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The challenge of solidarity in the face of globalization



The most vulnerable people's right to social security is being eroded, while poverty, precarious employment and underemployment are on the rise. The new Aliens Act does not guarantee respect for fundamental rights or rectify flaws in the previous regulatory system. A lack of solidarity is also reflected in the insufficient revenue allocated to development assistance.

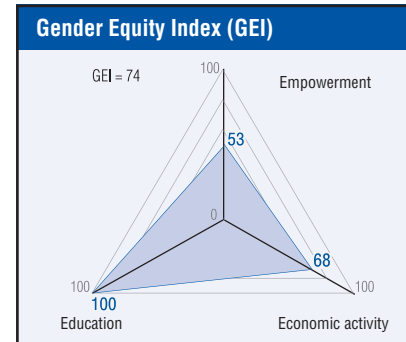
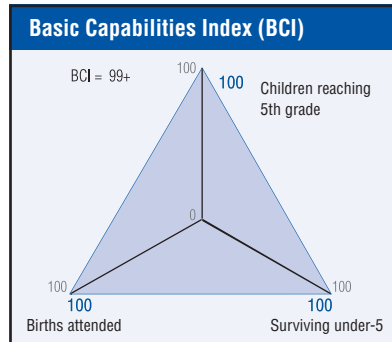
Plateforme belge pour le travail décent
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Over the last decade Belgium has seen a progressive erosion of the right to social security for the most vulnerable. The number of women and men in a precarious situation (poverty; part-time, under-paid and forced employment; unemployment; deprived of rights to social security income) has been steadily increasing. Respect for the social rights of aliens, for example those who lack documented legal status, is deteriorating due to a progressive reduction in the legal protection provided by regulations and an intensification of repressive measures. This erosion is accompanied by structural deficiencies for the allocation of resources to international cooperation and a lack of commitment to public initiatives in solidarity with the most impoverished inhabitants of the planet. It is a basic obligation of solidarity to address the imperative need for an inclusive management of the drive towards competitiveness that characterizes the globalized economy.

Increasing poverty, underemployment and precarious work

Fifteen percent of the population lives below the poverty line, which is defined for European countries as EUR 822 (USD 1,123) per month for a single person and EUR 1,726 for a family of two adults and two children. Without the support of social security this rate would rise to 41.8%. Poverty rates vary by gender (16.2% of women are affected and 14.2% of men), by age (22.6% of over 65s) and by region (11.3% in Flanders, 17.7% in Wallonia and 27% in Brussels) (DGSIE, 2007).

In 2005, 124,828 people out of a total population of just over 10 million were receiving a social assistance income. This assistance amounted to EUR 429.66 for cohabitants, EUR 644.48 for single persons and EUR 859.31 for single parent families with responsibility for children. These payments have increased by 10% since 1999. In 2002 this 'social integration income' (revenue d'intégration sociale, RIS), paid through Public Social Assistance Centres (CPAS), replaced the so-called 'Minimex' that was initiated in 1974. RIS can be accompanied by an 'individualized social integration project' (projet individualisé d'intégration sociale, PIIS) which involves active social insertion measures implemented by CPAS and aimed at the integration of people living in situations of exclusion by means of



employment. Failure to comply with the integration contract can result in the suspension of benefits and of the right to a minimum income.

In addition, serious problems have been found to exist with access to housing. Belgium has one of the lowest proportions of social housing in Europe.

Although there has been a significant increase in the employment rate (20% in 20 years), during the last decade precarious employment conditions have multiplied to the detriment of permanent employment contracts.

In 1995, 15.4% of employment was part-time while by late 2006 this figure had risen to 23.8%. A quarter of these jobs were for a third or less of full-time, and 90% of part-time workers wanted to work more hours. Fixed-term contracts represented 3.8% of all contracts in 1996 and 6.2% in 2004 (DGSIE, 2007).

Women are more affected by precarious employment: 43.3% of women workers are employed part-time, in comparison with 7.7% of men. Women fill over 80% of part-time jobs and less than a third of full-time jobs.

Temporary work is also increasing. In 2006 there were 493,000 temporary workers (130,000 of whom were students), a figure that represented a 3.5% increase in relation to 2005 and a 73% increase in relation to 1996. Most of these workers are aged under 30. However, the number of temporary workers aged over 45 (35,000) has increased significantly, by 10% in just one year. Temporary work constituted 30% of all employment opportunities on offer at the Regional Community Office for Professional Training and Employment in Wallonia and 60% at the Employment and Professional Training Service in Flanders. Women occupied 42% of temporary jobs in 2006.

In May 2007, 7.2% of the economically active population was unemployed, including 7.9% of women and 16.9% of under 25s. Young people and foreigners experience significant discrimination when seeking employment, particularly in Brussels.

Before being able to receive unemployment benefits, young people who have finished their studies but have worked for less than one year in full-time employment must take up an internship of up to 310 working days during which they can expect to receive between EUR 237.90 and EUR 854.88 a month.

Inspired by theories of the so-called 'active social state' – which the Belgian Human Rights League (LDH) considers "more a social state exclusively for the active population than a programme for a more socially active state" (LDH, 2005) – the federal government has implemented the Unemployed Activation and Follow-up Plan. Most associations involved with this sector and the trade unions consider it to be an 'unemployed hunt' as it puts great pressure on people who are searching for work. According to the LDH (2005), the requirement to accept any kind of job "violates the principles of autonomy, freewill and freedom in becoming party to a contract." Moreover, this 'activation' plan only seems to have a significant impact on those unemployed with a higher level of education who live in economically dynamic regions (IRES, 2007).

Immigrants: clandestine existence and social exclusion

On 15 September 2006 the Parliament established legal provisions that modified the December 1980 law on "aliens' access to the territory, length of stay, settlement and departure" and created an Aliens Disputes Board. These new provisions have profoundly

changed Belgian law in relation to aliens. However, the unanimous opinion of civil society organizations and trade unions is that these reforms cannot guarantee the fundamental rights of many foreigners who live in Belgium and that they do not rectify any aspects of the previous law's defects.

The only response to the lack of protection experienced by several tens of thousands of people living in the country has been the consolidation of discretionary policies and impunity. Recent years have been characterized by intense mobilization in regard to the situation of people without documents. Since 2003 the news media has been continuously reporting numerous church occupations by undocumented people as well as demonstrations and awareness campaigns. The magnitude of this movement demonstrates the evident gap between the regulatory framework and reality. Several tens of thousands of people whose existence is not officially acknowledged are living and working in Belgium, and many of them have been doing so for several years.

The government regards the fight against clandestine immigration as an imperative in the face of the 'threat' to social order represented by immigrants living without official recognition. But the authorities fail to mention that these people's presence changes the nature of the work force and constitutes an adjustment variable that enables companies, and indeed the whole of society, to make enormous savings based on the absence of employer social security contributions, miserably low salaries and their almost total lack of social rights and access to public services.

The attitude of the authorities towards the immigration phenomenon leads to a situation that sooner or later has to be 'regularized', because repression and denial cannot be a permanent solution.

The previous legal mechanism for regularization, in force between 1980 and 2006, was criticized and challenged due to its arbitrary nature in granting discretionary prerogatives to public authorities. However, the provisions of the new law do not modify the situation and perpetuate an iniquitous system.

While waiting for the disparity between the legal framework and reality to be addressed politically, civil society organizations and unions are working for an interim regularization mechanism that would provide official acknowledgement and access to social rights for undocumented people. The ultimate objective would be to establish a legitimate structural mechanism for 'regularization'. The law must provide clear enduring criteria for the granting of residence documents.

The erosion of aliens' basic rights is also related to:

The right to family reunification: The new legal provisions incorporated into national law the European Union Council 2003/86/CE directive of 22 September 2003 on the right to family reunification for people from third countries who have legal status. Citing elements of this directive (which only establishes minimum regulations) Belgian authorities took the opportunity to withdraw some guarantees that previously were acknowledged by law. The fact that procedures are now longer and more complex, together with their discriminatory and restrictive char-

acteristics (for example, in regard to economic means and housing conditions requirements), and that extracommunity immigrants no longer have recourse to the family reunification right for being reunited with their parents, seriously infringes the fundamental right to respect for family and private life, ratified through numerous international rights instruments.

The right to health: According to the organization Doctors Without Borders, in spite of a legal provision introduced 10 years ago that established access to health services for aliens without legal status, "in practice many of them are still excluded due to system malfunction, administrative obstacles, arbitrariness or their own mistrust of institutions." Although the legal framework establishes that 'urgent medical assistance' can include both preventive and curative attention, the term 'urgent' generates confusion and "allows for an arbitrary interpretation by doctors and public social assistance centres" (MSFB, 2006). This allows them to deny service provision on the pretext that the need is not 'urgent', as in the case of prenatal care.

Belgium has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN General Assembly resolution 45/158) or International Labour Organization (ILO) Convention 143 on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

In 2006 Belgium was condemned by the European Court of Human Rights for its role in the Tabitha case, involving the detention of an unaccompanied girl, which the court determined constituted inhuman treatment. The detention of immigrant families and individuals prior to deportation (more than 15,000 people a year) can in reality be prolonged indefinitely if the deportation order is resisted. This state of affairs demonstrates that detention centres for aliens constitute a zone of permanent arbitrariness where the law does not apply, a situation totally unworthy of a democratic state.

Decreased development assistance, inflated figures

In 2006 official development assistance (ODA) fell by 2.7% in relation to 2005 and represented 0.5% of gross national income (GNI), although accounting maneuvers continued to play a significant role in the calculation of these figures. Both debt relief (over EUR 325 million, about which we can be pleased) and expenditure on the reception of asylum seekers (some EUR 58 million) have been included. If we subtract these two amounts, net ODA is only equivalent to 0.37% of GNI. That is to say, we are very far from the growth trajectory set out by the government to ensure compliance with the 24 December 2002 law requiring the allocation of 0.7% of GNI to ODA as of 2010. The gap between the legal obligation and resources actually allocated is therefore much bigger than the official figures suggest.

There are four elements that make the situation worse:

- During the coming years it will not be possible to systematically resort to debt reductions as a

means of inflating the cooperation budget. From 2008 the amounts of bilateral debt that can be subject to reduction within the framework of the Heavily Indebted Poor Countries initiative will diminish significantly. The new government will then have to urgently find substitutes for the systematic use of debt reduction.

- The structural deficiency in planning for assistance resources is evident. The Council of Ministers has given notice that as a result of last November's budget conclave, an annual growth of 5% is forecast for the General Department of Cooperation for Development (DGCD) budget. According to government calculations the cooperation budget allocated to DGCD will constitute 60% of ODA over the next few years, which means that at best some 0.5% of GNI will be allocated for assistance in 2010, an identical percentage to that in 2006.
- Belgium's development assistance leaves a lot to be desired from a qualitative point of view. It is regrettable that in the last evaluation report of the Organization for Economic Cooperation and Development Paris Declaration, Belgium is consistently positioned amongst the worst countries for fund provision management, for example in advanced planning for assistance.
- A similar state of affairs exists in regard to responsibility and accountability. The law governing cooperation requires the executive to produce sector and regional strategic documents that are made available for input from civil society and are then presented to Parliament for approval. These documents should include a strategy implementation schedule and an estimate of the human and financial resources needed for the realization of proposed objectives. They have to be updated every four years. However, it is clear that the government has not fulfilled its legal obligations in this matter and that it is intending to eliminate them or review their terms. Thus Parliament (which in any event does not have an obligation to deal with these matters) and civil society are deprived of an important tool for monitoring and participating in the generation of strategies for international cooperation. ■

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