



# SOCIAL RIGHTS MONITOR 2020



## COUNTRY MONITOR: BELGIUM

After Belgium's federal elections on 26 May 2019, the same day as regional and European elections, it took until 1 October 2020 to form a new federal government; in the interim, a caretaker government ran the country's current affairs. In the 2019 elections, the regions displayed a striking contrast in terms of voting: while a majority of Flemings voted for nationalist, right or far-right parties, in French-speaking Wallonia the greens and the left prevailed.

On the social side, Belgium has had one of the EU's highest per-capita rates of both infections and deaths from Covid-19. While intensive care units did not reach saturation point as they did in other countries, the National Strategy Group (NSG) led by Pour la Solidarité (PLS) considers that a re-evaluation of the health system's needs and shortages is Belgium's number-one social priority. Other pressing issues pointed out by the NSG are structural inequalities, the quality of employment and youth employment.

	2018	2019	EU-28 2019
Gini index <sup>1</sup>	25.7	25.1	30.1
Unemployment <sup>2</sup>	6%	5.4%	6.3%
Gender Equality Index <sup>3</sup>	71.1 (2019)	71.4 (2020)	67.9 (2020)
In-work poverty <sup>4</sup>	5.1%	4.8%	9.2%
Housing Overcrowding <sup>5</sup>	5.7%	8.1%	15.6%
CIVICUS Civic Space Monitor <sup>6</sup>		OPEN	N/A

### Selected indicators on the state of social rights

1 Eurostat (2020). Gini coefficient of equivalised disposable income: [http://appsso.eurostat.ec.europa.eu/nui/show.do?lang=en&-dataset=ilc\\_di12](http://appsso.eurostat.ec.europa.eu/nui/show.do?lang=en&-dataset=ilc_di12)

2 Eurostat (2020). Unemployment by sex and age: annual data: [https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=une\\_rt\\_a&lang=en](https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=une_rt_a&lang=en)

3 European Institute for Gender Equality (2020). Gender Equality Index: <https://eige.europa.eu/gender-equality-index/2020/country/BE>

4 Eurostat (2020). In-work at-risk-of-poverty-rate : <https://ec.europa.eu/eurostat/databrowser/view/tespm070/default/table?lang=en>

5 Eurostat (2020). Overcrowding rate by age, sex and poverty status – total population: [https://ec.europa.eu/eurostat/databrowser/view/ilc\\_lvho05a/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/ilc_lvho05a/default/table?lang=en)

6 CIVICUS (2020). Civic space monitor - Belgium: <https://monitor.civicus.org/country/belgium/>

# ACCESS TO THE LABOUR MARKET

The National Strategy Group for Belgium has highlighted the Pacte pour l'emploi – known as the Jobsdeal package – as the main milestone in employment and tax policies in recent years. This set of measures comprises a social and a fiscal component. The overall goal of the policy is to help companies find the workers they need and help people who have lost their job to find another. The Jobsdeal contains several features, including the following: registering newly unemployed workers more quickly at unemployment offices, incentives to undergo and invest in training, outplacement assistance directed at sectors short of manpower and support for seniors over 65 who wish to engage in a professional activity.<sup>7</sup> While measures to support employment are always welcome, some of them are designed at workers' expense, as was the case with the austerity measures in multiple EU countries. Belgium was no exception to the trend, and in 2018 new notice periods came into effect, especially affecting workers with less than six months of service. Those new, shorter notice periods for employers were intended to encourage the recruitment of new workers, by lowering the cost of dismissing permanent workers. For instance, an employer now only has to give one week's notice to dismiss someone who has less than three months of

seniority, compared to a previous notice period of two weeks.<sup>8</sup>

On the social side, one of the Jobsdeal measures implemented in 2019 granted the right to outplacement assistance to a value of EUR 1,800 for employees whose contract was ended because the employer invoked medical force majeure.<sup>9</sup>

## FAIR TAXATION

The previous federal government launched the third and last phase of its tax shift in January 2019. Adopted in 2015, this fiscal package aimed to lower taxes on both workers and companies, in order to increase purchasing power. The last phase raised the minimum taxable income and increased net salaries by a small amount. In 2019, a study found the tax shift measures would mainly benefit low-wage workers, whose purchasing power would rise 7% over the long term, compared to a 4.4% increase for workers on average. The NSG notes that these measures, by focusing on the reduction of taxes on labour, left the non-working population behind: the unemployed and the pensioners barely enjoyed any increase in purchasing power over the 2016-2019 period.<sup>10</sup>

7 RTBF (2019). Le Jobsdeal va se concrétiser mais dans une version light : [https://www.rtbf.be/info/belgique/detail\\_le-jobsdeal-va-se-concretiser-mais-dans-une-version-light?id=10122263](https://www.rtbf.be/info/belgique/detail_le-jobsdeal-va-se-concretiser-mais-dans-une-version-light?id=10122263)

8 Eurofound (2019), Labour market segmentation: Piloting new empirical and policy analyses.

9 European Commission (2019), Flash Reports on Labour Law April 2019

10 VRT (2019). Pouvoir d'achat sous le gouvernement Michel : les chômeurs et pensionnés grands perdants : [https://www.vrt.be/vrtnews/fr/2019/05/21/pouvoirs-d\\_achat-sous-le-gouvernement-michel-les-chomeurs-et-p/](https://www.vrt.be/vrtnews/fr/2019/05/21/pouvoirs-d_achat-sous-le-gouvernement-michel-les-chomeurs-et-p/)

# EQUAL OPPORTUNITIES AND VULNERABLE GROUPS

## ANTI-DISCRIMINATION

The government of Flanders abruptly decided in the summer of 2019 to put an end to its cooperation with Unia, the Belgian public service agency that fights against discrimination and promotes human rights. The Flemish region plans to set up its own equal-opportunities institution, which will operate on the basis on Flanders' own legal instruments. Unia will continue to be competent in Flanders but will have to operate alongside this new body, except for criminal matters, where it will retain sole competence. Unia's activities will directly be impacted by this decision, as it will cut 10% from its operating budget. Cooperation between the government of Flanders and Unia is scheduled to continue until 2023.<sup>11</sup>

## MIGRATION POLICY

One development which raises great concerns for SOLIDAR's National Strategy Group is the introduction in the autumn of 2019 of a much tougher migration policy in Flanders. Jan Jambon of the N-VA (New Flemish Alliance), Minister-President of the region, is not bashful about the fact this new policy will make it harder for foreigners to come to live in Flanders. He

argued that, "the entry ticket is becoming more expensive, but someone who is in gets full membership".<sup>12</sup> The new policy entails higher requirements for newcomers in areas such as knowledge of Dutch, common values and civic participation. The already compulsory integration course and exam will now have a fee of EUR 360. There will be longer residency requirements to access some social benefits, such as social housing, and asylum-seekers will no longer retroactively receive childcare allowance once they are granted asylum. Communities will also be held to stricter standards, as the measure also foresees the tightening and prolongation of the process of recognition for schools and religious communities.<sup>13</sup> Eventually, to access public funding, religious communities will be subject to a four-year review period, and CSOs will have to use Dutch in every public communication.<sup>14</sup> More troubling is the fact this unabashedly right-wing policy did not stir much controversy in the coalition in power in Flanders: even the centre-right Minister Wouter Beke said he was fully on board with the measure.

The NSG points out that the adoption of this measure took place in a context where Belgium has a rather poor record in integrating people of foreign origin into the labour market.<sup>15</sup>

11 Unia (2019). Unia réagit à la décision de la Flandre d'arrêter leur coopération : <https://www.unia.be/fr/articles/unia-reagit-a-la-decision-de-la-flandre-darreter-leur-cooperation>

12 Politico (2019). Flemish parties toughen migration stance in coalition agreement: <https://www.politico.eu/article/jan-jambon-flemish-parties-toughen-migration-stance-in-coalition-agreement/>

13 RTBF (2019). Accord flamand: une politique d'intégration nettement plus stricte: [https://www.rtb.be/info/belgique/detail\\_accord-flamand-une-politique-d-immigration-et-d-integration-nettement-plus-stricte?id=10329078](https://www.rtb.be/info/belgique/detail_accord-flamand-une-politique-d-immigration-et-d-integration-nettement-plus-stricte?id=10329078)

14 European Commission (2019). Belgian regional governments – stringent rules for migrants in the north, not much in the south: <https://ec.europa.eu/migrant-integration/news/belgian-regional-governments-stringent-rules-for-migrants-in-the-north-not-much-in-the-south>

15 Federal Public Service Employment, Labour and Social Dialogue & Unia, Interfederal Centre for Equal Opportunities (2020). Socio-economic Monitoring. Labour market and origin 2019: [https://www.unia.be/files/Documenten/Publicaties\\_docs/UNIA\\_Monitoring\\_2019\\_-\\_ENG\\_-\\_AS.pdf](https://www.unia.be/files/Documenten/Publicaties_docs/UNIA_Monitoring_2019_-_ENG_-_AS.pdf)

## GENDER EQUALITY IN THE LABOUR MARKET

Belgium has the fourth lowest gender pay gap in the European Union, with women earning 6.0% less than men in 2018, compared with an EU average of 16%.<sup>16</sup> However, that does not mean there is almost complete equality between men and women in the labour market, as there are factors other than the gap in hourly wages, such as the gender employment gap and the number of hours of paid work in a month. Belgium performs fairly well in the former: the employment rate of women was 9.8 percentage points less than that of men in 2017, better than the average EU gap of 11.5 percentage points.<sup>17</sup> But the number hours of paid work is less balanced, as “43.6 % of employed women work part-time, while 11.8% of men don’t work full-time”.<sup>18</sup>

Nevertheless, if one focuses on the gender gap for hourly pay, Belgium appears to be doing a good job at tackling this inequality, as the indicator went down from 10.2% in 2010 to 6.0% in 2018.<sup>19</sup> One of the reasons may be the implementation of the latest legislation on equal pay, the law of 22 April 2012 and its 2013 amendment. The law aims to tackle unequal pay at all levels: at the interbranch level, with the obligation for social partners to put equal pay on the agenda of their national biannual negotiations; at the sectoral level, through the introduction of gender-neutral job classifications; and eventually at the company level through the organisation of sustained dialogue and monitoring, with a view to adopting an equality plan.<sup>20</sup>

## EDUCATION AND EARLY SCHOOL LEAVING

In Belgium, most policies pertaining to education and employment are the competence of the regions or linguistic communities. The NSG welcomes the various STEM (science, technology, engineering and mathematics) strategies put in place by the regions and communities, but it also warns of the lack of a comprehensive strategy to meet labour market needs, one that would encompass all regions and communities. Another comment was that there are great regional disparities in education. This is the case for the rate of early school leavers (ESL), where the rate in Belgium as a whole is rather low (8.9% in 2017, below the European average of 10.6%). But this number that hides a disturbing gap: the rate ranges from 12.9% in the Brussels-Capital Region to 7.2% in Flanders. Social inequalities are also a factor, as the ESL rate is strikingly high for non-EU born people (16.7%) and for young men in urban areas (14.4%).

The Brussels government has undertaken to tackle this issue, by strengthening the coordination of its three regional school drop-out schemes, and by working with the communities, municipalities and local actors to put together a comprehensive plan to combat ESL in the region.<sup>21</sup>

16 European Commission (2020). Factsheet on Gender Pay Gap 2019: [https://ec.europa.eu/info/sites/info/files/factsheet-gender\\_pay\\_gap-2019.pdf](https://ec.europa.eu/info/sites/info/files/factsheet-gender_pay_gap-2019.pdf)

17 Eurostat, (2019). Gender employment gap in the EU: <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/EDN-20190307-1>

18 STATBEL (2020). Part-time employment: <https://statbel.fgov.be/en/themes/work-training/labour-market/part-time-employment>

19 STATBEL (2020). Gender Pay Gap : <https://statbel.fgov.be/en/themes/work-training/wages-and-labourcost/gender-pay-gap>

20 Institut pour l’Égalité des Femmes et des Hommes (year unknown). Législation : [https://igvm-iefh.belgium.be/fr/activites/emploi/ecart\\_salarial/legislation](https://igvm-iefh.belgium.be/fr/activites/emploi/ecart_salarial/legislation)

21 BE2020 (2020). National Reform Programme 2020 : [https://www.be2020.eu/uploaded/files/202005061414290.NRP\\_2020\\_Belgium\\_EN.pdf](https://www.be2020.eu/uploaded/files/202005061414290.NRP_2020_Belgium_EN.pdf)

## YOUTH EMPLOYMENT

Unemployment of people between the ages of 15 and 24 in Belgium averaged 14.2% in 2019, on a par with the EU average for that year. But this number, while already large, hides big regional disparities: in 2019 youth unemployment was 29.5% in the Brussels-Capital Region and 21.9% in Walloon Region but only 9.6% in Flanders.<sup>22</sup> To tackle this issue and as part of the previous mentioned Jobsdeal, the federal government has resorted to allowing “starter jobs”: since 2019 youths between the age of 18 and 20

without previous professional experience can be hired at a gross salary inferior to the statutory minimum wage in a sector. The young worker is then compensated for the difference with a monetary transfer from the employer, which is exempted from social contributions and payroll taxes, so that the net salary is unchanged.<sup>23</sup> This measure was intended to foster the hire of young people, as it leads to lower wage costs for the employer. An issue with this measure is that the youths employed under these conditions only build up social rights based on the reduced gross salary, so they lose out in these terms.

# FAIR WORKING CONDITIONS

## WORKING HOURS

In April 2019, the social partners concluded an intersectoral collective labour agreement, increasing the maximum quota of voluntary overtime per calendar year from 100 to 120 hours. Within this framework, agreements may be concluded at sector level to increase this to up to 360 hours per calendar year.<sup>24</sup>

## PRECARIOUSNESS AND IN-WORK POVERTY

In-work poverty in Belgium is among the lowest in the EU, at around 5% since 2013, while the European average has been 9% over the same period. This is mainly due to the fact that minimum wages are relatively high compared to other EU countries, and only a small proportion of the working population earns them.<sup>25</sup> However, that is not the only factor. In line with other EU countries, single-parent households, temporary workers, the self-employed and the low-educated are particularly exposed to in-work poverty.

22 STATBEL (2020). Employment and unemployment: <https://statbel.fgov.be/en/themes/work-training/labour-market/employment-and-unemployment#panel-11>

23 Securex (2019). Engager de jeunes travailleurs à moindre coût via les premiers emplois : [https://www.securex.eu/lex-go.nsf/wipaaip\\_fr/771E7EC3EFCA0E4BC125841D002B92CC?OpenDocument](https://www.securex.eu/lex-go.nsf/wipaaip_fr/771E7EC3EFCA0E4BC125841D002B92CC?OpenDocument)

24 European Commission (2019), Flash Reports on Labour Law April 2019

25 Buffel, Veerle & Nicaise, Ides (2019). ESPN Thematic Report on In-work poverty – Belgium, European Social Policy Network (ESPN), Brussels: European Commission.

# SOCIAL PROTECTION AND INCLUSION

Public social spending including health accounted for 28.9% of Belgian GDP in 2018, the second highest among OECD countries.<sup>26</sup> Although Belgium has one of the broadest social protection systems in the EU, inequalities persist.

## INEQUALITIES AND POVERTY

The situation has stalled for low-income households and especially those living below the poverty line, despite benefits having kept up with economic prosperity, as the National Strategy Group underlines. Belgium is highly unlikely to achieve the commitment made in the National Reform Programme 2011 towards the Europe 2020 strategy, which was to lift 380,000 people out of poverty by 2020.<sup>27</sup> According to official figures, the risk of poverty has not receded over the last 10 years. Rather, it is slightly increasing for most categories of the population (both men and women and all ages except seniors) and amounted to 16.4% for the general population in 2018. For young people (16-24) the risk of poverty has increased by 27% in nine years.<sup>28</sup> Young people, the unemployed, single-parent households, people with a low level of education and renters are the most exposed categories. In this regard, the NSG notes with regret that while there exists a summit especially dedicated to cooperation and the consistency of poverty policy in Belgium – namely the Interministerial Conference on Social Integration and Social Economy, which is supposed to gather ministers from the federal, regional and linguistic community levels – it has not met since 2013.

## SOCIOECONOMIC IMPACT OF COVID-19

As reported by the NSG, the Covid-19 crisis caused employment growth in Belgium to come to an abrupt halt in 2020. Unemployment is forecast to rise to 7% in 2020, after reaching an historic low of 4.9% in the first quarter of 2020.<sup>29</sup> The NSG worries the pandemic may cause living conditions to worsen for low-income households, as they will likely be the first impacted by the economic downturn.

## UNEMPLOYMENT BENEFITS

Belgium usually ranks amongst the countries that spend the most on unemployment benefits. OECD data on public unemployment spending shows the country topped the ranking of OECD countries between 2015 and 2017, with more than 2.5% of GDP spent on unemployment benefits.<sup>30</sup> In spite of this positive picture, the NSG has warned about the risk of increased conditionality of rights to social minima and social benefits. The Centres Publics d'Action Sociale (CPAS) [Public Centres for Social Welfare] are tasked with ensuring that every individual can live a decent life. However, the NSG reports a noticeable trend towards the sidelining of social concerns. An instance of this is the increasing tendency of the CPAS to define conditions of eligibility or access and to monitor and even sanction people. The government also tried to pass, as part of the Jobsdeal, a measure to make unemployment benefit more digressive, while raising benefits in the first months of unemployment. The rationale

26 OECD (2020), Social spending (indicator). doi: 10.1787/7497563b-en : <https://data.oecd.org/socialexp/social-spending.htm>

27 SPP IS (2020). Opinion de la Plateforme belge contre la pauvreté et l'exclusion sociale UE2020 sur le Programme National de Réforme 2020 : [https://www.mi-is.be/sites/default/files/documents/opinion\\_de\\_la\\_plateforme\\_belge\\_pnr2020\\_fr.pdf](https://www.mi-is.be/sites/default/files/documents/opinion_de_la_plateforme_belge_pnr2020_fr.pdf)

28 STATBEL (2019). Risque de pauvreté ou d'exclusion sociale : <https://statbel.fgov.be/fr/themes/menages/pauvrete-et-conditions-de-vie/risque-de-pauvrete-ou-d'exclusion-sociale#figures>

29 STATBEL (2020). Employment and unemployment: <https://statbel.fgov.be/en/themes/work-training/labour-market/employment-and-unemployment#figures>

30 OECD (2020), Public unemployment spending (indicator). doi: 10.1787/55557fd4-en (Accessed on 26 August 2020) <https://data.oecd.org/socialexp/public-unemployment-spending.htm#indicator-chart>

behind this proposal was that it would increase the financial incentive to find work and therefore absorb unemployment faster. Here again, the NSG voices concern that a faster reduction of revenue would only reinforce the precariousness of the long-term unemployed, exposing them to poverty or forcing them to accept jobs that do not match their qualifications or aspirations. Fortunately, the governing coalition did not reach agreement on this measure and it did not make it into the final text.<sup>31</sup> But making unemployment benefits more digressive is part of a larger narrative that paints the unemployed as lacking sufficient incentive to find new employment. This idea is pervasive and likely to return in future policy proposals.

### NEW BENEFITS FOR THE SELF-EMPLOYED

The National Strategy Group has applauded the series of benefits for independent workers (self-employed) which was introduced in Spring 2019. In May of that year, paternity and birth leaves were introduced: from then on self-employed co-parents, in the same way as employees, were entitled to 10 days, or 20 half days, of leave compensated by their health insurance programme.<sup>32</sup> In June, the waiting period of 14 days before independent workers received their allowance for incapacity to work was abolished; now these workers are compensated from the first day of incapacity, proven that the total number days of incapacity exceeds seven.<sup>33</sup> Eventually, the self-employed also saw an extension of their “bridging rights”

– financial benefits coupled with the maintenance of some rights without having to contribute – when they are forced to cease or interrupt their activity under some conditions.<sup>34</sup>

### SOCIAL HOUSING

Social housing is sorely lacking in Belgium, the National Strategy Group points out. Social housing is a regional competence, and it is particularly low as a percentage of the total housing market: 5.6% in Flanders, 5.3% in Wallonia and 7% in Brussels-Capital in 2016. As a result, waiting lists are long: that year, Flanders had almost as many households on its waiting list as it had affordable housing units. Belgium is not doing very well in this area compared to other EU countries: social housing makes up 34% of the Netherlands’ housing market and 26% of Austria’s.<sup>35</sup> The few housing allowances that exist in Belgium cover only the worst-case situations (homeless people) or very specific ones (disabled people needing accessible housing, for example, or people who need to leave an unsanitary abode). There is no general benefit for low-income households to access decent housing. Furthermore, the benefits and conditions vary from one region to another. As a last resort, the CPAS can step in, but it only does so either under very strict conditions or in a way that deprives the individual of their autonomy and is akin to guardianship. The lack of a comprehensive housing benefit system and the marginal share of social housing have led to deep inequality in access to housing in Brussels.

31 RTBF (2019). Le Jobsdeal va se concrétiser, mais dans une version light : [https://www.rtbef.be/info/belgique/detail\\_le-jobsdeal-va-se-concretiser-mais-dans-une-version-light?id=10122263](https://www.rtbef.be/info/belgique/detail_le-jobsdeal-va-se-concretiser-mais-dans-une-version-light?id=10122263)

32 Moniteur Belge (2019). Loi instaurant un congé de paternité et de naissance en faveur des travailleurs indépendants : [https://www.ejustice.fgov.be/cgi/article\\_body.pl?language=fr&caller=summary&pub\\_date=19-05-08&numac=2019012182](https://www.ejustice.fgov.be/cgi/article_body.pl?language=fr&caller=summary&pub_date=19-05-08&numac=2019012182)

33 INASTI (2019). Octroi plus rapide des indemnités d’incapacité de travail : <https://www.inasti.be/fr/news/octroi-plus-rapide-des-indemnit%C3%A9s-d-incapacit%C3%A9-de-travail>

34 INASTI (2019). Extension du droit passerelle : <https://www.inasti.be/fr/news/extension-du-droit-passerelle>

35 Service de lutte contre la pauvreté, la précarité et l’exclusion sociale (2019). Des faits et des chiffres : [https://luttepauvrete.be/wp-content/uploads/sites/2/2019/01/chiffres\\_logements\\_sociaux.pdf](https://luttepauvrete.be/wp-content/uploads/sites/2/2019/01/chiffres_logements_sociaux.pdf)

## GOOD PRACTICE

In the Brussels-Capital Region, the Agences Immobilières Sociales, AIS [Social Real Estate Agencies] are recognised and have had agreements with and subsidies from the region since 1998. The mission of these non-profit organisations is to offer affordable rental accommodation from the private market to low-income households. In exchange for quality accommodation at a rent inferior to the market price, the AIS offer the landlord a wide range of services related to lease management, while guaranteeing stable rent payment.<sup>36</sup> The AIS currently manage more than 6,000 units in the Brussels region.

## HEALTHCARE

Austerity in Belgium hit not only employment legislation, but also healthcare. The NSG describes the policies implemented by the Michel government (2014-2019) as among the toughest ever put in place in healthcare. Between 2014 and 2019, EUR 2.1 billion-worth of savings were made in the sector. According to Solidarité - Mutualité Socialiste, this represented a direct saving of EUR 130 million, charged to users. There was, for example, a 21% increase in supplemental fees for ambulatory care in 2017. Hundreds of millions in cuts have affected healthcare providers as well. The NSG highlights that, while the Belgian healthcare system is efficient in terms of intensive care in hospitals, the Covid-19 pandemic has made salient a number of shortcomings affecting the resilience of the system. Belgium has a structural shortage of medical doctors that becomes highly problematic in times of crisis. Almost half the practising doctors are over 55 years old, which

raises great concerns about a future shortage. To remedy the situation, the number of students allowed in medical school has been raised in recent years.<sup>37</sup> The country is, luckily, better equipped in terms of nurses, with 11 per 1,000 inhabitants, well above the European average.<sup>38</sup>

When it comes to the affordability of healthcare, the European Observatory on Health Systems and Policies (EOHSP) and the OECD reported in a 2020 joint analysis that individuals with low incomes declare unmet medical needs more often than the rest of the population. The inequality of access is especially noticeable in dental care, and the reasons are mainly financial: health insurance does not fully cover this type of care, so the out-of-pocket expenditure is significant.<sup>39</sup>

Health is among Belgium's regionalised policies, which means responsibility is shared between the federal state and the federated entities (regions and communities). The federal level is responsible for regulating and financing compulsory health insurance, as well as for operating and financing the hospitals. The federated entities are in charge of health promotion and prevention, as well as coordination and cooperation between the different health departments. This structure can account for the significant regional disparities reported in the share of persons self-reporting unmet needs in 2017, according to a study conducted by the European Social Observatory published in 2020.<sup>40</sup> The researchers found that 5% of people report unmet needs in Flanders, 9% in Wallonia and a striking 22% in the Brussels Region. They add that, even after adjusting for income, health needs and socioeconomic and demographic factors, the inter-regional differences remain significant and might be explained by the fact that municipalities, through CPAS and OCMW, play an important role in supporting vulnerable people.

36 <https://www.fedais.be/>

37 OCDE/European Observatory on Health Systems and Policies (2019), Belgique: Profils de santé par pays 2019, State of Health in the EU

38 Ibidem.

39 OCDE/European Observatory on Health Systems and Policies (2019), Belgique: Profils de santé par pays 2019, State of Health in the EU

40 Cès & Baeten (2020). European Social Observatory: Inequalities in access to healthcare in Belgium: [http://www.ose.be/files/publication/health/2020\\_Ces\\_Baeten\\_NIHDI\\_Inequalities\\_access\\_care\\_Report\\_EN.pdf](http://www.ose.be/files/publication/health/2020_Ces_Baeten_NIHDI_Inequalities_access_care_Report_EN.pdf)

The NSG's work sheds light on a series of obstacles, essentially administrative in nature, to equitable access to healthcare. For asylum-seekers, accessibility varies depending on the place they are staying. In collective reception centres, primary care is provided mostly internally and is paid for by the Fedasil, the Belgian authority responsible for the reception of asylum-seekers. On the other hand, in local reception initiatives, which are made up primarily of private homes and often managed by the CPAS, the CPAS decides whether to grant the permission and funding needed to consult a health professional. In the end, because the CPAS and the Fedasil do not operate according to the same principles, two parallel systems coexist. This makes it complex for asylum-seekers to find their way around the healthcare system.

According to the EOHSP and the OECD, undocumented migrants and homeless people are two other vulnerable groups that experience difficulties in accessing healthcare. On one hand, undocumented migrants cannot be affiliated to a Belgian health insurance. While they are entitled to emergency medical care, they seldom turn to it. On the other hand, homeless people, while entitled to benefit from healthcare like the rest of the population (provided that they have residency rights), face obstacles due to their absence of fixed home and their reluctance to ask for medical help. Consequently, they mostly only access healthcare through hospitals' emergency departments.<sup>41</sup>

41 Devos C et al. (2019), Performance of the Belgian Health System – Report 2019. KCE Report 313. Belgian Health Care Knowledge Centre (KCE), Brussels, in OCDE/European Observatory on Health Systems and Policies (2019). Belgique: Profils de santé par pays 2019, State of Health in the EU

## CIVIC SPACE

Generally speaking, civic rights in Belgium are not under threat. The country is classified as having an “open” civic space by CIVICUS’s Civic Space Monitor<sup>42</sup> and ranked 12th in terms of press freedom in 2020, a very small drop from the previous year, when it ranked ninth.<sup>43</sup> In 2019, freedom of information in Belgium was safeguarded, as the Council of State issued an alert that a proposed law might violate the European Court of Human Rights’ legal precedents on the right to information. Under the proposal, whistle-blowers could have faced a prison term of up to five years for revealing classified information, while individuals without security clearance doing this (typically, investigative journalists) would have been exposed to a fine up to EUR 5,000.<sup>44</sup> The government withdrew the proposed law and amended it before resubmitting it.<sup>45</sup>

In 2019, the federal parliament passed a law establishing an independent National Human Rights Institution. Several organisations have welcomed this adoption positively, highlighting that this new institution would be able to take a holistic approach to human rights; till now, the

human rights landscape has been scattered between different institutions with different mandates, due to the complexity of the Belgian legal system.<sup>46</sup> While cheering the news, Amnesty International expressed reservations, noting with regret that the mandate of the institution would be limited to federal matters, leaving out of its scope of action topics such as the integration of human rights in education (the latter being a regional matter).<sup>47</sup>

Despite this overall positive civic landscape, the National Strategy Group underlines some more worrying developments regarding the right of peaceful assembly. 2019 and 2020 saw increased police repression at protests. That was especially the case during May 2019, as the country held federal, regional and European Parliament elections. As a yellow vests-inspired demonstration allegedly turned disorderly, the police arrested and detained around 350 people.<sup>48</sup> A similar incident occurred in October 2019, when climate protesters were targeted with water cannon, batons and pepper spray during a peaceful sit-in, and 435 of them were arrested.<sup>49</sup>

42 CIVICUS (2020). Belgium : <https://monitor.civicus.org/country/belgium/>

43 Reporters Without Borders (2020). Belgium : <https://rsf.org/en/belgium>

44 <http://www.raadvst-consetat.be/dbx/avis/66143/projet>

45 Reporters Without Borders (2019). Belgian bill threatens investigative journalism: <https://rsf.org/en/news/belgian-bill-threatens-investigative-journalism>

46 CIVICUS (2019). Belgium approves law creating long overdue human rights institution: <https://monitor.civicus.org/updates/2019/06/15/Belgium-approves-law-creating-long-overdue-human-rights-institution/>

47 Amnesty International (2019). Wetsvoorstel over mensenrechteninstituut positieve eerste stap: <https://www.amnesty-international.be/wetsvoorstel-mensenrechteninstituut-belgie>

48 AP News (2019). Yellow vest protest in Brussels turns violent; 350 detained: <https://apnews.com/410ebca234624d-388ab8e7dd9d41f013>

49 CIVICUS (2020). Belgium : <https://monitor.civicus.org/country/belgium/>

# COMPARISON WITH THE COUNTRY SPECIFIC RECOMMENDATIONS

The European Commission's 2020 country-specific recommendations for Belgium focused mainly on the socio-economic impact of the Covid-19 pandemic and facilitating economic recovery. After recognizing the negative impact of the crisis on several indicators, the Commission called on Belgium to reinforce the resilience of its health system and mitigate the employment and social impacts of the pandemic in the long term. It also gave advice on medium-term measures to support the business environment, especially SMEs and the self-employed, notably by the provision of liquidity. The National Strategy Group points out that these measures are necessary, while placing emphasis on the need to protect people rather than cater to the business environment.

In the 2019 country-specific recommendations, the Commission had advised Belgium to “remove disincentives to work and strengthen the effectiveness of active labour market policies, in particular for low-skilled, older workers and people with a migrant background”. The NSG supports the strengthening of labour market policies aimed at low-skilled and vulnerable groups. However, its diagnosis of labour market policies differs from that of the country-specific recommendations. The Commission seems to adhere to the “disincentives to work” narrative that the National Strategy Group specifically reported to be detrimental to social protection in Belgium.

SOLIDAR's Social Rights Monitor 2020 has been developed in the framework of the Together for Social Europe programme co-funded by the EU Programme for Employment and Social Innovation (EaSI). It provides an insight into the state of social rights in 17 European countries. The Monitor assesses the state of social Europe in terms of equality of opportunities, fair working conditions, social protection, inclusion and civic space based on the observations of Civil Society Organisations working on the ground in combination with statistical data and scientific findings. It does so on the basis of observations of National Strategy Groups set up in each of these countries by a SOLIDAR member or partner. The 2020 Monitor also analyses to what extent these aspects are reflected in the Country Specific Recommendations of the European Semester process towards a socially sustainable recovery after the Covid-19 crisis.

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