveloping the low-quality segment of the private rental market in combination with supporting measures for the households involved in order to specifically improve their housing situation.
- Strengthening the linkages between housing and other policy areas, such as welfare, poverty reduction, urban planning and environment protection. In view of the impact of housing not only on the individual households, but also on the community, adequate consultation is crucial to an integrated and consistent policy. The participation of municipalities and local housing organizations in policy formulation is a key to a coordinated approach adapted to the local situation and housing needs.

#### **4. Development cooperation**

537. Regarding the right to housing, Belgian Cooperation has developed a partnership with the United Nations Human Settlements Programme (UN-HABITAT) and supports primarily a secondary cities programme ("Agenda 21").

538. This capacity building programme was launched in 1995. It offers local bodies and their partners multi-year support for facilitating the implementation of local Agenda 21 processes and other settlements programme activities. The programme specifically targets medium-sized cities, which often have inadequate capacities and are not covered by the international support programmes. The programme's objective is to promote urban governance by supporting the formulation and the implementation of participatory environmental action plans.

539. The programme's strategy focuses on the need for a single vision - shared by all stakeholders - for a city's development and future. Urgent problems are tackled through action plans and environmental conflict resolution based on ongoing participatory consultation processes. Capacity building comprises the definition of priorities for action, the development of specific human resources, institution building, the preparation of appropriate tools and instruments, the promotion of partnerships, resource mobilization and the reinforcement of information exchange between cities facing similar problems.

540. Belgium supports activities in Morocco, Cuba and Vietnam.

## **D. Nutrition principles**

### **1. French-speaking Community**

#### *Raising awareness of nutrition principles*

541. Training in healthy nutrition for children is a key component of the Community policy declaration. Accordingly, on 12 November 2004 the Government of the French-speaking Community decided to draw up a strategic plan for promoting healthy nutrition as part of the national plan regarding food and health. A steering committee set up for the above strategic plan must, as a first step, inventory all related initiatives and assess the situation of school canteens.

542. Recent initiatives include five circulars addressed to schools between November 2000 and October 2003, encouraging school actors and partners engaged in health promotion to involve the pupils, the parents, the staff responsible for meal preparation and the local community in designing and carrying out action plans aimed at improving nutrition in the schools.

543. The situation of school canteens will be assessed shortly through a questionnaire addressed to the educational establishments.

### **2. Flemish Community**

544. Nutritional education is one of the targets of the Flemish Community strategy for disease prevention and health promotion formulated in 1998.

545. The goal consists in decreasing the consumption of fat-rich foodstuffs and promoting low-fat and fibre-rich food.

546. The Flemish Institute for health promotion (VIG) is responsible for developing nutrition education methods. It has, for instance, developed a Flemish version of the food guide pyramid (*De actieve Voedingsdriehoek*); a number of nutrition education tools for schools and specific target groups (such as immigrants and various disadvantaged groups); and a web site (<<http://fedpyr.lsi-e.be/start.aspx?lid=2> and [www.vig.be](http://www.vig.be)>).

547. A broad range of VIG activities are implemented by local health-promotion organizations (LOGOs). The activities range from drinking-water promotion initiatives and other events in schools to "guided tours" in supermarkets.

548. Other regional activities are:

- An awareness-raising campaign entitled "Fit Flanders" (*Vinnig Vlaanderen*) for the promotion of healthy eating habits and physical exercise (2003-2004)
- A project entitled "Tutti Frutti" for the distribution of fruit to school children aged 6-12 (2005-2006)
- Ongoing comprehensive health policy development in the schools, including a coordinator for health promotion activities.

549. In 2003, the effects of nutrition policy were assessed in 2,742 schools and 2,191 companies.

550. In schools, nutrition education is part of the curriculum but its prominence progressively decreases in the secondary education grades. In the workplace, nutrition policy, where at all implemented, is limited to the food supply. Although a significant number of company employees seem to have received some nutrition education, health promotion initiatives in the workplace are limited. The survey will be repeated in 2006.

### **3. Development cooperation**

551. Food security is a key Belgian Cooperation area of action, comprising a number of bilateral cooperation projects. Moreover, the Belgian Parliament has created the Survival fund (FBS), which supports integrated programmes for arid and depressed areas in sub-Saharan Africa.

552. FBS is a response to the Manifesto-Appeal issued in the early 1980s by 77 Nobelists. On 3 October 1983, an act was adopted on the creation of the "Survival fund for the Third World". A new act on the Belgian Survival fund (FBS) was adopted on 9 February 1999, abolishing the 1983 act.

553. The goal of FBS is to improve food security for the most vulnerable population groups in the least developed countries. FBS funds projects in partner countries confronted with chronic food deficits in order to enhance the survival chances of persons threatened by hunger, malnutrition, poverty and exclusion.

554. The above projects use an integrated approach in order to enhance food-supply and nutrition security among the rural and semi-urban families and communities concerned, and focus on the following four aspects:

- Availability of enough foodstuffs to meet the needs of the groups in question
- Access to quantitatively and qualitatively adequate food, especially in the case of the most vulnerable population groups
- Uninterrupted security of access to foodstuffs for all
- Improvement of basic infrastructure in the areas of health, drinking water, basic education and community services.

555. FBS focuses exclusively on Belgian Cooperation partner countries in sub-Saharan Africa and spends an average annual amount of €20 on its projects.

### **E. Safety of the food chain**

#### **Federal level**

556. The Belgian Federal Agency for the Safety of the Food Chain (FASFC) was set up in 2000, in the wake of controversies regarding food crisis management in the late 1990s.

557. In line with European Union legislation, FASFC is an autonomous federal organization which, under the responsibility of the Minister of health, supervises the entire food production process.

558. FASFC employs approximately 1,300 civil servants, scientists, technicians and administrators involved in foodstuff, processing and distribution control; the issuance of licenses; and the development and introduction of foodstuff traceability systems. Additional information is provided in the annex.

### **ARTICLE 12**

1. *The States parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.*

2. *The steps to be taken by the States parties to the present Covenant to achieve the full realization of this right shall include those necessary for:*

(a) *The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;*

(b) *The improvement of all aspects of environmental and industrial hygiene;*

(c) *The prevention, treatment and control of epidemic, endemic, occupational and other diseases;*

(d) *The creation of conditions which would assure to all medical service and medical attention in the event of sickness.*

#### **1. Federal level**

(a) **Infant mortality**

(b) **Vaccine coverage**

(c) **Life expectancy**

(d) **Initiatives**

(e) **Health and safety**

#### **2. French-speaking Community**

(a) **Five-year plans**

(b) **Statistical data**

(c) **Measures related to vulnerable population groups**

(d) **Teaching and information initiatives for health promotion**

#### **3. Walloon Region**

4. **French-speaking Community Commission**
5. **German-speaking Community**
6. **Flemish Community**
  - (a) **Organization of health care in Flanders**
  - (b) **Budget**
  - (c) **Vulnerable groups**
  - (d) **Measures**
  - (e) **Impact of measures**
  - (f) **Reduction of infant mortality and development of the child**
  - (g) **Environmental health improvement**
  - (h) **Disease prevention**
  - (i) **Prevention and information**
7. **Development cooperation**

#### 1. **Federal level**

559. Health surveys organized (in 1997, 2001 and 2004) by the Scientific Institute of Public Health (IPH) provide a description of the state of health of the Belgian population and in the three Regions. The surveys aim to collect information on what Belgians do about health, to what extent they use curative treatments, how they view health as part of their lifestyle and what use they make of preventive or other health services. Cf. <[www.iph.fgov.be/epidemio/epifr/index4.htm](http://www.iph.fgov.be/epidemio/epifr/index4.htm)>.

560. The findings of these surveys are transmitted to the World Health Organization (WHO). The 2001 health survey findings were transmitted to WHO in the framework of the "Surveillance of Risk Factors" (SuRF) report on non-communicable diseases. In particular, the data contained specific prevalence rates, broken down by age, for specific lifestyle indicators (tobacco and alcohol consumption, physical activities and nutrition), physiological factors (weight and blood pressure) and illnesses (heart disease, cancer and diabetes). This information is available at the WHO Global Infobase. Cf. *SurF Report 1. "Surveillance of risk factors related to non-communicable diseases: current state of global data"*, World Health Organization, 2003.

561. IPH also participates in the collection of health-related data by Eurostat and OECD towards the compilation of public health information lending itself to comparisons at the European level. The exercise covers the following 18 topics addressed in health or population surveys carried out by European Union and EFTA member States between 1997 and 2000: chronic health problems, health-related self-assessment, activity restrictions, physical and sensory functional limitations, personal health care activities, mental health, temporary interruption of customary activities, height and weight, current or past consumption of tobacco, consumption of alcohol, physical activity, hospitalization, medical and dental consultations, preventive health care, use of medicines, use of drugs, food consumption habits and quality-of-life. Cf. *Health in Europe - "Results from 1997-2000 surveys"*, Eurostat, 2004, ISBN 92-894-6628-9.

562. With regard to the state of mental health of the population, Belgium participated in the WHO survey entitled "European Study of Epidemiology of Mental Disorders" (ESEMED). Cf. Bruffaerts R., Bonnewyn A., Van Oyen H., Demarest S. and Demyttenaere K., "Prevalence of pure and comorbid mental disorders in Belgium", *Revue médicale de Liège*, 2003 (58 (12): 741-750).

563. The universal right to social security, health protection and social, medical and legal assistance is enshrined in article 23 of the Belgian Constitution. The Government considers the

availability of quality care to all at an affordable price as one of its basic missions and a responsibility to the population.

564. The operation of health care organizations (mainly hospitals) is based on the following concepts: focus on the patient, evidence-based medicine and health policy, continuous care before, during and after hospitalization, multidisciplinary basis of health care, funding based on justified admissions, and accountability. Based on the idea of solidarity, the hospital is currently viewed as an institution having a public mission which consists in the uninterrupted supply of consistent, specialized and multidisciplinary medical services; and enjoying a unique status characterized by hierarchical decentralization (contrary to tradition) and multifaceted, interdisciplinary and patient-centred operation.

565. Funds allocated to health care amount to 9.1 per cent of GNP (source: OECD).

**(a) Infant mortality**

566. In 1997, infant mortality (number of deaths of children under one year of age per 1,000 live births) was 5.57 (647 deaths / 1,000 live births) in Belgium as a whole, 6.33 in the Brussels-Capital Region, 6.10 in the Walloon Region and 5.09 in the Flemish Region. It was higher for boys (6.02) than for girls (5.09) and not very different between Belgian and non-Belgian children (5.54 and 5.69, respectively). In 1994, infant mortality was 1.85 times higher for population groups of a low social and occupational status than for the middle class.

567. (INS data obtained through the interactive application "Standardized procedures for mortality analysis" (<[www.iph.fgov.be/epidemi/spma](http://www.iph.fgov.be/epidemi/spma)>).)

**(b) Vaccine coverage**

**Population-weighted coverage rates (%)**

<i>Vaccines</i>	<i>Year</i>	<i>Survey</i>	<i>Official estimate</i>
DTP1	2000		96.6
DTP1	2003	98.6 Wallonia	
DTP3 (3 doses)	2000		95.0
DTP3 (3 doses)	2003	98.2 Wallonia	
Hepatitis B (3 doses)	2000		60.0
Hepatitis B (3 doses)	2003	64.8 Wallonia	
Haemophilus influenza b	2000		86.2
Haemophilus influenza b	2003	94.8 Wallonia	
Measles containing vaccine 1	2000		82.2
Measles containing vaccine 1	2003	82.5 Wallonia	
Poliomyelitis (3 doses)	2000		95.7
Poliomyelitis (3 doses)	2003	97.9 Wallonia	

*Source:* Data compiled by IPH from surveys on the three Communities, 1999-2000. G. Hanquet. Last update: 10 August 2004

568. The 2000 figures are comprehensive estimates for Belgium, obtained by weighting the survey findings for Wallonia, Flanders and Brussels. These estimates are still valid because the rates remain stable. The rates shown for Haemophilus influenza b (Hib) and Hepatitis B (Hep B), however, are below their current level because the Hib vaccine was at that time not yet combined with the other vaccines and Hep B stocks have since been regulated.

569. The 2003 figures concern only Wallonia because the Flanders survey findings are not yet available. The 2003 Hib rate is closer to the current level because a combined vaccine was introduced in 2003.

**(c) Life expectancy**

570. In 1997, life expectancy was 77.41 years in Belgium as a whole (80.55 years for women and 74.17 years for men), 78.26 years in Flanders, 77.36 years in the Brussels-Capital Region and 75.95 years in Wallonia.

571. (INS data obtained through the interactive application "Standardized procedures for mortality analysis" (<[www.iph.fgov.be/epidemi/spma](http://www.iph.fgov.be/epidemi/spma)>).)

572. The availability of affordable quality health care accessible to all is a high priority for the Belgian authorities. Accordingly, the Government constantly tries to improve the efficiency of the health system, while additional, specific efforts are made for particular groups.

**(d) Initiatives**

573. "Intercultural mediators" have been appointed for patients who do not speak French, Dutch or German and have little cultural affinity with health service units and hospitals. These mediators have various duties, such as acting as interpreters and cultural go-betweens, providing help and specific information to alien patients, listening to and supporting such patients during medical interviews, mediating in conflicts and defending the patients' rights and interests.

574. Sub-section B8 of the hospitals budget covers specific expenses incurred by hospitals treating a significant number of low-income patients. Under that part of the budget, a hospital meeting certain criteria may receive a subsidy designed to promote the accessibility of health care to disadvantaged groups.

575. A health care programme for children, currently in the stage of development, provides for, inter alia, architectural requirements for facilities treating children, active involvement of parents in the recovery process, the possibility for them to sleep near their children or to supervise their games.

576. The post of "regional provider of perinatal care" has been created and 16 such hospital positions have been accredited in order to provide highly specialized services in the area of high-risk pregnancies and intensive neonatal care.

577. A working group on hospital hygiene has been set up in the Belgian antibiotic policy committee (BAPCOC) to prevent and combat nosocomial infections in a bid to improve the quality of health care and reduce morbidity and mortality during and after hospitalization. The first national campaign for hand-hygiene - the most cost-effective measure against such infections - was launched by BAPCOC on 15 February 2005.

578. In view of the possibility of a severe acute respiratory syndrome (SARS) epidemic, an agreement has been concluded with a hospital to act, in that event, as a referral facility and a working group has been set up, as part of the inter-ministerial conference on infectious diseases, to consider any other appropriate measures.

579. The following major initiatives have been undertaken:

- In order to facilitate access to contraception as a means of reducing unwanted pregnancies among adolescents, any girl under 20 is entitled to a €3 monthly reduction on prescription contraceptives.
- Other preventive measures aim at protection from HIV/AIDS and sexually transmitted diseases (STDs). At the federal level, there are provisions for allocating resources to mutual insurance agencies and pharmacies to enable them to inform their clients on protection methods, particularly the use of condoms.
- A cooperation protocol has been concluded between the Federal Government regarding large-scale screening for breast cancer by mammography. Moreover, information campaigns have been launched regarding the breast cancer screening programme.  
  
Organized mammography screening fees are covered by health insurance. A preventive mammographic screening is available every two years to women between 50 and 60 not having been previously treated for breast cancer and not having regular check-ups.
- A number of vaccination campaigns were launched in recent years (Hep B, meningococcus C and Hib).

580. In 2000, the Federal Department of Public Health set up a unit responsible for neutralizing the impact of emerging epidemics or public health emergencies. The unit systematically monitors the relevant national and international information sources and uses the data obtained to assess risks and propose appropriate measures. Moreover, this monitoring occurs within an international framework established by the European Commission for the coordination of early alert and effective response measures in view of the propagation of epidemic diseases through international movements.

581. A "maximum billing" (MAF) system has been established in order to facilitate access to health care. According to this system, when a beneficiary's participation in medical fees exceeds a certain limit, the beneficiary is reimbursed for his/her entire share.

582. There are various types of MAF (related to welfare, low-income and tax benefits) subject to specific criteria. Further information is available at <[http:// www.inami.fgov.be.secur/fr/maf](http://www.inami.fgov.be.secur/fr/maf)>.

583. There is a long tradition of cooperation between the Government and the health sector with regard to health care policy. The discussions on health that were organized by the Ministry at the beginning of the current legislative period are an example in point. The sector is actively involved in the formulation of health policy by participating in a number of advisory bodies. The Federal Department of Public Health comprises the National board for hospital equipment, which advises the Minister on hospital policy, and the joint hospital-policy group (where hospital managers, trade

associations and insurance organizations are represented). Lastly, nation-wide developments are monitored through the quadrennial National health survey on the full range of health determinants and indicators (cf. IPH site at <[www.iph.fgov.be/epidemie/epinl/index4.htm](http://www.iph.fgov.be/epidemie/epinl/index4.htm)>).

584. At the international level, there is extensive technical cooperation with various international organizations (including WHO, OECD and the European Union) on the above issues.

**(e) Health and safety**

585. In Belgium, health and safety in the workplace are part of the broader concept of well-being in the workplace, developed in the act of 4 August 1996 and the related implementing decisions. The act and decisions in question apply to all workers and employers other than household servants, other domestic workers and their employers. This exception does not apply to the protection of maternity and protection from harassment.

586. Since 11 June 2002, violence and psychological or sexual harassment in the workplace fall specifically within the scope of the act of 4 August 1996 on well-being in the workplace. Mechanisms for the prevention, and for the protection of victims, of such acts are currently in place.

587. Previously, the general regulations on protection in the workplace comprised all of the provisions related to safety and health. Almost all those provisions have since taken the form of royal decrees and will constitute the code of well-being in the workplace. Accordingly, these new royal decrees are decisions implementing the act of 4 August 1996. Some of them transpose the European directives on the health and safety of workers into the Belgian law.

588. Over and above the afore-mentioned forms of harassment, provisions adopted since 2001 include, inter alia, measures for monitoring the health of the workers, measures specifically regarding such workplaces as temporary or mobile sites, stipulations concerning the coordination of provisions for safety and against exposure to chemical substances in the workplace and specific provisions for the health of night or shift workers and for the protection of interns.

589. All these measures are taken with a view to improving occupational hygiene, ensuring the safety of workers and protecting their health in the workplace, particularly in order to prevent occupational diseases and reduce the number of industrial accidents.

**2. French-speaking Community**

**(a) Five-year plans**

590. Two five-year plans for health promotion, drawn up for the periods, respectively, 1998-2003 and 2004-2008, refer explicitly to the principles of the Ottawa Charter for Health Promotion and establish strategic and thematic priorities. With regard to target groups and field actors, top priority is given to the vulnerable and the young and to local initiatives and participatory projects.

591. The 2004-2008 programme comprises three main thrusts: principles for action, main categories of actors and priority health problems.

*Seven principles for action*

1. Adopting strategies against inequalities in the health sector
2. Incorporating preventive medicine strategies into health promotion
3. Promoting citizens' participation by involving the population groups concerned in designing, carrying out and evaluating the activities carried out
4. Developing networks and intersectoral partnerships
5. Developing quality assurance procedures
6. Building health-related skills and capacities in key bodies and in the population
7. Defining the scope of health promotion and of other forms of related political action.

*Three main categories of actors*

1. Fundamental social actors (such as families, schools and care providers)
2. Members of local authorities
3. Relay bodies addressing vulnerable population groups.

*Ten priority health objectives*

1. Prevention of the various forms of addiction
2. Prevention of cancer
3. Prevention of infectious diseases
4. Prevention of traumas and promotion of security.
5. Promotion of physical activity
6. Promotion of oral hygiene
7. Promotion of cardiovascular health
8. Promotion of well-being and mental health
9. Promotion of the health of infants
10. Promotion of environmental health.

**(b) Statistical data**

*Infant mortality*

592. In 1997, 162 stillbirths and 35,534 live births (including 184 deaths of less than one year olds) were recorded in the French-speaking Community (excluding the Brussels-Capital Region). Detailed data were as follows:

- (a) Rate of stillbirths: 4.54 per 1,000 births. Number of deaths: 162
- (b) Perinatal mortality rate (rate of stillbirths + early neonatal mortality rate): 7.56 per 1,000 births. Number of deaths: 248
- (c) Early neonatal mortality rate (birth - seventh day): 2.42 per 1,000 live births. Number of deaths: 86
- (d) Late neonatal mortality rate (seventh to twenty-eighth day): 0.87 per 1,000 live births. Number of deaths: 31
- (e) Neonatal mortality rate (birth to twenty-eighth day): 3.29 per 1,000 live births. Number of deaths: 117
- (f) Post-neonatal mortality rate (twenty-eighth day - one year): 1.89 per 1,000 live births. Number of deaths: 67
- (g) Fetal/infant mortality rate (rate of stillbirths + infant mortality rate): 9.79 per 1,000 births. Number of deaths: 346

*Infant mortality by gender*

592. In 1997, 162 stillbirths and 35,534 live births (including 184 deaths of less than one year olds) were recorded in the French-speaking Community (excluding the Brussels-Capital Region). Detailed data were as follows:

1. In 1997, the number of live births in the French-speaking Community (excluding the Brussels-Capital Region) for boys was 1.037 times (or 3.7 per cent) greater than for girls.
2. The table below shows that fetal/infant mortality is gender-neutral. However, the rate of stillbirths and the early (hebdomadal) neonatal mortality rate are higher for boys. The inverse is true in subsequent stages.

**Pregnancy outcomes by gender- French-speaking Community  
(excluding the Brussels-Capital Region), 1997**

<i>Gender</i>	<i>MN</i>	<i>MNP</i>	<i>MNT</i>	<i>MPN</i>	<i>MFI</i>	<i>Live births</i>	<i>Total</i>	<i>IC inf</i>	<i>OR</i>	<i>IC sup</i>
Male	84	45	13	30	172	18,002	18,174	0.77	0.95	1.18
Female	78	41	18	37	174	17,348	17,522		1	
Total	162	86	31	67	346	35,350	35,696			

MN: Rate of stillbirths

MNP: Early neonatal mortality (birth to seventh day) rate

MNT:	Late neonatal mortality (seventh to twenty-eighth day) rate
MPN:	Post-neonatal mortality (twenty-eighth day to one year)
MFI:	Fetal/infant mortality
OR:	Odds ratio
IC inf:	Lower limit of 5 per cent confidence interval
IC sup:	Upper limit of 5 per cent confidence interval

*Infant mortality by socio-economic group*

593. The table below shows the relation between the pregnancy outcome and the occupation of the father or, in the absence of that information, the occupation of the mother. Occupations, as stated on birth or death certificates, have been grouped into two categories: employers, self-employed workers and employees; and labourers and auxiliary personnel.

594. The risk of fetal/infant mortality is not significantly higher in the second category.

595. On the contrary, that risk is clearly higher among persons without an occupation than in the first category.

**Pregnancy outcomes by type of occupation of the father (or mother)  
French-speaking Community (excluding the Brussels-Capital Region), 1997**

<i>Occupation</i>	<i>MN</i>	<i>MNP</i>	<i>MNT</i>	<i>MPN</i>	<i>MFI</i>	<i>Live births</i>	<i>Total</i>	<i>IC inf</i>	<i>OR</i>	<i>IC sup</i>
Employers, self-employed workers and employees	60	30	8	21	119	16,252	16,371		1	
Labourers and auxiliary staff	43	27	10	18	98	12,802	12,900	0.80	1.05	1.37
Without occupation	57	27	12	24	120	6,057	6,177	2.10	2.71	3.49
Unknown occupation	2	2	1	4	9	239	248			
Total	162	86	31	67	346	35,350	35,696			

MN:	Rate of stillbirths
MNP:	Early neonatal mortality (birth to seventh day)
MNT:	Late neonatal mortality (seventh to twenty-eighth day)
MPN:	Post-neonatal mortality rate (twenty-eighth day to one year)
MFI:	Fetal/infant mortality
OR:	Odds ratio
IC inf:	Lower limit of 5 per cent confidence interval
IC sup:	Upper limit of 5 per cent confidence interval

*Infant mortality by nationality*

596. The table below shows the relation between the pregnancy outcome and the nationality of the father or the mother. Risks are higher among non-Belgians.

**Pregnancy outcomes by nationality of the father (or mother)  
French-speaking Community (excluding the Brussels-Capital Region), 1997**

<i>Nationality</i>	<i>MN</i>	<i>MNP</i>	<i>MNT</i>	<i>MPN</i>	<i>MFI</i>	<i>Live births</i>	<i>Total</i>	<i>IC inf</i>	<i>OR</i>	<i>IC sup</i>
Belgians	90	57	18	52	217	27,787	28,004		1	
Non-Belgians	72	29	13	15	129	7,563	7,692	1.75	2.18	2.72
Total	162	86	31	67	346	35,350	35,696			

MN:	Rate of stillbirths
MNP:	Early neonatal mortality (birth to seventh day)
MNT:	Late neonatal mortality (seventh to twenty-eighth day)
MPN:	Post-neonatal mortality (twenty-eighth day to one year)
MFI:	Fetal/infant mortality
OR:	Odds ratio
IC inf:	Lower limit of 5 per cent confidence interval
IC sup:	Upper limit of 5 per cent confidence interval

*Birth rate and infant mortality by geographic area*

597. The table below compares birth rates and fetal/infant mortality rates.

598. In the provinces, the lowest and highest birth rates occur, respectively, in the Walloon part of Brabant (6.5/1,000 inhabitants) and in the province of Luxembourg (12.06/1,000 inhabitants). Only the province of Liège has a fetal/infant mortality rate greater than 10.

**Birth rate and fetal/infant mortality rate by province  
French-speaking Community (excluding the Brussels-Capital Region), 1997**

<i>Province</i>	<i>Birth rate</i>	<i>Fetal/infant mortality rate</i>
Wallon Brabant	6.50	7.66
Hainaut	11.19	8.84
Liège	11.34	11.99
Luxembourg	12.06	7.52
Namur	9.89	9.70
<b>French-speaking Community</b>	<b>10.65</b>	<b>9.79</b>

*Vaccine coverage of 24-month olds - French-speaking Community (excluding the Brussels-Capital Region), June 2003*

–	Diphtheria	92.7%
–	Tetanus	92.7%
–	Whooping cough	92.7%
–	Measles	82.5%
–	Poliomyelitis	92.3%
–	Tuberculosis	Not available

**(c) Measures related to vulnerable population groups**

599. In Wallonia and Brussels, groups in precarious or vulnerable situation are not identified as such but their existence has been brought to light in several reports (drawn up by the Hainaut Health observatory and the Brussels Observatory for health and social affairs) highlighting various aspects of that vulnerability (related, in particular, to housing, employment and education) and the importance of acting on the basis of a comprehensive health promotion strategy.

600. The afore-mentioned five-year plan, focused on the vulnerable and the young, is the frame of reference for health promotion.

601. Specific activities undertaken in this area include, for instance, the following initiatives:

- Centres for health promotion in the school (PSE);
- A health promotion project ascribing priority to measures targeting vulnerable population groups;
- Activities carried out in homes by social medical workers (TMS) of the Office for childbirth and infants (ONE) for mothers and newborns;
- A health promotion programme related to the sudden infant death syndrome.

**(d) Educational and informational activities for health promotion**

602. The following developments should be noted:

- The decree on health promotion stresses the importance of, inter alia, information, participation and training.
- The five-year plans for health promotion give priority to the empowerment of the actors (in the areas of, for instance, health, social affairs, culture and education) and target groups.
- The scope of health promotion centres operating in the schools has been redefined to encompass health promotion projects developed in cooperation with the entire educational community, including the pupils.
- A project presentation tool has been developed for project promoters in order to improve the quality of health promotion and disease prevention programmes.
- Article 16 of the decree of 27 February 2003 on radio broadcasting stipulates that "broadcasters publicizing medicines, medical treatments or alcoholic beverages shall make available to the Government, free of charge and on terms to be agreed upon, advertising space, equivalent to the above publicity, to be used for information campaigns regarding health".
- The French-speaking Community has accredited local centres for health promotion (CLPS) which coordinate the implementation, at the local level, of the five-year plan

and the community plans for health promotion. These centres also respond to requests made by the local actors.

### **3. Walloon Region**

603. Curative health care comes within the competence of the Walloon Region which, accordingly, implements a number of assistance and care mechanisms related to the various aspects of physical and mental health.

#### *Mental health*

##### *Epidemiological survey on mental health services*

604. This epidemiological survey, which started in 2003 as a compilation of sociological data and has been made obligatory, including with respect to diagnostic data as of 1 January 2004, inventories the requests made to mental health services. The survey is governed by the Walloon Government decision of 22 January 2004, which is based on article 9 of the decree of 4 April 1996.

##### *The Walloon Institute for mental health (IWSM)*

605. The goal of IWSM is to organize, among actors in the area of mental health, an ongoing discussion on social issues related to that area, encourage a critical examination of mental health practices, contribute to the promotion of mental health in the Region and examine related ethical issues.

##### *Specific initiatives aimed at target groups, including network-based methods*

606. Specific initiatives attached to existing mental health services have so far been accredited for treating sex offenders and drug addicts (ten and seven specialized teams, respectively).

607. Accreditation applications for additional specific initiatives were processed in 2003 and comprehensive structural funding was approved in 2004.

608. The supply of such services is diversified. Initiatives have been launched for the following groups: the elderly (three initiatives), refugees victims of violence (three initiatives), the deaf (one initiative consisting of an ambulatory unit servicing the entire Walloon Region), persons (families and health personnel) in contact with patients affected by psychotic disorders (one network-based initiative) and children (one initiative).

##### *Centre of research in social defence (CRDS), Tournai*

609. CRDS plans to play a leading role in French-speaking Europe in the area of standard diagnostic evaluation with regard to delinquent populations.

610. CRDS research is used as a basis for treatment in the "Les Marronniers" psychiatric hospital

611. CRDS, unique in the French-speaking world, is internationally well known in the area of clinical criminology, which comprises such disciplines as forensic psychiatry, criminology, criminal psychology and fundamental psychology.

612. CRDS activities fall into the following four main processes, which are inseparable at the clinical level: validation of diagnostic procedures in psychiatry and psychopathology with regard to delinquent populations, validation of scales of dangerousness for evaluation and risk management in clinical criminology, experimental research in delinquent sub-populations and determination of biological parameters linked to violent behaviour.

613. In the framework of a cooperation agreement of 8 October 1998 for counselling and treating sex offenders, CRDS cooperates with the Forensic psychopathology unit (UPPL) in developing a grid for recording statistical data on sex offenders treated by accredited health services, such as specialized mental-health teams.

*Forensic psychopathology unit (UPPL)*

614. UPPL is a Walloon methodology and training support centre for specialized mental-health teams. It also carries out a statistical survey on their work.

*Helplines*

615. The Walloon Region subsidizes five accredited helplines.

616. These centres can be contacted by dialling 107 round-the-clock seven days a week. Caller and telephone counsellor anonymity is guaranteed. Each centre has at least 60 trained telephone counsellors, all volunteers.

617. The aim of a helpline is to listen attentively and respond to each caller who faces a psychological crisis or difficulty; and, where appropriate, counsel the caller as effectively as possible. More than 100,000 calls, covering a broad range of situations, are received every year.

*Domestic care and services coordination centres*

618. The Walloon Region subsidizes 51 accredited centres coordinating the provision of care and services to persons having a reduced autonomy.

*Integrated domestic care units*

619. The first four integrated domestic care units have been accredited. They had been launched as pilot projects in 2000.

620. An integrated domestic care unit is a health care body that through, inter alia, practical organization and supervision reinforces the provision of domestic care to patients by various specialized professionals in a given district.

621. The overall objective is to offer patients health care services in as consistent, accessible and appropriate form as possible.

*Comprehensive health associations*

622. These associations ensure the provision of care by a front-line multidisciplinary - medical, psychological and social - team. As a minimum, the team comprises two general practitioners, a physiotherapist, a nurse and a reception centre.

623. A comprehensive health association is a single primary health care provider combining therapeutic, preventive, health-education, remediation and rehabilitation functions.

624. It is estimated that approximately 2.5 per cent of the total number of medical interviews in Wallonia are conducted through these associations.

*Networks for assistance, care and services specialized in treating addiction*

625. The decree of 27 November 2003 on accrediting and subsidizing these networks entered into force, in accordance with the implementing decision of 3 May 2004, on 13 September 2004.

626. This new legislation provides for continued financing for operators specialized in treating addiction and for the promotion of networks designed to provide addicts with a full and integrated range of assistance and health care services.

**4. French-speaking Community Commission**

627. Since its creation, CCF, acting within its competence, has formulated a policy aimed at promoting health in the Brussels-Capital Region. This policy provides for a considerable supply of health services and the development of conditions conducive to health.

628. The health policy pursued by CCF is designed to enable any person whose health is damaged, harmed or undermined to receive an adequate response to his/her needs and appropriate attention to his/her situation with a view to safeguarding and ensuring the optimal development of the health of the Brussels population.

629. Accordingly, support is provided for projects or initiatives combating social exclusion, promoting access to health care for the destitute, supporting the social environment (family, school, workplace and neighbourhood), and enabling individuals to act responsibly in the interest of their own health, take informed decisions on health issues and assess and use health services.

*Medical assistance in the Brussels-Capital Region*

630. CCF policy on medical assistance is implemented through accredited and subsidized health care institutions and agencies largely servicing the outlying districts. This ambulatory front-line method, part of a comprehensive, multidisciplinary and integrated territorial approach to health issues, comprises a diversified and extensive supply of services.

*Medical centres*

631. These units provide affordable primary health care at the local level. The services provided include treatment, prevention and community health care, and play a front-line health observatory role. The units in question apply primary health care quality criteria, take a comprehensive approach to the patient and to health, employ integrated and consistent health care methods and aim at accessibility, effectiveness and efficiency.

*Mental health units*

632. In their capacity as a public health service, these units strive to raise the level of personal and collective well-being and, at the clinical level, to develop activities including reception, evaluation, referral if necessary, diagnosis, treatment, prevention and mental health promotion.

633. In addition to pursuing the above general objectives, these units develop specific projects for socially isolated persons, such as the elderly, children with learning disorders and persons unable to develop their potential because of precarious social, economic, educational and cultural circumstances.

*Units for active handling of drug addiction cases*

634. The situation of drug addicts often results not only from health issues, but also from social factors and from problems with justice.

635. Accordingly, the reception of such persons in a health care unit requires specialization. This led to the creation of services with appropriate counselling, care and prevention capabilities.

636. The units in question act in coordination with each other and with the other actors participating in the health care and social service networks.

*Helplines*

637. Social exclusion, characterized by the breakdown of social and family relations and by personal isolation and withdrawal, is on the increase in the Brussels-Capital Region. CCF accredits and subsidizes associations organized to respond to emergencies through centres that operate round-the-clock seven days a week to help persons experiencing a psychological crisis.

*Observatory for health and social affairs*

638. The mission of this observatory, operating in the Brussels-Capital Region, is to collect, analyze and transmit information necessary for the formulation of coordinated public-health and poverty-reduction policies. <<http://www.observatbru.be/fr/default.asp>>

## **5. German-speaking Community**

639. The German-speaking Community has competence in health education and illness prevention.

640. In recent years, the above sector expanded considerably through, inter alia, the initiatives described below:

- In the framework of the campaign "I love sunshine but protect my skin", activities were carried out in the schools and by the Unit for the child and the family (*Dienst für Kind und Familie* or DKF).
- The above campaign addressed adults and comprised a media campaign and systematic annual screening for skin cancer.
- As part of the federal programme of screening for breast cancer, awareness raising and motivation activities addressing the target group included forums and information exchange evenings organized by local associations of women.
- In the period 2002-2003, extensive awareness-raising campaigns and screening for cardiovascular risk factors were carried out in all municipalities of the Community. On that occasion, individualized advice was provided with regard to healthy living.

- Since 2004, a "health month" has been organized in cooperation with municipalities. The activities have included theme evenings and screening for specific types of ailments (for instance, osteoporosis).
- Activities against various forms of high-risk behaviour have included an extensive campaign against alcohol consumption by adolescents under 16, launched in cooperation with, inter alia, café-owners, vendors, field activity leaders and the police.

641. Various ongoing projects were reinforced, as indicated below:

- School medicine staff working time has been increased in order to promote health education in the schools.
- Information on comprehensive health concepts has been provided to schools and exchanged in connection with relevant school projects.
- Dental care activities and regular dental checks are organized in the schools.
- Information is provided with regard to vaccination.

## **6. Flemish Community**

### **(a) Organization of health care in Flanders**

642. The objective of the Flemish health care policy consists in the provision of individualized health services accessible to all. Universal accessibility is considered to be a key to health care quality. Accordingly, additional efforts are required to eliminate any inequalities observed with regard to access to health services. Note should be made of the initiatives described below.

- A protocol concluded between the Federal Government and the Communities and Regions regarding crucial front-line health care is aimed at providing health services as accessible, comprehensive and effective as possible. In line with WHO recommendations, the Flemish Community plans to promote front-line health care. To that effect it encourages cooperation among providers of such services, particularly through the decree of 3 March 2004 on primary health care and cooperation among health care providers. Accessibility is enhanced through local helpdesks (in centres for social affairs), and health care providers are requested to offer patient orientation services.
- Mental-health centres (*centra voor geestelijke gezondheidszorg*) are second-line units subsidized by the Flemish Community. Cooperation agreements between mental health care providers of various types (in- and outpatient units) are expected to improve the quality of care. Mental health centres are subject to the provisions of the decree of 17 October 2003 on the quality of health care and social assistance bodies.
- With regard to hospitals, accreditation and subsidy fall within the competence of the Flemish authorities, which are thus able to fill gaps in the federal legislation. As the Flemish health care department is entrusted with accrediting Flemish health care establishments, the authorities use that power to influence the quality of health

services. Building on the decree on comprehensive quality of care in health establishments, the Flemish authorities promote affordable care, define reasonable quality standards and expect the establishments in question to take observable quality-policy measures. These establishments are currently preparing a quality manual and plan, to be submitted to the department for evaluation. Approval has had an impact on accreditation since 1 January 2001.

- The Communities have competence in preventive health care. The decree of 21 November 2003 on preventive health care policy unifies prevention regulations and aims at improving public health and specifically raising the health level of the Flemish population, with a view to improving the quality of life. Accordingly, the preventive health policy implemented by the Flemish Government is part of a multi-faceted approach.

**(b) Budget**

643. In 2004 and 1999, €2.323 and €1.646 billion, respectively, or 12.76 and 10.76 per cent of the Flemish budget, were allocated to well-being and health.

**(c) Vulnerable groups**

- The Flemish Government implements a policy of social inclusion. The Flemish health policy focuses on the following target groups: ethnic and cultural minorities (aliens, refugees, travellers and any illegal residents who need care or assistance) and persons living in poverty.
- Under the Flemish decree of 21 November 2003 on preventive health policy, the Flemish Government is committed to paying particular attention to: (1) disadvantaged population groups, (2) population groups particularly exposed to health risks and (3) the accessibility of preventive health care. Preventive health policy for disadvantaged groups is to take shape in conferences on health and through management contracts with partner bodies and field organizations.

In connection with the implementation of the decree of 21 March 2003 on poverty reduction, the "right to health care" is considered as a fundamental right. Under the Flemish action plan for poverty reduction, the Flemish Government must report annually on measures taken to ensure the enjoyment of that right by persons living in poverty.

Under the Flemish decree of 3 March 2004 on primary health care and cooperation among health care providers, the latter must ensure maximum accessibility of primary health care, particularly to disadvantaged persons. In line with the Flemish Government's equal opportunities policy, "accessibility" should be understood to broadly imply that human diversity, including cultural and economic differences, should be taken into consideration in providing individualized care. Positive discrimination measures may be envisaged in ensuring equality of opportunities. Article 9 (3) stipulates that the primary health care cooperation initiatives shall aim at maximum accessibility to disadvantaged persons. Article 7 (3) stipulates that accreditation criteria for primary health care partnerships must include factors related to their legal form, degree of multidisciplinary, continuous service and file-access capacities, target group and location. According to the preamble, neighbourhood-based health centres are currently entitled to infrastructure subsidies, provided that, inter alia, the ratio of beneficiaries (with or without

entitlement to higher insurance benefits) referred to in article 37 on obligatory insurance for medical care and indemnities, coordinated on 14 July 1994, to the total number of beneficiaries registered with the centre is higher than the national average for obligatory sickness-and-disability insurance, subject to standardization in terms of age and gender.

**(d) Measures**

- The above decree on primary health care established the concept of integrated and coordinated care based on local multidisciplinary cooperation. Local service centre and CPASs must be involved in cooperation initiatives regarding primary health care.
- The accreditation and subsidization of such initiatives as neighbourhood-based health care centres enhance accessibility.
- Care insurance covers non-medical care expenses (as of 1 October 2001).
- Small children are examined free of charge (cf. (e) below).
- Basic inoculation is free of charge for children.
- Mammographic screening is free of charge for women aged 50-69.
- LOGOs provide preventive health care at the local level with a view to attaining the Flemish health objectives. They also carry out related activities - such as projects for healthy nutrition and against depression for disadvantaged persons and aliens.

**(e) Impact of measures**

- Although membership of a care insurance fund is obligatory, not all persons are yet covered by such insurance. A number of persons cannot afford the annual contribution of €25 (€10 for beneficiaries entitled to higher insurance benefits). Moreover, reimbursement for domestic and neighbourhood-based health care is limited to €90 per month, an amount insufficient for covering essential services in the case of persons in need of considerable care.
- Universally accessible services provided by "Child and Family" (*Kind en Gezin*) for pregnant women and small children are extended to most of the young families concerned. In these interviews, basic health-care information is provided and children are monitored with regard to, inter alia, physical development, illness prevention and vaccination. As a result, vaccination coverage is high.
- The rate of women availing themselves of the mammographic screening and cervical cancer detection tests, which are provided free of charge, is clearly lower among women with a low level of qualification.
- Large-scale prevention campaigns largely fail to reach the disadvantaged. Obesity, smoking and lack of physical exercise are more frequent among persons with a low level of qualification. A greater number of small-scale, local and targeted initiatives are needed in order to cope with that phenomenon.

**(f) Reduction of infant mortality and development of the child**

*Data*

*Infant mortality*

644. In the period 1998-2003, infant mortality in Flanders declined from 5.1 to 4.3 per 1,000 live births. The decrease has been most noticeable among girls under one (from 5.0 to 3.8, compared to only a decrease from 5.1 to 4.8 among boys of that age).

<i>Year</i>	<i>Total births</i>	<i>Rate of stillbirths</i>	<i>Perinatal mortality</i>	<i>Early neonatal mortality</i>	<i>Late neonatal mortality</i>	<i>Post-neonatal mortality</i>	<i>Infant mortality</i>	<i>Fetal/infant mortality</i>
1998	62,861	3.9	6.3	2.4	0.8	1.9	5.1	9.0
1999	62,061	4.3	6.7	2.4	0.6	1.8	4.8	9.2
2000	62,576	3.9	6.1	2.1	0.7	1.9	4.7	8.7
2001	61,119	4.0	6.3	2.3	0.6	1.7	4.5	8.6
2002	60,459	4.2	6.0	1.8	0.7	1.8	4.3	8.5
2003	60,717	4.5	6.5	2.0	0.8	1.5	4.3	8.9

- Total births = Total number of births of a living or dead child  $\geq 500$ g or  $\geq 22$  weeks of amenorrhea
- Rate of stillbirths = Fetal mortality = Births of a dead child  $\geq 500$ g or  $\geq 22$  weeks of amenorrhea, per 1,000 births
- Perinatal mortality = Rate of stillbirths + Early neonatal mortality
- Early neonatal mortality = Deaths of a child born alive  $\geq 500$ g, before the eighth day after birth, per 1,000 live births
- Late neonatal mortality = Deaths of a child born alive  $\geq 500$ g, from the eighth to the twenty-eighth day after birth, per 1,000 live births
- Post-neonatal mortality = Deaths of a child born alive  $\geq 500$ g, from the twenty-ninth to the 365th day after birth, per 1,000 live births
- Infant mortality = Deaths of a child born alive  $\geq 500$ g, in the first year, per 1,000 live births
- Fetal/infant mortality = Infant mortality + Rate of stillbirths

*Source:* Flemish health indicators, Ministry for the Flemish Community, Health care unit

*Latest available information (2004 data):*

"Rate" = Number per 1,000 (live) births

	<i>(Number of deaths)</i>	<i>Overall rate</i>	<i>Rate for boys</i>	<i>Rate for girls</i>
Rate of stillbirths	(262)	4.2	4.4	3.9
Early neonatal mortality	(136)	2.2	2.3	2.0
Perinatal mortality	(398)	6.4	6.7	5.9

*Source:* Study centre for perinatal epidemiology (SPE), "Perinatal activities in Flanders" (*Perinatale activiteiten in Vlaanderen*), 2004.

## *Measures*

### *"Child and Family"*

This body is a Flemish public agency for assistance and counselling regarding children's well-being and health. Its mission consists in taking measures for the prevention of perinatal deaths and premature births; for the development of the child within the family and society; and for support for parents, particularly regarding health during pregnancy and after childbirth (preventive prenatal and postnatal assistance). Information evenings, focused on, inter alia, on healthy living, are organized for future parents. Subsidies are provided to prenatal care centres offering support during pregnancy, especially in districts with a high rate of disadvantaged families. After childbirth, the mothers are visited in the hospital by a "Child and Family" nurse. Moreover, a local nurse visits the newborn at home several times, in principle four (for a first child) or three (for subsequent children) times in the first three months after birth. Prevention of sudden infant death is a priority objective pursued through the "safe sleep" instructions contained in the basic information that practically all new parents receive from the "Child and Family" nurses (sending the infant to sleep on the back, maintaining an 18-20°C room temperature and not smoking near the infant).

Moreover, "Child and Family" organizes preventive medical and psychosocial monitoring of infants. Ten times, in principle, during their first three years (including seven in the first year), children up to 3 are measured, weighed and examined by a nurse and a physician. Furthermore, the children are inoculated (cf. below). All of these services are provided free of charge.

### *Counselling centres for pupils (Centra voor Leerlingenbegeleiding or CLBs)*

As of 1 September 2000, the scholastic medical check services (MSTs) and the psychological, medical and social services (PMSs) are incorporated in 75 CLBs. In these centres, school physicians and nurses cooperate with psychologists, teachers and other experts in supporting the schools in providing pupils with counselling.

Counselling is provided in the following areas:

- Learning and studying
- School career
- Preventive health care
- Psychological and social processes.

Although counselling is provided at the request of the pupils, parents and schools, these stakeholders have an obligation to participate in general or targeted consultations and in prevention measures. CLBs are funded and subsidized by the Education Department.

The Flemish Minister responsible for health policy cooperates with CLBs in prevention activities related to the health of the young. The Flemish Government adopted the implementing decision of 17 March 2000 specifying certain CLB tasks in order to ensure that preventive health policy is carried out uniformly in all CLBs on the basis of examinations specific to the various ages.

The preventive health programme for the young is implemented in the CLBs through periodic health checks comprising individualized observation, review of the young person's health record, monitoring of his/her physical development and lifestyle, health-related counselling, identification of illnesses or health risks and, if appropriate, referral to other units.

The health checks are general or targeted. General checks are prevention-oriented overall examinations of development at key ages. Targeted checks are intermediate screening exercises addressing specific health aspects. There is an established procedure specifying the health elements to be examined, as a minimum, at various ages in either type of check. Although health checks are carried out by a physician and a medical assistant, ultimate responsibility for any decisions taken rests with the physician.

Furthermore, the above implementing decision, signed by the Ministers responsible for education and well-being, health and equal opportunities, provides for preventive measures to be taken against certain contagious diseases.

#### **(g) Environmental health improvement**

645. Environmental factors acting at the level of the household or the community may have a significant impact on health. Specific information on that impact is, however, limited because surveys in that area run into conceptual difficulties (regarding, for instance, causal relations and multiple interactions) and are costly (in view of their scope and duration). To fill that gap, the Flemish Community decided to create a network of environmental experts and, in October 2001, set up, in the health care department, a medical and environmental expertise centre responsible for formulating and implementing the relevant policy and for advising other agencies and the LOGOs.

The Flemish Community is responsible for accrediting, in enterprises, the medical units responsible for, inter alia, monitoring the health of workers.

#### **(h) Disease prevention**

##### *Prophylaxis - Notification of infectious diseases*

The Flemish Government decision of 8 December 2000 specifies who must report what illnesses within what time limit. The decision defines two illness categories. Physicians and laboratories must notify the Health inspectorate of the Flemish Community of any occurrence of a group I disease<sup>8</sup> immediately, with written confirmation within 24 hours, and of a group II disease<sup>9</sup> within 48 hour.

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<sup>8</sup> These diseases are: Botulism, spirillum fever, rabies, legionnaires' disease, malaria (probably transmitted in Belgian territory), blood or meninx meningococcus infections, plague, poliomyelitis, haemorrhagic fever caused by the Ebola, Lassa and Marburg viruses or by similar viruses, jail fever and any other severe contagious and potentially epidemic disease.

<sup>9</sup> These diseases are: Brucella infection, typhoid fever, cholera, diphtheria, yellow fever, gonorrhoea, hantavirus infection, hepatitis A, hepatitis B, hepatitis C, meningitis caused by *Haemophilus influenzae*, whooping cough, leptospirosis, listeriosis, anthrax, protozoal infections of the central nervous system, parrot disease, rickettsial infection other than jail fever, scabies, shigellosis, syphilis, tetanus, trichinosis, tuberculosis and any occurrence of gastroenteritis comprising at least three cases in the same community within one week, all three cases having been caused by the same germ.

### *Measures for preventing legionnaire's disease*

In the aftermath of the outbreak of legionnaire's disease at the Kapellen trade fair in late 1999, provisions were adopted in order to forestall any similar problems. The decree of 6 July 2001 on primary protection from the harmful effects of biological agents (*Moniteur belge*, 3 August 2001) enables the Flemish authorities to take appropriate measures. The Flemish Government decision of 22 November 2002 – adopted under the above decree – on the primary prevention of legionnaire's disease in areas accessible to the public (*Moniteur belge*, 31 December 2002) contains, in addition to a general regulation, strict provisions with regard to trade fares.

### *Vaccination policy*

In Flanders, all children are systematically vaccinated free of charge according to the vaccination system outlined below. Every year, vaccination is proposed by the Vaccination division of the federal High Council for Health and ratified by the Flemish Minister responsible for health.

The authorities provided inoculators with the free basic vaccines, namely against poliomyelitis (polio injectable inactivated vaccine), diphtheria, tetanus, whooping cough, Hib (acellular vaccine), Hep B, measles, mumps, German measles and meningococcus C (since late 2001). Only polio immunization is legally compulsory in Belgium.

Children may be vaccinated free of charge in "Child and Family" units and CLBs. General practitioners and paediatricians may also obtain vaccines free of charge to inoculate children that they examine.

Because of an increase in the number of meningococcus C infections in 2001, the Minister launched an immunization campaign enabling all children and adolescents to be inoculated free of charge with a conjugated vaccine within a relatively short period. Vaccination was offered to children born in the period 1996-2000 and to pupils in the last four years of high school - the age groups with the highest frequency of meningococcus infections.

### *HIV/AIDS prevention*

The Flemish Community has accredited and subsidizes the Flemish expert organization on sexual health and HIV (SENSOA).

SENSOA develops programmes aimed at meeting as fully as possible the needs of target groups having special needs in respect of sexual health or requiring particular attention, such as young people, holebis (homosexual, lesbian and bisexual persons), aliens and HIV patients. These programmes develop specific products and services, including material and equipment for intermediaries addressing the target groups, and carry out activities at the structural level.

Furthermore, the Flemish Community subsidizes accredited organizations (such as SENSOA and the Institute of Tropical Medicine (ITMA)) engaged in the prevention of STDs and HIV/AIDS and the promotion of sexual health. These bodies are able to reach such vulnerable groups as immigrants from sub-Saharan African, new arrivers and aliens.

*Prevention of non-transmissible infections*

Organized screening for breast cancer began in June 2001. Every two years, all women aged 50-69 are invited to a mammographic examination (fully reimbursed by health insurance) which is also possible at the recommendation of a general practitioner or a gynaecologist. LOGOs are active in raising awareness of cancer risks and encouraging participation in the screening. In addition to stationary mammographic units with accredited radiologists (initially 44 and currently 168), there are in Flanders two ambulatory mammographic units ("mammobiles") for districts with too few stationary units.

**(i) Prevention and information**

646. Information initiatives for health promotion and disease prevention are based on the Flemish Community's preventive health policy, which pursues specific health objectives formulated in terms of health indicators, including mortality and morbidity data and, in particular, figures related to the five main causes of death in Flanders.

647. Those five causes, and the corresponding priority health-promotion objectives set by the Flemish Government, are as follows:

1. Smoking: 10 per cent reduction in the number of male, female and, especially, young smokers.
2. Nutrition: Significant reduction in the consumption of fatty substances by men and women in favour of foodstuffs rich in fibre.
3. Infectious diseases: Significant improvement in their prevention.
4. Breast cancer: In the target group of women aged 50-69, 75 per cent rate of participation in screening and 80 per cent rate of detection.
5. Accidents: 20 per cent reduction in road and other private accidents.

648. To attain the above objectives, the Flemish Community subsidizes, and concludes cooperation agreements with, various field organizations which act as intermediaries between the authorities and the population. These bodies include specialized "partner organizations", which develop methods and support for attaining the objectives; and LOGOs, which ensure coordination and organization regarding health promotion at the regional level and raise awareness of issues related to smoking, food, accidents, breast cancer and inoculation.

649. In Flanders there are currently 26 LOGOs, each covering a continuous geographic area with 100,000 to 400,000 inhabitants. Currently, a LOGO operates in Brussels and in each Flemish municipality. Underscoring the significance of these local networks for the Flemish health policy, the decree of 21 November 2003 on preventive health policy incorporated LOGOs into the system, providing a solid legal framework for the future role of LOGOs in the areas of health promotion and illness prevention, based on management agreements with the Flemish authorities and on relevant ministerial decisions.

650. In view of the above health objectives, LOGOs promote and closely coordinate cooperation among field units and individual care providers in order to maximize social benefits in terms of

health in the district concerned. LOGO partners include general practitioners, CLBs, occupational medicine units, local authorities, the sociocultural associations, and health and welfare establishments. LOGOs also address, inter alia, the schools, enterprises and neighbourhood associations. This approach allows the pursuit of health objectives by area and population group.

## **7. Development cooperation**

1. Primary health care lies within the scope of Belgian Cooperation, which accordingly supports, in every partner country, related activities, including programmes for strengthening health administration, reinforcing reference hospitals, combating major endemic diseases (such as HIV/AIDS and malaria), building the institutional capacities of health ministries (for instance, with regard to planning) and equipping the laboratories.

The main objective is to provide the poor with access to quality health care at minimum costs. Cf. response related to article 9.

Furthermore, through WHO, Belgium supports research on new medicines and vaccines (for tropical diseases), and a programme promoting the access of developing countries to generic medicines.

2. With regard to infrastructure, a sector which also lies within its scope, Belgian Cooperation focuses on access to drinking water and sanitation.

Belgian Cooperation ascribes strategic significance to the accessibility of basic services in developing countries. As a prerequisite for income generation, adequate infrastructure is a key to poverty reduction and to economic growth (by enhancing productivity and facilitating access to markets), while contributing to environmental protection and equal rights and opportunities for men and women.

Through bilateral cooperation, projects are currently financed in Algeria, Morocco, the Democratic Republic of the Congo, Senegal, Rwanda, the Niger, Peru and Ecuador.

## **ARTICLE 13**

1. *The States parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.*

2. *The States parties to the present Covenant recognize that, with a view to achieving the full realization of this right:*

- (a) *Primary education shall be compulsory and available free to all;*

*(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;*

*(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;*

*(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;*

*(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.*

3. *The States parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.*

4. *No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.*

1. **French-speaking Community**
2. **German-speaking Community**
3. **Flemish Community**
4. **Development cooperation**

651. Belgium is a Federal State consisting of three Communities - the French-speaking Community, the Flemish Community and the German-speaking Community - and three Regions: the Walloon Region, the Flemish Region and the Brussels-Capital Region. Moreover, the Belgian Constitution recognizes four linguistic regions: the French-speaking region, the Dutch-speaking region, the bilingual Brussels-Capital Region and the German-speaking region.

652. The Communities have **exclusive competence in cultural matters** and, save for three framework elements, in **education**.

653. Accordingly, Belgium has three school systems: Flemish, French-speaking and German-speaking.

654. The three school systems have many differences but share a fundamental principle, "freedom of education". This principle was established through the "Schools pact" of May 1959, adopted unanimously by both Chambers of Parliament, and enshrined in the Belgian Constitution a decade ago. As a result, the authorities have an obligation to create conditions ensuring everyone's freedom in choosing a school.

655. At the same time the authorities have the power to impose the general content of the education programme and that power is used differently in the respective Communities.

656. State schools, private schools (largely catholic) and municipal schools are organized into respective networks and enjoy a certain degree of autonomy. The school inspectorate is responsible for ensuring that the education provided is of the desired quality. International comparisons, such as OECD reviews, show that the Belgian system performs quite well.

## **1. French-speaking Community**

*Measures taken by the French-speaking Community to ensure full enjoyment of everyone's right to education*

657. Information regarding this point is contained in the French-speaking Community's report entitled "Education development" (*Développement de l'éducation*), drawn up for the International Bureau of Education (IBE) of UNESCO and submitted to the 47th session of the International Conference on Education (Geneva, 8-11 September 2004), part I, chapters 1(B), 2(B)(1.4) and 5(D), and part II, chapters 1, 2(A) and 5(B)(1). The report may be downloaded from the web site of the Directorate for international relations of the Ministry for the French-speaking Community (<<http://www.dri.cfwb.be/publications.asp>>).

*Compulsory education and school enrolment rate*

658. The French-speaking Community ascribes particular importance to the right to education, enshrined in article 24 (3) of the Constitution, which stipulates that, in the framework of respect for fundamental rights and freedoms, every person is entitled to education free of charge during the period of compulsory school attendance (up to age 18).

659. As a result, the school enrolment rate is high for all grades. Nurseries are attended by 97.15 per cent of the children, starting at the age of three. For ages 5 to 15, the enrolment rate is systematically higher than 100 per cent because of a net inflow of pupils from the other Communities and other countries. Starting at age 16, the enrolment rate gradually declines but remains higher than 70 per cent up to age 20.

*Equal access to the various educational levels*

660. Measures taken in the French-speaking Community to promote equal access are described in the "Education development" report, pp. 113-119 (cf. paragraph 657 above).

*Freedom of education*

661. Article 24 (1) of the Constitution, banning any measure preventing education, stipulates that education shall be free, that offences shall be punished only in accordance with the law and that the Community shall ensure that parents are free to choose the education that they want for their children.

662. Accordingly, schools in Belgium may be supervised by various bodies. However, although it is legally possible to set up schools unrelated to public administration, most schools are organized or subsidized by a Community.

## 2. German-speaking Community

663. Since 2001, the German-speaking Community has launched various programmes designed to enable schools to meet the specific requirements of particular categories of pupils.

664. The decree of 17 December 2001 on the school enrolment of pupils who are new arrivals aims at ensuring that ordinary schools provide the pupils in question with an education focused on practical issues to enable them, first and foremost, to learn the language of instruction and to adjust to everyday life.

665. Students suffering from a physical or mental disability may be enrolled in specially equipped schools, from the nursery to the end of high school. Moreover, there are initiatives aimed at promoting the integration of disabled pupils into ordinary schools. In particular, some primary school projects of that type have so far succeeded in integrating into ordinary schools approximately 150 pupils with disabilities.

666. The German-speaking Community provides additional staff for projects targeting children with learning difficulties (for instance, in the first year of vocational secondary education).

## 3. Flemish Community

667. In the period 2001-2004, the Flemish Government adopted numerous measures regarding education. These measures would be too long to describe in relation to the various points raised in the guidelines provided by the Committee on Economic, Social and Cultural Rights<sup>10</sup> would be a lengthy exercise. Accordingly, this section focuses on two important decrees related to the right to education: the decree of 28 June 2002 on equal educational opportunities, as amended, and the decree of 2 April 2004 on participation in school affairs and the Flemish Education Council (VLOR). ("Participation" here means the involvement of, among others, pupils, students, teachers and parents.)

668. Further information and a recent overview on education in Flanders is published at:  
<<http://www.ond.vlaanderen.be/publicaties/2005/educationinflandersbroadview.pdf>>.

### 1. *Equal educational opportunities (GOK)*

669. With regard to *primary and secondary education*, the Flemish Government encouraged schools, in the 1990s, to promote equal opportunities for all children. To that end, schools were provided with additional resources, supervision and support, while projects were launched towards establishing priorities, assessing requirements, identifying special needs and addressing issues related to travellers and migrants. Those measures, however, were of a temporary character.

670. Since 1 September 2002, such temporary measures have been replaced with comprehensive support focused on children from deprived backgrounds. The new approach is aimed at providing opportunities to all children to learn, develop their potential and counter exclusion, segregation and discrimination.

671. The GOK decree provides for three basic lines of action:

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<sup>10</sup> Document E/C.12/1991/1.

1. Enjoyment by all pupils of the right to attend the school of his/her (or his/her parents') choice: Only in a strictly limited number of cases may a school refuse to enrol a pupil or refer a newly enrolled pupil to another school. In those cases, the governing body or school board must provide written justification for the refusal or referral. Moreover, the Government has enhanced accountability by establishing local consultation panels (LOPs) which offer mediation. Pupils or parents who consider a refusal or referral to be baseless may complain to pupil rights committees.
2. Establishment of LOPs: In addition to ensuring enjoyment of the right to enrolment and providing mediation to resolve any conflicts, these panels promote local cooperation in implementing the GOK policy. LOPs consist of representatives of the various local stakeholders, particularly the target groups and the municipal authorities. To receive funds or subsidies, schools and CLBs must participate and cooperate with other LOP participants.
3. Support for disadvantaged children: Additional resources for longer teaching periods or more teaching hours per teacher are allocated to schools with a significant number of pupils meeting specific socioeconomic indicators. Based on an analysis of a given situation, a school sets its own goals and defines methods for attaining those goals and evaluating progress in the course of the following school year.

672. The Government provides additional staff for educational guidance units, which promote the GOK policy. Key organizations sitting on LOPs are allocated additional staff and operating resources to support and monitor activities carried out by schools and other panel members.

673. Specific resources are allocated to schools, academies providing part-time secondary education in the arts, and cultural organizations for art initiation projects designed to encourage immigrant and other disadvantaged minors to opt for part-time education in the arts.

674. In *higher education*, a number of measures are taken to promote equal opportunities for students. Through adaptable admission criteria and reduced credit requirements, higher education institutions have considerable leeway to recognize foreign degrees and knowledge acquired elsewhere. Moreover, those institutions are responsible for using the tangible and intangible resources necessary for facilitating the admission of students from underprivileged backgrounds.

675. So-called "admission classes" are available to pupils enrolled in a Flemish Community school, who:

- Are under 18;
- Do not have Belgian or Dutch nationality;
- Were not born in Belgium or the Netherlands;
- Are not native speakers of Dutch;
- Are not sufficiently competent in the language of instruction;
- Have not yet spent a full school year attending a Dutch-speaking school.

676. After attending such classes for one school year to receive specific instruction in the Dutch language and the local education system, the above pupils join the regular classes. Additional teaching time and operating resources are allocated to schools that offer admission classes. Intensive Dutch language instruction is provided on a part-time basis in primary education (the pupils concerned spend most of the time in a regular class with a view to social integration), and on an almost full-time basis in secondary schools, where proficiency in Dutch is a key objective and a prerequisite for admission into the various disciplines. Adult education courses are available for non-native speakers who are no longer minors.

677. The exercise of the right to school enrolment is not yet fully guaranteed but progress has been made in that direction.

678. Although it defends the pupils' and parents' right to choose a school, the Flemish Community seeks to avoid undesirable side effects and to actively encourage social diversity in the schools.

679. A draft act approved on 16 June 2005 drastically amends the GOK decree of 2002. The new system is expected to encourage schools to implement an effective diversity policy. The priority given to siblings is maintained but, under the new provisions, schools are allowed to organize a special enrolment period for disadvantaged children (GOK children), namely, children who are not native Dutch speakers, whose parents are immigrants or live on welfare or whose mother lacks a secondary education degree. The number of places reserved for such children is determined by the school.

680. Schools where the percentage of GOK pupils is 10 per cent higher than the local average may give priority to the enrolment of non-GOK children.

681. Under both the previous and the new provisions, a pupil may be refused if he/she fails to meet admission criteria, if there is no place or (in the case of a secondary school) if he/she has already been excluded from the school.

682. The current grounds for routing a pupil to other establishments are replaced by the stipulation that a school may refuse a pupil requiring special education, if it considers its own capacities inadequate for meeting that pupil's educational needs. Refusal, however, must be preceded by discussion with the parents and a CLB opinion. The purpose of such a refusal is to avoid a pointless enrolment, followed, several weeks later, by a transfer of the pupil concerned to a more appropriate school.

683. Under the new provisions, Brussels schools may give priority to Dutch-speaking children within a percentage limit previously set by LOP or, failing that, within the limit of 25 per cent of Dutch-speaking pupils.

## 2. *Participation in school affairs*

684. Legal initiatives have been taken both at the central and at the local level to stimulate participation in the field of education.

685. VLOR has been playing a central role since 1991. It conducts studies and discussions and offers advice on educational issues on its own initiative or at the request of the Minister of Education or of the Flemish Government. It provides advice on all draft acts and policy texts

related to education. Under the 2004 decree, VLOR became a strategic advisory board for policy on education and training and its composition changed accordingly. In addition to the earlier participants (such as governing bodies, teaching staff and parents' associations), directly elected school management staff and co-opted teachers will sit on VLOR.

686. The broad autonomy and extensive responsibilities of educational institutions presuppose strong local structures.

687. In community education,<sup>11</sup> local participation in school management is organised by the school council, which has a general right to information and well-defined advisory and consultative functions. Its members are elected by the parents, co-opted from the local, social, economic and cultural sectors and directly elected by and among the staff. The head teacher attends the meetings of the council in an advisory role. For each school group, there is a community education board, which includes representatives of the parents, staff, school management, and local social, economic and cultural sectors, and takes decisions regarding the educational, human resources and financial management of the schools.

688. In subsidized education, participation and consultation are regulated by the participation council, converted, as of 1 April 2005, into a school council, an equi-representational body comprising parents, school staff, local authorities and (in secondary education) pupils.

689. The school council has a general right to information, broad advisory functions, a well-defined consultative function regarding school policy and a responsibility to inform the staff, pupils and parents with regard to the exercise of their powers. The head teacher attends the meetings of the school council in an advisory role. Consultations take place in joint meetings of the governing body and the school council.

690. Under the decree of 2 April 2004, all primary and secondary schools, regardless of education network, are subject to the same set of rules in relation to educational councils, parent councils and pupil councils. In primary or secondary schools, the staff members, the parents, and - in secondary schools - the pupils, may request the establishment of a, respectively, teachers', parents' and pupils' council. These councils, whose members are elected, have broad advisory responsibilities.

691. In most primary and secondary schools, parents set up a parents' association or committee which organises school-related - usually fund-raising - activities on a voluntary basis. These

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<sup>11</sup> In Flanders there are three educational networks. In many cases, such a network, in its capacity as an association representing governing bodies, takes over some of the responsibilities of those bodies. The three networks draw up their own curriculum and timetable. This means that the governing bodies concerned surrender some of their powers to the networks. *Community education* is organized by the public body "Flemish Community Education", under the authority of the Flemish Community. The constitution stipulates that community education must be neutral. This means that the religious, philosophical and ideological convictions of parents and pupils must be respected. *Subsidized publicly-run education* is organized by the municipalities (municipal education) or by provincial administrations (provincial education). *Subsidized privately-run education* is organized by a private person or private organization. The governing body is often a non-profit-making organisation (VZW). The privately run education sector consists mainly of catholic schools. There are also, inter alia, Protestant, Jewish, Orthodox, and Islamic schools; and non-denominational schools, such as the Freinet, Montessori and Steiner schools, which are not affiliated to any particular religion, use particular educational methods and are accordingly known as "method schools". A few schools in Flanders are not recognized by the Government. Referred to as "private schools", they receive no Government funding or subsidies.

bodies differ considerably in their philosophy, approach and activities. A parent committee may exist alongside a parents' council.

692. In higher education, local participation is ensured through the representation of the staff and the students in all administrative and co-management bodies. Students elected to the board through one- or two-round elections have a right to vote. If it includes no voting students, the board meets with the student council at least once a year to discuss general organizational and operational issues.

693. The act of 19 March 2004 on the legal status of students, participation in higher education, incorporation of some sections of continuing higher education into higher education establishments and monitoring of the reform of higher education in Flanders has clarified and strengthened student participation.

#### **4. Development cooperation**

1. In order to accelerate progress towards attaining the Millennium Development Goals in the area of education, the international community, and in particular the bilateral and multilateral donors, have promoted the Education For All Fast Track Initiative (EFA FTI).

The guiding principle behind EFA FTI is the idea that significant improvements in education are possible only on the basis of shared responsibility. Partner countries should develop viable education plans, play a leading role in their implementation and in assistance coordination and achieve results in terms of key quantitative and qualitative indicators. Donors should increase assistance, raise its effectiveness by making it more regular, respond to partner country priorities and align assistance with the national education plan and, to the extent possible, the procedures of the partner countries.

Belgium participates in EFA FTI since 2002 and co-chairs it in the period July 2005 - July 2006.

In that framework, since 2003:

- On the bilateral level, Belgian Cooperation has considerably increased support for national education plans in partner countries (Mali, the Niger, Tanzania, Burkina Faso, Ethiopia and, in preparation, Vietnam and Rwanda),<sup>12</sup> allocating to such activities approximately €1 million per year.
- On the multilateral level, it contributes €1 million per year to the FTI catalytic fund, which supports countries with a small inflow of external resources.

Moreover, with a view to ensuring the effectiveness of the resources allocated, Belgium bases its contributions on harmonized multi-donor procedures, including results-based evaluation, and aligns those contributions with the programmes and procedures of the partner countries.

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<sup>12</sup> In the Democratic Republic of the Congo, this type of programme support has not been possible in the absence of an education plan. Belgium financed the provision of textbooks for all fourth - and fifth-graders in the country. This short-term initiative has had a significant impact on the quality of Congolese education.

2. Furthermore, Belgian Cooperation supports higher education in partnership with the French-speaking and Flemish university organizations (University Commission for Development (CUD) and Flemish University Council (VLIR)), which formulate multi-year financing programmes. In particular, Belgian Cooperation supports university centres in partner countries through a programme providing scholarships for studying in Belgium and regional scholarships.

## ARTICLE 15

1. *The States parties to the present Covenant recognize the right of everyone:*
  - (a) *To take part in cultural life;*
  - (b) *To enjoy the benefits of scientific progress and its applications;*
  - (c) *To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.*
2. *The steps to be taken by the States parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.*
3. *The States parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.*
4. *The States parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.*

**(1) Federal level**

**(2) French-speaking Community**

- (a) **The right to participate in cultural life**
- (b) **The right to benefit from scientific progress and applications**
- (c) **Preservation, development and dissemination of science and culture**
- (d) **Promotion of the freedom necessary for scientific research and creative activities**
- (e) **Development of cooperation and international contacts in science and culture**

**(3) Flemish Community**

- (a) **Public expenditure in the area of culture**
- (b) **Provisions for cultural minorities**
- (c) **Legislative and other measures related to the right to participate in cultural life**

**(1) Legislative measures**

- (a) **Decree on local cultural policy**
- (b) **Decree on amateur arts**
- (c) **Decree on the arts**
- (d) **Decree on cultural heritage**

**(2) Other measures**

- (a) **Policy-related scientific research**
- (b) **Redistribution of public responsibilities**

- (c) **Consolidation of the system of support centres**
- (d) **On-line promotion of cultural participation**
- (d) **Legislative and other measures for the promotion of cooperation and international contacts in the area of culture**
- (e) **Other reports on cultural policy**
- (4) **German-speaking Community**
- (5) **Development cooperation**

## 1. Federal level

*Transposition into Belgian law of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society*

694. The protection of copyright and related rights in the digital environment (Internet, CD-ROM and DVD production) has developed considerably in recent years and leads to many far-reaching and complex legal questions.

695. These issues have an ever-broader economic impact. Social, economic and technological circumstances have change radically since the adoption of the law of 30 June 1994 on copyright and related rights.

696. Although copyright and the Internet may ultimately pursue the same goal, namely, the dissemination of knowledge and culture, the Internet, as a new market, can also be perceived as a threat to the existing market for copyrighted items. On the other hand, copyright cannot restrict the development of the Internet. It is therefore necessary to strike a balance between the converging realities of law and technology.

697. The above directive has been the result of intense debate in the Council of the European Union and the European Parliament.

698. The above directive incorporates into European Community law the substance of two World Intellectual Property Organization (WIPO) treaties of 20 December 1996 - the WIPO Copyright Treaty (WICT) and the WIPO Performances and Phonogrammes Treaty (WPPT) – aimed at protecting copyright and related rights in the digital market. The directive was to be transposed into Belgian law no later than 22 December 2002. It implies amendment of the act of 30 June 1994 on copyright and related rights and of the act of 31 August 1998 transposing into Belgian law Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases.

699. Amendments to be introduced into Belgian copyright law under the above 2001 directive regard reproduction, communication, publication and distribution rights; exceptions to copyright; technical measures; and information on the copyright system.

700. The draft act, soon to be voted upon by the Parliament, aligns Belgian legislation with the above directive; introduces additional exceptions to copyright provisions (in line with the directive, which allows member States to stipulate such exceptions in their national legislation); and provides for penal sanctions against circumventing technical safeguards used by holders of rights against infringement.

## 2. French-speaking Community

### (a) The right to participate in cultural life

701. Numerous projects are carried out with a view to raising awareness of culture among all ages and social groups. Many of these projects, such as "Song in the school", "Theatre in the school", mobile libraries ("bibliobus"), "Youth and music" and "Youth and the visual arts", target the schools and aim to promote equal opportunities at an early age. Related initiatives include museum information units, theatres for the young, library help desks, creative expression centres and art academies.

702. Every cultural sector contributes to the citizens' access to cultural life. It is impossible to list here all activities developed by the French-speaking Community directly or indirectly, through subsidized associations (such as "Article 27", "Culture and democracy", Educational workshop for incarcerated persons (ADEPPI) "). Some of those activities are described below

703. Theatrical activities promoting cultural participation include the following initiatives:

- *Théâtre-Action* (a drama workshop and forum)
- Drama units in various institutions
- *Théâtre Enfance et Jeunesse* drama centres (which cooperate with schools and organize workshops)
- *Théâtre-Amateur* (which encourages local inhabitants to work with a stage director that the project provides)
- Activities carried out by the Dissemination unit (which subsidizes the *Art et vie* tours offering high-quality shows at an affordable price) and the "Theatre in the school" coordinating committee.
- "Open day at the theatre", including free admission to a performance.

704. Access to books and literature is promoted through "bibliobus", mobile museums (*muséobus*), cultural centres and the Public reading centre of the French-speaking Community (CLPCF), which organizes travelling exhibits free of charge with theme catalogues (covering categories such as multiculturalism, historical novels, documentation and cultural heritage).

705. In the French-speaking Community, every young person's right to participate in culture is guaranteed mainly by two decrees governing the accreditation and subsidization of, respectively, youth organizations and youth centres. These decrees provide for advisory bodies: the Advisory council for youth organizations, the Advisory committee for youth centres (CCMCJ), and CCMCJ sub-committees.

706. Inasmuch as they aim to promote young people's personal and collective sense of citizenship, social solidarity, accountability and constructive criticism, the above decrees are conducive to the principles that underlie the Universal Declaration of Human Rights and the Covenant. Additional grants may be provided for specific intercultural activities.

707. As part of the sociocultural policy of equal opportunities, the decree regarding youth centres provides for the accreditation of specific action plans developed by youth centres and targeting economically, socially or culturally disadvantaged groups.

708. The policy on information for young people implemented in the French-speaking Community focuses on information accessibility, quality ("labelling") and provision free of charge, and on the need to ensure that the young people themselves participate in the preparation of such information.

709. The European Commission White Paper entitled "A New Impetus for European Youth", which was published in late 2001, noted that the member States of the European Union had adopted, in the area in question, a coordination method and common objectives, such as enhancing young people's access to quality information in whose preparation and dissemination young people participate.

710. Free of charge entry into museums in the French-speaking Community is expected to be allowed one day per month under the Government decision implementing the decree of 17 July 2002 on accrediting and subsidizing museums and related institutions.

711. Many initiatives have been undertaken to identify and promote synergies between the sectors of education and culture. They include "Caméra enfants admis" ASBL, the "MUS-e" project, the *Prix des lycéens* initiative and the annual subsidy programme for schools taking positive discrimination measures designed to bridge education and culture for disadvantaged pupils.

712. The Act of 16 July 1973 guaranteeing the protection of ideological and philosophical tendencies, known as the cultural pact, adopted at the time of communitization of the State, establishes the principle that cultural policies must be formulated and implemented by specialists on a pluralist basis. Accordingly, approximately 38 boards, committees and advisory bodies are currently involved in political decision-making in the area of culture. In view of the limited duration of their mandate, the representatives of artistic and cultural bodies involved in that process must every year publicly report on their work, their views and their discussions. Their contribution is generally accessible on the web site of the administrative unit within which they operate.

*(Percentages unless otherwise specified)*

<i>General Directorate for Culture of the French-speaking Community</i>	<i>2004</i>	<i>2005</i>
Amount, including CCF contributions (€)	<b>166,961,000</b>	<b>186,531,000</b>
General matters	22	20.26
Performing arts	42	36.71
Lifelong education and youth	23	28.57
Books and literature	10	8.00
Cultural heritage and visual arts	7	6.70

**(b) The right to benefit from scientific progress and applications**

713. The information society is a key consideration in the "contract for the future" adopted for the Wallonia-Brussels Community by the Government of the French-speaking Community in September 2001.

714. A number of measures have been adopted at the level of culture. In particular:

715. Recently, the French-speaking Community set up a culture web site (<[www.culture.be](http://www.culture.be)>) as a single point of access to information on the various operational units. The site identifies the units and beneficiaries concerned, lists the grants awarded, the applicable procedures and, generally speaking, provides the users with full information regarding the activities and operational methods of the units.

716. In addition to the above institutional and operational information, the new web site presents the work of artists and operators active in the French-speaking Community.

717. The site provides direct access to the web pages of the various units and proposes in particular:

- A cross-cutting search engine dedicated to the sectoral units
- Current cultural news
- Information on grants, agreements and programme contracts with operators
- Practical advice and FAQs
- A theme catalogue of cultural sites
- Reference documents
- Interesting links

718. A central cultural database will be developed. Linked to existing databases in the French-speaking Community (such as <[MuséesenWallonia.be](http://MuséesenWallonia.be)>, La Bellone and the Mariemont library catalogues), it will function as a versatile tool, and in particular as a guide to operators and institutions in the various cultural areas, as a cultural organizer and as a navigator to the cultural sector as a whole, including exhaustive current news. The database is designed as a cultural information hub for citizens.

719. The General Directorate for Culture has started a discussion on the sustainable preservation of the cultural heritage. A current study is aimed at inventorying the cultural heritage that has been, or can be, digitalized and at proposing an architecture for digitalization based on international rules and standards with a view to ensuring the interoperability of text and imagery databanks.

720. The network of public reading facilities in the French-speaking Community is being modernized. The objective is to transform libraries into public areas for access to information, documentation and literary creation in a variety of formats (particularly in electronic form).

**(c) Preservation, development and dissemination of science and culture**

721. In the period December 2004 - June 2005, the French-speaking Community organized a convention on cultural issues, thereby enabling artists, specialists, volunteers, associations and the public to express their expectations. This broadly participatory discussion led to the adoption of a prioritized programme for cultural policy. Universal accessibility and participation are key elements of the programme.

722. The following lines of action have been adopted:

1. Broadening the range of target groups and user rights through measures such as:
  - Implementing a professional code of ethics for cultural operators vis-à-vis the users.
  - Strengthening partnerships with the "Article 27" association, whose goal is to make persons faced with social and economic difficulties aware of - and provide them with access to - all forms of culture by enabling them to attend shows and concerts, see films and visit museums for the modest sum of €1.25 (more than 40,000 such tickets are used every year).
  - Strengthening coordination with associations of disabled persons with a view to increasing the physical accessibility of cultural facilities.
  - Creating "culture vouchers" issued by employers.
2. Stimulating initiatives undertaken by the culture sector and schools
3. Strengthening interest in local television networks through the broadcast of local news
4. Making accredited museums more attractive by offering, as of September 2006, free entry to school groups, youth and youth-centre associations and art-academy and conservatory students
5. Developing the activity of associations in the area of continuing education
6. Encouraging people to read, through cooperation with associations and artistic institutions
7. Adopting a new decree on youth organizations to promote, inter alia, interest in disadvantaged adolescents
8. Reforming the French-speaking youth council (CJEF)
9. Standardizing infrastructure facilities hosting activities for young people
10. Providing media education, particularly by supporting educational and cultural initiatives for teaching a critical attitude towards imagery and the media
11. Decentralizing the provision of information interesting to young people
12. Improving the organization of the sector of youth centres.

**(d) Promotion of the freedom necessary for scientific research and creative activities**

723. The General Directorate for Culture fosters, in the French-speaking Community, an environment conducive to artistic creation through scholarships (such as an annual scholarship awarded by the unit responsible for the promotion of literature), prizes, project subsidies, in-residence programmes, purchases or public procurement.

724. Although copyright issues fall outside the competence of the Communities, the right of authors to the moral and financial protection of their work deserves recognition as part of support for creative activities.

725. Artistic grants are mainly awarded to bodies encouraging the development of artistic creation. Accordingly, multi-year programme contracts are concluded with theatre or ballet companies, drama centres, festivals and contemporary art centres (for further information regarding areas of activity, cf. <[www.culture.be](http://www.culture.be)>)

**(e) Development of cooperation and international contacts in science and culture**

726. The French-speaking Community has set up the General Commission for International Relations (CGRI), a public interest organization, part of a broader system comprising, in the Walloon Region, the Division for International Relations and the Walloon Export Agency (AWEX). Over and above institutional compartmentalization, the system in question enables the Community to establish comprehensive and consistent relations with its partners, strengthen the international activities of Wallonia-Brussels and develop partnerships that are profitable to all concerned.

727. French-speaking Community bodies, other than CGRI, engaged in developing international relations are the *Bureau International Jeunesse* (BIJ), *Agence Québec Wallonia-Bruxelles pour la Jeunesse* (AQWBJ), *Wallonia Bruxelles Théâtre* (WBT), *Wallonia Bruxelles Musique* (WBM) and *Point Contact Culture* (PCC).

728. BIJ is responsible for youth exchange programmes and also constitutes a European Commission decentralized office for European Union youth programmes.

729. AQWBJ (within BIJ) is a bilateral body set up in June 1984 by Quebec and the French-speaking Community of Belgium to manage an exchange and training programme for the two communities.

730. WBT is a performing arts information and promotion unit designed to stimulate international interest in theatrical and choreographic creations of the French-speaking Community.

731. PCC (within WBT) promotes *Programme Culture*, encourages professionals to participate in that programme and serves as a liaison with national cultural agencies. WBM assists producers and publishers in Wallonia-Brussels to export their work and participate in the international musical-culture industry.

732. The culture department of the French-speaking Community plays a role in the area of international policy by, inter alia, coordinating activities related to specific international issues; participating in meetings for discussing and formulating international policies and in a number of working groups of the European Union (such as the Cultural Affairs Committee (CAC) of the

Council), UNESCO and the Council of Europe (such as the culture and youth committees), the United Nations and the *Agence de la Francophonie*).

733. Moreover, cultural cooperation is encouraged through European Union programmes, such as *Media* (for radio and television), *eContent* (for digital product production and marketing), *Socrates* and *Leonardo* (in education and vocational training), *Youth*, *INTERREG*, *Leader +* and *MINERVA*.

734. Bilateral agreements are concluded with States, regions or provinces on the basis of historical links or linguistic affinity. Partnerships are formed primarily with French-speaking States (such as France, Quebec and various African countries), neighbouring countries, European Union member States and candidate countries (such as Germany, the Netherlands, Italy and Poland). Currently, the French-speaking Community is expanding its international relations to Latin America (through, inter alia, cooperation agreements with Chile and Bolivia) and Asia. Every cooperation agreement targets specific priorities and objectives, pursued through projects developed by private and public operators. In the area of culture, these projects cover various areas, including the performing arts, literature, and the French language.

### 3. Flemish Community

#### (a) Public expenditures related to culture(€000)

<i>Culture department</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
Youth and sports	44,348	47,576	49,193	48,668
Community education and libraries	111,274	127,798	133,492	132,305
Visual arts and museums	20,679	22,534	26,441	29,187
Music, literature and performing arts	93,553	108,193	107,515	112,743
General cultural policy	40,965	47,474	61,071	68,812
<b>Total</b>	<b>310,819</b>	<b>353,575</b>	<b>377,712</b>	<b>391,715</b>

#### (b) Provisions for cultural minorities

735. Belgium has no official minorities. The term "minority" is used to signify "ethnic-cultural minorities". The Flemish Parliament approved the decree of 28 April 1998 defining policy in that area and describing ethnic-cultural minorities as the set of aliens, refugees, caravan dwellers and foreigners illegally residing in Belgium or seeking relief or assistance in view of an emergency situation. The minority policy defined in the decree comprises three tiers: emancipation, focussed on the integration of target groups; reception; and relief.

736. In the meantime, policy objectives have changed. The strategic 2004-2010 minority policy plan notes that catch-up measures are necessary for coping with the current backlog and preventing it from increasing, especially in the areas of employment and education. Coexistence and acceptance of the diversity of the various sections of the population are top priorities. More explicitly than before, minority policy presupposes shared values, characteristic of an open, tolerant and democratic society.

737. The above policy implies an inclusive approach, based on equal treatment and deliberately addressing diversity-related issues. That approach translates into the following two strategic objectives: (1) Coexistence and acceptance of diversity in the population and (2) proportional participation and emancipation of minority groups.

738. To achieve the first objective, the Flemish Government and the bodies that it subsidizes must be organized - in terms staff, management, communication and service - in a way enabling them to deal with diversity by 2010. To achieve the second objective, the cultural supply must be sufficiently diversified, by 2010, to enable ethnic-cultural minorities, among others, to feel culturally at home.

739. In the 2004-2009 cultural policy document, intercultural communication and competence are key concepts. Intercultural communication and cultural diversity are presented as challenges to all cultural sectors and addressed through specific measures. For instance, beginning in 2000, funds have been allocated to socio-artistic projects designed to foster the emancipation and integration of particular groups. The decree on the arts provides for long-term funding of socio-artistic organizations and for project subsidies. Support centres have been instructed to promote cultural diversity. The decree on local cultural policy focuses on promoting cultural diversity and working with cultural and community centres in support of specific target groups.

740. The implementation of the above policy has not yet been assessed. Little research is available regarding the current situation. Moreover, the extent and method of any assessment that may be undertaken regarding the performance of subsidized bodies are not yet clear.

**(c) Legislative and other measures related to the right to participate in cultural life**

**1. Legislative measures**

741. In the last several years, the Flemish Government has been engaged in a comprehensive legislative reform based on the following principles:

- Converting as many regulations as possible into decrees (proposed by the Flemish Government or the Flemish Parliament and approved by the Flemish Parliament).
- To the extent possible, preserving existing regulations, as part of a consistent and integrated cultural policy. The decrees on the arts and on local cultural policy are examples in point. However, new coordinating decrees may include specific provisions related to characteristics or legislation applicable to particular sub-sectors or disciplines.
- Long-term subsidization, already implemented in several areas, applicable to the entire sector. Subsidies will be based on the policy plans - regularly updated and evaluated - of the organizations concerned. Project-based subsidization is also possible. Support available to individual artists will be more varied.

742. The following examples of recent developments related to policy may be mentioned:

(a) *Decree on local cultural policy*

743. The full title of this piece of legislation is "Decree of 13 July on promoting a qualitative and comprehensive local cultural policy".

744. The key means of stimulation envisaged in the decree is the creation, in a given community, of clusters of cultural actors, such as libraries, cultural centres and local initiatives. These actors are expected to cooperate in setting the course for cultural life in the community.

745. In that context, local policy-making authorities have a broad powers to act and can be held accountable for their cultural policy. The decree provides for specific obligations regarding the organization of participation and consultation (in the cultural council) and the operation of public libraries. Optional tasks include drawing up and implementing a cultural policy plan, and encouraging cooperation among cultural or community centres or with other municipalities. Cultural centres are responsible for culture dissemination, community development and cultural participation. These centres belong to one of three categories depending on their size and regional role. They receive a fixed subsidy for staff costs depending on the category and a variable subsidy based on the activities undertaken. Smaller community centres have similar tasks, but are less active with regard to culture dissemination.

746. Municipalities may receive financial support from the Flemish Government.

(b) *Decree on amateur arts*

747. Since the entry into force of the (new) decree of 22 December 2000 on amateur arts, only one organization per art form is accredited and subsidized. The new decree ensures the necessary growth and improvement of quality. The key feature of the decree is the combination of an artistic and a social component. Of the 7,493 amateur art groups assisted in 2004 (compared to 3,919 in 2000), 333 were active in the visual arts, 819 in vocal music, 300 in dance, 1,125 in instrumental music, 3,755 in pop music, 786 in drama, 125 in the plastic arts and 247 in folk music and jazz. Literature and circus arts are in the process of accreditation. The sector of amateur arts as a whole comprises approximately 165,000 persons.

(c) *Decree on the arts*

748. The full title of this piece of legislation is "Decree of 2 April 2004 on the subsidization of art organizations, artists, art education and social-artistic organizations, international initiatives, publications and support centres".

749. In 2006 (2007 in the case of music), this decree will replace the current decrees and regulations applicable to the various art forms, and in particular the performing arts, music, the visual and audiovisual arts, literature, architecture, design, the new media and all hybrid art forms. It contains new provisions regarding criteria and procedures and refers to some art forms that were not provided for before.

750. Contrary to the earlier decrees and regulations, which contained different provisions for the various sub-categories of a given type of event (for instance, the provisions regarding music festivals differed from those on theatre festivals or audiovisual arts festivals), the new decree provides for a single approach to events of a given type (in this example, festivals), although it takes into account any pertinent differences (inter alia, in relation to the prerequisites for funding, since, for instance, a plastic arts and a music festival may not be expected to yield comparable receipts).

751. Moreover, the decree attaches greater weight to the overall policy plan as a basis for funding than to quantitative criteria. Commercial art projects may obtain funding under the new decree.

*(d) Decree on cultural heritage*

752. In the Flemish Community, the scope of cultural heritage policy is expanding to include support for inventories, preservation, management, participation and research activities.

753. To date, experimental heritage agreements have been concluded with ten local authorities and the Flemish Community Commission in Brussels. The decree of 7 May 2004 on the cultural heritage enables all communities - and community partnerships - with a population exceeding 20,000 to conclude a heritage agreement with the Flemish Community.

**2. Other measures**

754. The following new policy measures should be noted:

*(a) Policy-related scientific research*

755. The Flemish Government ascribes considerable importance to policy-related scientific research. With regard to culture, the Government has been funding, since 2001, "Recreational Flanders" (*Re-Creatief Vlaanderen*) an interuniversity support centre, mainly conducting a culture participation survey expected to provide new and detailed insight.

*(b) Redistribution of public responsibilities*

756. The distribution of responsibilities among the Flemish Government, the provinces and the municipalities varies from sector to sector. Some sectors, such as city theatres, cultural centres, libraries and cultural heritage bodies, are subject to decrees with clear provisions that in some cases include funding quotas.

757. A so-called "debate on core responsibilities" in this area resulted in the basic agreement of 25 April 2003, according to which the provinces and municipalities will be involved in reforming current regulations. The Flemish Government will negotiate with umbrella organizations representing municipalities and provinces in international, Flemish, provincial and/or local bodies and agencies active in the areas of moveable and intangible heritage, professional arts, social-cultural work and youth.

*(c) Consolidation of the system of support centres*

758. In the last legislative period, the Flemish Government established a series of support centres designed to carry out, on the basis of four- or five-year contracts, activities promoting specific sectors and types of work, compiling data, conducting research and providing analyses.

759. The Flemish Government, municipalities and provinces are currently negotiating a new distribution of responsibilities.

*(d) On-line promotion of cultural participation*

760. The *CultuurNet Vlaanderen* communication centre was set up in 2001 to enhance cultural participation by coordinating information on cultural activities and to promote Flemish cultural activities abroad. The centre is expected to cooperate closely with existing specialized cultural support centres and regional or local communication centres.

761. One of the centre's priority tasks is to set up an on-line database, covering all cultural activities in the Flemish Community. This ambitious project is intended to assist users in searching for cultural information or services (such as sale of tickets). Any person would in principle have access to the central database in order to post information on his/her cultural activities. From that single entry, information would be distributed to various public information channels and therefore be effectively disseminated.

762. The centre also aims to promote the culture database abroad through mutually beneficial partnerships with international players in the cultural field.

*(d) Legislative and other measures for the promotion of cooperation and international contacts in the area of culture*

763. Flanders has concluded cooperation or cultural agreements with various countries and regions. Bilateral cooperation with Netherlands is a priority in terms of exchange and joint international action. Other priority partners are the new member States of the European Union and Quebec, with which Flanders began to cooperate in 1989. Cooperation with South Africa is important because it provides an opportunity to promote the cultural dimension of development cooperation.

764. The Flemish Government is represented abroad by nine delegates responsible for all facets of cooperation, including culture, between Flanders and the partner countries. Flanders engages in multilateral cooperation on a significant scale, especially with the European Union, the Council of Europe, UNESCO and informal networks, such as the International Network on Cultural Policy.

765. Flanders ascribes considerable importance to culture-related international activities. The forms of financial support possible in that area include, for instance, grants for specific work, project subsidies, travel and transport cost subsidies. Such funding possibilities are provided for in the new decree on the arts (cf. supra).

*(e) Other reports on cultural policy*

766. In 2004, Flanders updated its cultural policy information posted (as part of the profile of Belgium) on the web site of the "Compendium of Cultural Policies and Trends in Europe" (<<http://www.culturalpolicies.net>>), a Council of Europe joint venture.

#### **4. German-speaking Community**

*Area of competence with regard to culture*

767. The area of competence of the German-speaking Community with regard to culture comprises or overlaps with the following fields:

- Cultural issues in the strict sense of the term: protection of the language, fine arts, cultural centres, intangible heritage and folklore, moveable cultural heritage, museums and historical research
- The media and the cinema
- Continuing education (including creative workshops)
- Immovable cultural heritage, protection of monuments and sites and archaeological excavations
- Youth
- Sports and leisure
- Tourism
- International cooperation in the above areas.

768. The bodies supported by the German-speaking Community are obliged to make the activities that they organize accessible to the public and the users of their facilities without any discrimination on ideological grounds.

#### *Culture and the media*

##### *Measures enhancing access to culture*

769. The decree of 28 June 1988 regulating the accreditation and subsidization of amateur art companies is aimed at promoting the performing arts for a broad audience, supporting volunteer cultural companies and, in particular, encouraging young people to become interested in the arts.

770. Moreover, the German-speaking Community supports cultural initiatives and events explicitly addressing the young people. These measures are aimed at encouraging young people to develop their cultural identity and to participate in social life and cultural activities.

771. Under the decree of 16 December 2003 on the promotion of creative workshops, 75 per cent of the cultural or handicraft-related activities carried out as part of such projects must be publicly advertised as being open to any person interested in actively participating in them. The remaining activities should fulfil existing social and cultural needs.

772. The German-speaking Community encourages international artistic exchanges through major cultural organizations, thereby contributing to the dissemination and understanding of the various cultures.

773. Under the decree of 18 March 2002 on infrastructure, one of the prerequisites for the subsidization of infrastructure projects is compliance with the norms for access for persons with disabilities.

774. Access to culture has been significantly enhanced through the initiatives described below.

1. Lendable books and off-line communication products

A central catalogue of the virtual book and multimedia library of the German-speaking Community was made available in 2003 (at <[www.mediadg.be](http://www.mediadg.be)>). In view of its funding and network, it is addressed primarily to the German-speaking population.

Through the network in question, the above catalogue comprises:

- The collections of four major public libraries, namely 10,000-80,000 items
- The collections of two permanent and six interim school multimedia libraries set up since 2001
- The collections of the specialized multimedia library of the teacher training college.

Users may search the collections from their personal computers on the Internet and order the desired items or, if the items are out on loan, reserve them and borrow them at the public library or multimedia library of their choice.

2. Broadcast and/or on-line audiovisual media

(a) In 2002, the public radio operator created a second radio programme which, through the music selected and weekly news broadcasts in the various dialects of the Region, addresses mainly the German-speaking audience.

(b) Two different channels are currently used by the public television operator and the open television station, which used to broadcast their programmes on the same channel. This policy increases the programmes' viewership and is conducive to future expansion and diversification. There are plans for programme reruns and adaptations and for partnerships with other broadcasters.

*Measures promoting the sense of cultural identity*

775. Language, museums, historical research and folklore are crucial to cultural identity.

776. Language usage is regulated by the following legislation:

- Act of 29 March 1982 regulating languages in primary education
- Decree of 21 December 1987 encouraging the careful use of German in the schools
- Decree of 26 October 1998 on the introduction of the new German spelling
- Decree of 10 May 1999 on the names of public highways
- Decree of 19 April 2004 on the transmission of linguistic knowledge and the use of language in education.

777. Every year, the Parliament of the German-speaking Community awards prizes designed to promote use of the German language, dissemination of the regional literature and knowledge about the Region.

778. Awareness of the cultural heritage is promoted through subsidies to museums, especially for the presentation and reorganization of collections and for high-profile projects, grants for historical publications and the promotion of folklore.

779. The art collection of the German-speaking Community promotes the work of regional artists and (through various dissemination initiatives (exhibits, publications, cross-cutting initiatives and - currently in preparation - dissemination on the Internet) provides an ever-growing audience with access to the plastic arts and to the contemporary cultural heritage.

## **5. Development cooperation**

1. In the cultural area, Belgian Cooperation supports many initiatives, such as film shows, exhibits, and concerts, that present in Belgium cultural products of the South in order to raise awareness of cultural diversity and support artists in the partner countries.

Moreover, Belgian Cooperation supports the "Africalia" project, which pursues the following objectives:

- Gender mainstreaming and development cooperation
- Identifying, preserving and promoting cultural values and identities in order to promote intercultural dialogue
- Identifying, preserving and developing the cultural heritage, and building capacities in that area
- Developing the cultural industry and enhancing the access of cultural and artistic goods and services to the market.

With an annual budget of €1 million, Africalia supports many projects in Africa. A recent example consists in the support provided to the "Zvishamiso Arts" project.

This project is carried out by young Zimbabwean artists and provides training in dancing, the theatre and music for disadvantaged children in the Mbare district of Harare. The shows produced as a result of this training are designed to raise awareness of AIDS in the schools. Seven Africalia trainees have been chosen to perform with the National Ballet of Zimbabwe. Moreover, the project is aimed at the discovery of means of artistic expression developed in Zimbabwe or elsewhere and the promotion of cultural and technical South-South exchanges, particularly with the Soweto Dance Company of South Africa (with a view to a possible joint performance).

2. Belgian Cooperation supports scientific research through various channels. As part of multilateral cooperation, Belgian Cooperation supports the Consultative group on international agricultural research (CGIAR), UNESCO (particularly for forest

management projects) and the United Nations Environment Programme (UNEP) (particularly for research projects regarding pollution in riparian areas).

780. Through university and scientific centre programmes, Belgium supports the promotion of international exchange and partnerships, including the development of clearing houses" (for instance, in the biodiversity sector) and databases (for instance, regarding banana growing in cooperation with the International Institute for Improvement of Banana and Plantain (INIBAP)).