

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF BELGIUM SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 21 March 2012¹

¹ Any developments which occurred after 24 June 2011, date on which the response of the Belgian authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1.

1. *In its report on Belgium (fourth monitoring cycle) published on 26 May 2009, ECRI strongly recommended that the Belgian authorities pursue and step up their efforts to ensure that all children of immigrant background are afforded equal opportunities in access to education. ECRI recommended in particular that they continue to take steps to promote a social mix in state schools and place greater emphasis in initial and in-service teacher training on the need to combat racism and racial discrimination, on the one hand, and on the ways in which diversity enriches Belgian society, on the other hand.*

ECRI has been informed of the measures taken or planned by the authorities responsible for education regarding the implementation of this recommendation.

The French Community¹ issued a new “enrolment decree” in April 2009². The purpose of this decree, which is amended every academic year, is to establish an objective and transparent mechanism for enrolment in the first year of secondary education in order to promote a social mix. More specifically, the aims of the decree are: fairness in the organisation of enrolment; transparency for parents and pupils; simplicity for teachers and administrators; equality of access and treatment; and support for social mixing as a means of combating underachievement and exclusion. The application of the decree will be evaluated after three years according to certain criteria, such as: the existence of support and assistance measures, the development of pilot partnership schemes between schools with low and higher socio-economic indices, changes of school during a stage of education, progress towards a social mix, and, finally, the system for allocating places.

In the German-speaking Community, one of the sixteen projects of the 2009-2014 legislature is devoted to “fair access to education”. Among other things, ECRI was informed that, as part of the reform of secondary education, it is planned to issue a decree in the first half of 2014 to introduce a common general education up to the end of the first stage of secondary education³ ensuring every pupil's development. The emphasis in this general education will be on pupils experiencing learning difficulties, whatever their cause. The implementation of these measures also means strengthening in-service training of teachers. Training provision at the German-speaking Community's Autonomous High School is to be strengthened for this purpose. However, these are planned measures which have not yet been put into practice.

The Flemish Community is maintaining its integrated equal opportunities policy in education and its system of “local consultation platforms”⁴.

ECRI takes note of the above information, which testifies to the efforts made by the authorities to mitigate the disadvantages suffered by pupils from an immigrant background and the problems related to the lack of a social mix in some schools. According to other information available to ECRI, however, all these measures require fine-tuning and, above all, evaluation. Although the situation is not exactly the same in the three communities depending on the school system in place, ECRI considers that the competent authorities should continue their efforts to narrow still further the gap observed in education between children from an immigrant background and the rest of the school population.

¹ Belgium is a federal state composed of communities and regions. There are three communities: the Flemish Community, the French Community and the German-speaking Community. These institutions are responsible for education.

² Decree of 3 April 2009 on the regulation of enrolments in lower secondary education.

³ First and second years.

⁴ See above-mentioned ECRI report on Belgium, paragraph 64.

With regard to initial and in-service teacher training on the prevention of racism and racial discrimination, ECRI considers that its recommendation has not yet been fully applied. ECRI believes that an evaluation should be made of the various initiatives introduced since the report was published, and especially of their impact on the teaching profession's ability to deal with the problems related to a school population which increasingly mirrors the diversity found in Belgian society as a whole.

2. *In its report on Belgium, ECRI also strongly recommended that the Belgian authorities find at the earliest opportunity solutions to enable Travellers to camp, by creating a sufficient number of well located and properly equipped sites. It also recommended that the authorities run an awareness-raising campaign aimed at the general public to combat all forms of intolerance towards and rejection of Travellers and to combat any related racial discrimination.*

ECRI notes that the problem regarding sites for Travellers is mainly due to the lack of any formal obligation on municipalities⁵, which are free to refuse to provide temporary sites.

ECRI has been informed that, since its report, three new transit sites have been created in the Flemish Region⁶ and one in the Brussels-Capital Region, which means that Belgium now has a total of six publicly-owned transit sites: four in the Flemish Region, one in the Walloon Region and one in the Brussels-Capital Region.

ECRI also notes that a number of initiatives have been taken to facilitate temporary solutions for Travellers pending a lasting solution.

In 2010 and 2011, in a number of Walloon municipalities, ad hoc sites were rented/made available to Travellers for limited periods. In 2011, the Province of Walloon Brabant set aside 60 000 Euros (twice the usual budget) to help municipalities wishing install specific facilities on temporary sites for Travellers. Information sessions with sedentary neighbours were also organised.

In 2010, the Flemish Region sent a circular to the provinces⁷ and the municipalities encouraging them to make temporary stopping places available for limited periods, on well located, properly equipped sites, pending the provision of permanent transit sites. The region has updated the handbook "Wonen op Wielen" (Living on Wheels) to support the purchase, design, renovation or extension of transit sites.

ECRI considers that all these measures have not prevented the persistence of a situation which still varies widely in the country's three regions, and even among the municipalities in each region, as regards the provision of temporary stopping places for Travellers. Generally, ECRI notes that despite the progress made since the publication of its report in May 2009, the provision of well located and properly equipped transit sites still falls far short of Belgium's needs.

Consequently, ECRI emphasises that more needs to be done urgently to increase the number of transit sites enabling Travellers to camp.

ECRI was informed that several initiatives have been taken in response to its recommendation concerning action to raise public awareness in order to counter rejection of Travellers. For example, on the basis of an information leaflet, the Centre

⁵ The municipality (commune) is the lowest tier of local government. Belgium has 589 municipalities.

⁶ The regions are situated on the same level of the federal state structure as the communities. There are three Regions: the Flemish Region, the Brussels-Capital Region and the Walloon Region. The regions have powers in fields relating to "land" use in the broad sense of the term.

⁷ The provinces are the intermediate tier between the municipalities and the regions. There are ten provinces.

for Equal Opportunities and the Fight against Racism (CECLR), in collaboration with mediation associations for Travellers, organises regular information and exchange sessions in the provinces in order to encourage the municipalities to take action with the assistance of the provinces. More generally, the government of the Flemish Region should soon be implementing a strategic plan aimed at equality of opportunity and equality of treatment for Travellers.

ECRI welcomes these measures taken or planned by the authorities to combat all forms of intolerance towards and rejection of Travellers. It notes, however, that Travellers in Belgium are still particularly affected by social exclusion. It therefore considers that more measures must be taken to facilitate public acceptance of the Travellers' way of life and the adoption of appropriate solutions by the competent public authorities.

3. *In the same report, ECRI also recommended that all currently serving police officers and those undergoing initial training be instructed in and alerted to the need to combat racism and racial discrimination, stressing the importance of dealing with and recording complaints appropriately. Furthermore, ECRI urged the authorities to designate within each police unit a contact person responsible for improving the response of police to complaints of racism from individuals, along the lines of the contact prosecutors specialising in racism and discrimination issues in the prosecution service.*

Since its report, ECRI has taken due note of developments in the provision of training for all police personnel. For example, in the field of continued training on diversity, six different courses are offered: anti-racism and anti-discrimination legislation, diversity and sexual orientation, diversity in human resources management, intercultural communication, managing diversity in everyday work, and facilitator training in this field. The first two courses mentioned include a component dealing specifically with the recording and processing of complaints.

ECRI was also informed that the agreement between the Federal Police (which organises the police training colleges) and the CECLR, already mentioned in the fourth report on Belgium, has been made indefinite. This will make it possible to undertake long-term, in-depth work integrated with initial and in-service police training.

ECRI welcomes this initiative and all other initial or in-service training programmes on the theme of diversity, particularly the courses including a component dealing specifically with the recording and processing of complaints. ECRI considers that these activities constitute tangible follow up to its recommendation on training and awareness-raising for police officers.

ECRI is therefore satisfied with the follow up to the first part of the above recommendation.

As regards the second part of the recommendation, ECRI was informed that, within the Belgian Integrated Police, there is a network, currently consisting of 171 members of the local police and the federal police, which is responsible for dealing with diversity issues. It notes, however, that this network operates on a voluntary basis and that its responsibilities are too vague. Furthermore, this mechanism does not resemble the prosecution service model, in which a contact prosecutor for racism and discrimination issues is appointed in each judicial district with a specific mandate to monitor closely the processing of complaints in these fields and refer them to the Prosecutor General's Office.

ECRI considers, therefore, that the second part of its recommendation has not been fully implemented and encourages the authorities to continue their efforts in this field.

