

National Analytical Study on Housing

RAXEN Focal Point for Belgium

Centre for Equal Opportunities and Opposition to Racism

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1. Executive summary

The right to housing is guaranteed both by international treaties like the European Human Rights Convention and by a number of Belgian laws, such as the Belgian constitution and the Brussels, the Flemish and the Walloon Housing codes. Discrimination in housing is a direct threat to the human dignity, because it deprives victims of the fundamental right to decent housing (i.e. conform to basic norms of habitability, health and safety).

In terms of governmental powers housing is a regional competency in Belgium. Due to the reform of the Belgian state all the matters concerning the lives of individual persons and their relations with the public authorities (such as integration of ethnic minorities) are attributed to the communities, whereas the matters pertaining to the territory such as housing are attributed to the regions. On the other hand, the development of a policy against racism is explicitly considered as a responsibility for the federal government. As a consequence, we will have to discuss the different aspects of housing both on a regional (housing policies) and on a federal level (the fight against discrimination in housing).

The report starts with a discussion of the legal instruments that are available in order to fight discrimination (i.e. a federal competency). In this respect, reference is made to the Belgian anti-racism law of 30 July 1981. This law prohibits the refusal to lease or sell on the grounds of so-called race, colour of skin, descent, or national or ethnic origin of the tenant. In addition, the general anti-discrimination law of 25 February 2003 also prohibits non-racial discrimination in the domain of housing. As a consequence, we can conclude that the current legislation clearly provides important instruments in order to guarantee equality in the access to decent accommodation. Nevertheless, because of specific restrictions, which are discussed in the report, this legislation can not fully ban the social exclusion of a vulnerable part of the population. Specific attention is paid to problems in social housing allocation procedures.

Subsequently the housing policies and specific strategies of the three regions are briefly summarised. The decree concerning the Flemish Housing Code of 15 July 1997 constitutes the juridical framework for the Flemish housing policy. The fundamental principle of the Flemish Housing Code is the right to decent housing for everybody (Art. 3). The housing policy is primarily oriented towards persons who are in need of housing. No specific housing policy towards ethnic minorities is developed: in stead, the Flemish government strives to realise the right to decent housing for everyone by an inclusive policy. On the part of the Walloon region we can refer to the Decree of 29 October 1998, installing the Walloon

Housing Code, which guarantees the right on decent housing as a place for living, emancipation and individual development. It aims to stimulate the renovation of the patrimony, the salubrity, the diversification and the increase in the supply of housing accommodations in Wallonia. At the same time, it aspires to guarantee housing for families with a low income. It does not develop housing policies specifically for persons with an immigration background, for these are included in the general social policies. With respect to the Brussels-Capital Region, we can refer to the ordinance of 17 July 2003 constituting the Brussels Housing Code. This ordinance affirms the right to decent housing by determining minimal norms for security, salubrity and equipment of accommodations.

After presenting a number of general facts on the housing situation in Belgium, the actual problems in housing for the three different regions are discussed.

Flanders. According to the VRIND-report of 2002 about three out of four Flemish citizens are the proprietors of a house in 2000. 17.5% rent a house and only 3.6% have social housing accommodations. On the other hand, Flanders has about 300.000 low-quality houses (about 12% of the total amount of houses!) that urgently need renovation or need to be torn down. Especially the lowest categories of the private rented houses are over-priced, considering the deplorable state they are in. More and more households have to spend very high proportions of their monthly family incomes to rent or to hire purchase.

The most recent elaborate study on the housing situation of ethnic minorities in Flanders was done by Kesteloot and colleagues in 1999. These authors focused on the housing situation of Italians, Spaniards, Turks and Moroccans in Flanders. Ethnic minorities in Belgium tend to have a lower socio-economic status than Belgians have. Evidently, this difference has a strong impact on the housing situation of ethnic minorities (date of construction, size, comfort of the house). The authors distinguish six categories of houses on the basis of the year of construction, the comfort and the differentiation tenant/proprietor. The *residual renting sector* refers to rented houses without comfort (at least one of the following is missing: running water, a bath or a shower, a private toilet), most of these houses are built before 1945. The *primary renting sector* refers to rented houses with comfort, mostly built after 1945. The *medium-renting sector* pertains to rented houses with comfort but built before 1945. A parallel taxonomy is made for owner-occupied properties. Owner-occupied properties without small comfort constitute the *residual buying sector* (again, most of the time house built before 1945). The *primary buying sector* refers to houses with comfort, built after 1945. The *secondary buying sector* is constituted by the other owner-occupied properties with comfort.

The dominant housing sector for Belgians in Flanders is the primary buying sector. With respect to rented houses, most of the Belgians rent houses that can be categorised in the primary renting sector. The situation of Italians in Flanders is comparable to the one of Belgians: they score a bit lower with respect to the primary buying sector and a bit higher with respect to the primary renting sector. Spaniards in Flanders mostly occupy houses in the medium-renting sector, the primary renting sector and the primary buying sector. The data show that the secondary buying sector and the residual renting sector are becoming more important for this population category than for the two previous categories (Belgians and Italians). For the Turks in Flanders the renting sectors are the most dominant, but also the secondary and the residual buying sector are more relevant. A similar pattern can be found in the category of the Moroccans, although this category is even more present in the residual and the medium-renting sector than the Turks. It will be clear that the housing situation of the categories of immigrants that have been longer in Belgium (Italians and Spaniards coming in a first migration wave after WWII) is better than the housing situation of the more recent (1960's and early 1970's) migration categories (Turks and Moroccans).

Wallonia. In 2000, the social housing market represented 100.911 accommodations (56% individual houses and 44% flats). It is estimated that Wallonia has about 30.000 to 40.000 unoccupied houses. Despite the increase of the number of families and the demographic evolution, the construction rate of new accommodations in Wallonia remains quite low. The Walloon Housing Code aims to remedy this problematic situation by determining minimal norms of security, salubrity and equipment.

Official data on housing specified for racial or ethnic origin of the inhabitants of Wallonia do not exist. Nevertheless, scientific research showed that the problems concerning housing of population categories with immigration background are the same as the problems of underprivileged Belgians.

Brussels-Capital Region. The increase in unhealthy accommodations in both the private and the public renting sector constitute one of the major housing problems in Brussels. The Brussels Housing Code strives to counter this problem by obligating proprietors to let accommodations that comply with the minimal norms of security, salubrity and equipment (see above). According to the Brussels Ministry of housing, 19% of the houses do not dispose of 'small comfort' (i.e. bathroom and toilet in the house) 38% of the accommodations do not have central heating. Less than half of the accommodations (ca. 245.000 accommodations) do not have 'large comfort' (i.e., bathroom, toilet inside, kitchen of minimum 4m², recreation space, ...).

A report on poverty in the Brussels-Capital Region shows that specific municipalities have high mono-ethnic concentrations whereas other municipalities have a more international and 'mixed' character. Moreover, the municipalities with high mono-ethnic concentrations tend to be characterised by low quality accommodations. The average income of the inhabitants of the Brussels-Capital Region decreases annually in comparison to the rest of the country. Between 1991 and 1999, the average annual income per inhabitant in Belgium increased with 4,4%, but the Brussels-Capital Region and the large Walloon cities did not follow this general increase. In 1999, the average income per inhabitant of the Brussels-Capital Region was 10% lower than the average Belgian income. The report indicates that the Brussels population changes as a consequence of emigration. A limited number of districts attract a new urban population of economically favoured, which increases the incomes. The inverse tendency can be observed for the Brussels-Capital Region: the high-income families leave the city, whereas low-income families come to live there.

A direct source of information on discrimination in housing is constituted by the complaints the CEOOR receives. Most of the complaints concern the domains of public services, employment, society, police and education. The files concerning housing represent about 4% of the total amount of complaints that are treated by the CEOOR. Most of the complaints on housing can be situated in Brussels and Antwerp, whereas the persons that report most frequently about problems in housing are of Moroccan or Turkish origin, or persons who are clearly visible as foreigners because of their skin colour. 60% of the complaints on housing during the last decade pertain to individual proprietors, the rest of the complaints pertain to both housing organisations and real-estate agencies. About 70 to 80 percent of the complaints concern refusals to let. Problems with unneighbourliness, disturbances and quarrels constitute about 25% of the complaints. Complaints with respect to refusals to sell houses are very rare. Complaints with respect to social housing often concern long waiting periods for the allocation or lack of neighbourliness.

In general, problems in the domain of housing arise from a combination of social-economic, political and juridical factors. For this reason, the current report explores the impact of the economic and political situation, the personal situation of the candidate tenants and the stereotypes of the proprietor. The final result of all the dynamics at play is very often a number of neighbourhoods with a high concentration of ethnic minorities. For years now, there has been a public discussion on whether these 'concentration-neighbourhoods' are good

or are to be avoided by promoting neighbourhoods with a broader social mix. The results of scientific research on this topic are briefly presented.

The report concludes with the description of good practices and a summary with respect to the fight against discrimination in housing.

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3. Glossary/definition of terms and concepts used

In our report we will use the terms as they are used in the official governmental publications, rather than presenting definitions that might be scientifically more accurate but do not correspond to the concepts used by policy makers.

The general anti-discrimination law 25 February 2003 differentiates direct and indirect discrimination.

- Art. 2. §1: ‘One speaks of *direct discrimination* when a difference in treatment that is not objectively or rationally justified is directly based on gender, a so-called race, skin colour, origin or national or ethnic origin, sexual orientation, civil status, birth, wealth, age, religion or philosophy of life, present or future state of health, disability or physical characteristic.’
- Art. 2. §2: ‘One speaks of *indirect discrimination* when an apparently neutral definition, criterion or behaviour has damaging repercussions on persons on which one of the discrimination grounds mentioned in §1 is applicable, unless this definition, criterion or behaviour is objectively or rationally justified.’

Since the Flemish and the French communities differ with respect to their policies towards ethnic minorities, they also use different terms to refer to ethnic minorities.

The Flemish Community

In the Dutch-speaking part of Belgium, until recently, the term ‘migrant’ was used to refer to the non-EU migrants, mostly Moroccans and Turks. Since a few years the term ‘migrant’ has increasingly been usurped by the term of ‘allochthonous people’, denoting generally the same group of people. Since the Minorities Decree of 28 April 1998, the term ‘ethnic-cultural minorities’ is used in official documents, and also increasingly in the media and the general discourse. The Minorities Decree of the Flemish government defines the following relevant terms.¹

- *Allochthonous persons*: individuals who stay legally in Belgium, irrespective of their nationality, and who fulfil two conditions: 1. At least one of their parents or grandparents

¹ Minderhedendecreet Vlaamse Gemeenschap, 28 April 1998. Chapter 1: General definitions

is born in another country than Belgium, 2. The persons find themselves in a position of deprivation because of their ethnic origin or their weak social-economic situation.

- *Refugees*: individuals who are in Belgium fulfilling one of the following conditions: 1. Belgium recognises them as refugees on the basis of the International Geneva Convention 2. The individuals asked for asylum in Belgium and their request was not definitely refused.
- *Caravan dwellers*: individuals with a nomadic lifestyle who are living or who lived in a caravan and who are legally in Belgium, special attention goes to autochthonous travellers and gypsies, and to those who live with them or are relatives.
- *Ethnic-cultural minorities*: the total group of allochthonous people, refugees and caravan dwellers and other foreigners who stay in Belgium without legal documents and who ask for assistance because of their emergency situation.
- *Newcomers* have to fulfil the following conditions: 1. Recent arrival, 2. Adult age, 3. They speak another language than the official languages of Belgium, 4. They are socially and economically in a disadvantaged position. Moreover, they have to belong to one of the following categories: 1. Those who arrive to form a family or for reunification purposes, 2. Recognised refugees, 3. Asylum seekers, whose request has been positively assessed, 4. People who obtained the right to stay in the country after a regularisation procedure.

The French Community

In the French-speaking part of Belgium the term 'ethnic minorities' does not fit within the framework of the pursued general policy towards immigrants. The policy of the French-speaking Community does not constitute a specific policy towards immigrants. Instead of the term 'ethnic minorities', the term '*personnes issues de l'immigration*' (people with immigration background) is preferred.

- People of foreign descent (*personnes d'origine étrangère*): this term is used to denote people with a migration background. Yet they are not labelled allochthonous, as they are not a separate category in society, but rather members of the larger host society with a migration background.

The quite recent term 'primo-arrivant' refers to the same category of newcomers that is used in the Flemish Community.

4. Introduction

Professor Dr. Luc Goossens of the University of Antwerp points out that the housing problem has manifested itself in the 19th but also in the first half of the 20th century as a migration and migrant question. In those days it concerned a purely domestic issue pertaining to indigent country-people moving to the cities. As a consequence, the first governmental initiative concerning housing in Belgium was based on a domestic migration problem. In the second half of the 20th century Belgium instigated a number of ‘guest-worker’ migration waves. In the 1980’s the Belgian citizens and their politicians began to see and to accept that the ethnic minority groups were in Belgium to stay. It is only in this period of time that the first systematic policies were developed in order to allow these people to fully participate to the Belgian society. Nevertheless, multicultural society still constitutes many substantial challenges and not in the least in the domain of housing.

The aim of the present report is to give an overview of discrimination in housing in Belgium. The legislation pertaining to discrimination in housing will be discussed, as well as the different policies of the Belgian regional governments. Subsequently, an overview will be presented of the available data on the housing situation of ethnic minorities, leading to an analysis of direct and indirect discrimination in housing.

5. Legislation and policies concerning the housing sector of relevance for migrants and minorities

Due to the reform of the Belgian state all the matters concerning the lives of individual persons and their relations with the public authorities (such as integration of ethnic minorities) are attributed to the communities, whereas the matters pertaining to the territory (such as housing) are attributed to the regions (see **Annex 1**). The matter of migration, however, remains a federal competency implying that the communities are not competent with respect to the admittance policy, the judicial residence position and the expulsion of foreigners from the Belgian territory. At the end of 1980s, the development of a policy against racism is also explicitly considered as a responsibility for the federal government.

The right to housing is guaranteed both by international treaties like the European Human Rights Convention and by a number of Belgian laws². Discrimination in housing damages the human dignity, because it deprives victims of the fundamental right³ to decent housing (i.e. conform with basic norms of habitability, health and safety). In order to counter the bad quality of accommodations and to prevent the increase of rents, the different Belgian governments have always paid attention to policies that provide reasonably priced and decent accommodations. More specifically these governments – sometimes in co-operation with organisations - have invested in two crucial activities: on a quantitative level, in the increase of the number of accommodations, both in the private sector and in the social housing; on a qualitative level, in the improvement of quality of life in a number of districts by renovation of existing accommodations.

5.1. On a national level

As we pointed out, the fight against racism and discrimination is a federal competency. With respect to specific legislation concerning discrimination in housing we can refer to the Belgian anti-racism law of 30 July 1981 (see the Raxen 4 report on Legislation). This law

² Art. 23, 3° Belgian Constitution “Everyone has the right to lead a dignified life. (...) These rights include (...) 3° the right to a decent accommodation (...)”; also art. 11 of the International Convention concerning economic, social and cultural rights of the UN, ratified by Belgium in 1966; and the law of 20 February 1991 about the renting of the main place of residence.

³ Art. 2 of the law of 20 February 1991, as well as the Brussels, the Flemish and the Walloon Housing codes.

prohibits the refusal to lease or sell on the grounds of so-called race, colour of skin, descent, or national or ethnic origin of the tenant. The general anti-discrimination law of 25 February 2003 also prohibits non-racial discrimination in the domain of housing. The current legislation clearly provides important instruments in order to guarantee equality in the access to decent accommodation, which is a crucial factor in the context of social and cultural integration. Because of specific restrictions, this legislation can not fully counteract the social exclusion of a vulnerable part of the population.

In the following paragraph we will outline the relevance of the anti-racism law of 30 July 1981 with regard to housing. The anti-racism law penalises expressions or intentions as well as acts or deeds. As far as words and intentions are concerned, these concern exclusively incitement to discrimination expressed publicly or attempts to publicise one's intention to discriminate expressed publicly (Art. 1). With regard to acts and deeds, this relates to, on the one hand, discrimination in supplying goods or services, at the workplace or in the exercising the duties of a civil servant (Art. 2, 2bis, 4) and on the other hand, belonging to or extending support to a group or association practising or announcing discrimination or segregation purposely and repeatedly in public (Art. 3). We will further elaborate on the developments with respect to article 2 of this law.

The original version of article 2 of the law of 30 July 1981 merely aimed at guarantee free access to public places or to services for public like means of transport, hotels, discotheques, restaurants, pubs, etc. As a consequence, discriminatory refusal to let, pronounced in a private conversation between the proprietor and a candidate tenant was considered as out of the scope of this law. The only way to penalise this kind of discrimination was to demonstrate that the proprietor had publicly incited to discrimination by, for instance, hanging posters or publishing discriminatory advertisements. This kind of refusal met with the requirement of publicity as determined by article 1 of the law of 30 July 1981: *“is punished: he who, in the conditions named in article 444 of the Criminal Law, incites to discrimination, hatred or violence against a person, because of his race, his colour of skin, his origin or his national or ethnic descent”*.

A change in the Constitution (art. 23) ratified in 1994 the right to housing and imposed the government (particularly the regions) a commitment to make efforts to develop a policy guaranteeing the right to decent housing. Since the law of 30 July 1981 was not frequently applied because it contained too many gaps with respect to housing and employment, it was changed by the law of 12 April 1994. Paragraph 1 of article 2 was replaced by the following text: *“he who, in delivering or offering the service of a good or the use of it, discriminates a*

person on the basis of his so-called race, colour of skin, descent, or national or ethnic origin is punished with imprisonment of a month till one year and with a fine of fifty to one thousand francs or with one of these punishments". This amendment of the law did not only increase the penalty but it also explicitly made discrimination with respect to the use of a good punishable. Moreover, since this amendment abolished the requirement of publicity, a discriminatory refusal that was pronounced in a private place also became punishable. In this way the law provided an instrument to counter the frequent cases where renting is refused in the mere presence of the proprietor and the candidate tenant (by the phone, or after a visit of the house). The refusal to let is not illegal if it is based on a valid reason. For instance: the fact that a house can not accommodate more than two persons is a valid reason to refuse letting to a large family (be it foreigners or not). Since the decision of the proprietor is based on valid, objective criteria it can not be considered as discriminatory. An economic consideration can also be an acceptable reason to refuse letting. When the candidate-tenant does not have sufficient financial means to pay the monthly rents, the proprietor can refuse to let him/her his house.

When there is a lack of material evidence (e.g. advertisements, posters) one can appeal to witnesses, confrontations, confessions or even practical tests. These practical tests aim to compare the attitude of the proprietor towards two groups of persons who objectively are in the same situation (familial, financial and social) but who differ with respect to their ethnic origin. This test is considered as provoking by some. In the Netherlands this means of evidence is accepted. In the Belgian criminal law the means of evidence are not determined: Only the court has the sovereign authority to judge and to accept or to deny the evidence. As a consequence, it is very important to use these tests in a very accurate way in order to guarantee the reliability of the results and to avoid each provocation that could enfeeble the results.

The anti-discrimination law of 25 February 2003 aims to increase the judicial power by introducing civil law procedures and by extending the grounds for discrimination (see the Raxen 4 Report on Legislation). This law prohibits both direct and indirect discrimination. Moreover, article 19 of this law also creates the possibility to demand the cessation of the act of discrimination under penalty of recognisance by the court of first instance. The civil law procedure implies a shift of the burden of proof and, last but not least, it recognises statistics and practical tests as evidence. The conditions of the practical tests, however, are still to be determined by means of a Royal Decree.

The regulations of the anti-racism law and the anti-discrimination law pertain to both the private and the social sector of housing. With respect to the topic of discrimination in housing a number of specific dynamics relating to social housing can be discerned. The period from 1981 till 1993 was characterised by a certain amount of vagueness about the allocation criteria with respect to social housing. Since there were no consistent objective criteria, the door was open for questionable practices like favouritism or foreigner quota policies in the allocation of social houses. These frequently occurring unofficial quota policies towards foreigners in the social houses were motivated by the fear that increased concentrations of foreigners could lead to conflicts with Belgian habitants and by the fear of ghetto formation. Since 1994 each region has an objective allocation system for social housing accommodations using criteria like income, number of children and ill family members. The system of multiple registrations makes it possible for a tenant to be a candidate for various houses at the same time. In principle, origin or nationality is not taken into account in the allocation process.

5.2. Flanders

The decree concerning the Flemish Housing Code (VWC, *Vlaamse Wooncode*⁴) of 15 July 1997 (BS 19/08/1997) constitutes the juridical framework for the Flemish housing policy. The fundamental principle of the Flemish Housing Code is the right to decent housing for everybody (Art. 3 VWC). This right to decent housing is also a constitutional right (article 23 of the Belgian constitution). The housing policy is primarily oriented towards persons who are in need of housing. Ethnic minorities, to the extent that they are in need of housing, are also subject to this general, inclusive housing policy. No specific housing policy towards ethnic minorities is developed: instead, the Flemish government strives to realise the right to decent housing for everyone by an inclusive policy.

In general, the Flemish government recognises the actual housing problems in Flanders: many accommodations of poor quality and a distorted price-quality ratio for many rented houses. At the same time, it points out that social housing can not solve all these problems, but that the private renting market should also be involved in a housing policy. In the past, too many unattractive large-scale social housing buildings were injudiciously established. This policy led to neighbourhoods (mainly in the cities) with a high concentration of persons with a

⁴ see <http://www.wonen.vlaanderen.be>

low socio-economic profile, and unpleasant environments that lacked possibilities for social integration. All this resulted in various liveability problems (insecurity, vandalism, isolation, etc.), stigmatising the inhabitants of these neighbourhoods.

More specifically, the Flemish government phrases six objectives for its housing policy:

1. Improving the quality of the houses and the direct environment. This is, for instance, done by countering the problem of unoccupied houses, subsidies for candidate-investors and proprietors for renovation programs in priority urban areas.
2. Increasing (qualitatively and quantitatively) the supply of good and affordable social housing accommodations.
3. Stimulating persons to buy or to renovate own property, e.g. by means of providing interest-free renovation loans, free insurance against loss of income, improvement and adaptation premiums.
4. Involving the private renting market in social housing by means of renting subsidies.
5. Selective measures for specific target groups such as persons with a handicap, elderly people, persons who live on a camping, single-parent families and single persons.
6. An action plan for the "Vlaamse Rand", i.e. the Flemish districts around the Brussels-Capital Region.

5.3. Walloon region

The Decree of 29 October 1998, installing the Walloon Housing Code (from here on called WHC), guarantees the right to decent housing as a place for living, emancipation and individual development. It aims to stimulate the renovation of the patrimony, the salubrity, the diversification and the increase in the supply of housing accommodations in Wallonia. At the same time, it aspires to guarantee housing for families with a low income. It does not develop housing policies specifically for persons with an immigration background, for these are included in the general social policies.

In order to achieve these objectives, the WHC allows the municipalities to negotiate with the Walloon Region about triennial programs to take measures on a local level in order to ameliorate the housing conditions of the population. In addition, each Walloon

municipality has the right to at least one public service housing department (social housing). The WHC also provides the local authorities with the possibility to fight against unoccupied buildings (about 30.000) by amicably arranging the trust of these accommodations with the proprietor. When no agreement is reached, the real-estate agent can appeal to the justice of the peace court that decides on the demand and, in the case of a favourable response, on the conditions of this trust. The real-estate agent is obliged to return the net product of the rents to the proprietor and to account for his trust.

The WHC supports social loaning organisations that aim to promote access to property or the maintenance of a first property. These organisations provide loans on mortgage against reduced rates, more specifically it concerns loans for construction, purchase, renovation, adaptation or conservation of a first property. Moreover, the WHC harmonises the procedures for requests for support of individuals and expands the spectrum of possible interventions (renovation subsidy, support for making houses conform with the norms for letting in order to stimulate letting, support for adapting properties for handicapped persons, construction subsidies, purchase subsidies).

On the basis of the WHC, the Walloon Government can approve social organisations (such as social housing departments, neighbourhood councils of tenants and proprietors) and housing organisations that strive to promote:

- the social integration in housing by providing an adapted housing;
- the development of experimental projects;
- administrative, technical or juridical assistance concerning housing, in the first place for underprivileged families, independent of their ethnic origin.

In addition, the WHC defines the minimal conditions of salubrity of accommodations and establishes a superior housing council in order to advise the region in its housing policy.

The Walloon Region recognises social real-estate agencies that mediate between proprietor-letters and candidate-tenants. The social real-estate agency guarantees the proprietor the receipt of the rent and it guarantees the proprietor that his property is in the original state at the end of the tenancy period. At the same time, the agency assures the social guidance of the tenant.

The Walloon Region provides moving subsidies for people who leave inhabitable or insalubrious accommodations, for handicapped persons (or persons with a handicapped child) who move to an adapted house, or for homeless persons who want to rent. In addition, the public centres for social help and the Housing Fund also provide financial support for the

housing of underprivileged persons. The Housing Fund, a co-operative organisation with limited responsibility, aims to provide large families with low income the means (by means of social loans on mortgage) to build, buy, renovate and adapt a first property (in the Walloon Region) to live in.

The Walloon Region also explicitly pays attention to the provision of grounds for caravan dwellers. The Walloon municipalities can submit projects to the Region for establishing and organising grounds for receiving caravan dwellers. These grounds need to comply with specific norms of terrain organisation, integration in the environment and equipment. To this day, two cities (Bastogne and Namur) have initiated a project for a 'parking' space for caravan dwellers. In function of the project quality and the presented budget, the Region can take charge of as much as 60% of the total amount. The Region also contributes to the road system, public lighting, water distribution, sewerage, and the installation of this equipment.

Since 2001, the cities of Mons and Verviers have created a municipal mediation service for caravan dwellers. The city of Mons is also planning to arrange a terrain for them. In order to be sure that their projects correspond adequately to the needs and expectations of the caravan dwellers, the municipalities are supported by the National Committee and the Mediation centre of caravan dwellers of the Walloon Region. This Centre is in charge of the mediation between public powers and caravan dwellers. The aim is to obtain a better mutual comprehension, and to sensitise residents about nomadic cultures and the problems these population groups encounter, and to increase the social recognition of caravan dwellers.

5.4. The Brussels-Capital Region

The ordinance of 17 July 2003 constituting the Brussels Housing Code (referred to as BHC) affirms the right to decent housing by determining minimal norms for security, salubrity and equipment of accommodations. It is not allowed to let an accommodation that does not fulfil these elementary conditions. Every proprietor that wants to let a property can ask the regional inspection service for a conformity certificate, indicating that the property is conform to all stipulated norms. Moreover, the furnished accommodations and the small accommodations are obliged to obtain a conformity certificate (valid for 6 years) before they can be let. The agents of the regional Inspection Service or a delegate functionary of the government can visit the accommodation between 8 and 20 o'clock to check the conformity to the norms of the

BHC. The BHC also creates a regional solidarity Fund for persons that move from accommodations that do not comply with the BHC norms: The financial support can (partly or fully) cover the difference between the original rent and the new rent as well as the costs of moving. Moreover, the tenants that are obliged to leave an accommodation that is not conform to the BHC criteria for security, salubrity and equipment, have priority access to accommodations ran by the public powers.

The BHC also provides the right to public management by authorising the public real-estate operators to take possession of unoccupied accommodations, targeted accommodations that have not been adapted to the BHC norms (and in which the proprietor does not live), as well as accommodations that were declared unfit for human habitation. The adapted accommodations have to be offered in the first place to persons we were compelled to leave accommodations that did not comply with the BHC norms.

The Brussels-Capital Region also disposes of social housing companies that involve co-operation with the tenants for their management. The objective of these organisations range from providing affordable housing to social counselling of persons in economically and socially precarious situations. These local organisations are controlled by a regional administration ("The Brussels-Capital Regional Housing Company", la "Société du Logement de la Région de Bruxelles-Capitale - Brusselse Gewestelijke HuisvestingsMaatschappij", SLRB-BGHM) that stimulates the social mix by integrating social tenants in private accommodations. Other objectives are to ameliorate the life quality in the accommodations, and to resolve conflicts in the social housing neighbourhoods or to help social housing tenants to solve their individual problems. In each of these organisations there is an advisory board of tenants. The SLRB-BGHM does not develop a specific policy towards people with an immigration background, nor does it register the ethnic origin of the tenants.

The social real estate agencies provide another source for help concerning housing in the Brussels-Capital Region. These agencies originally were created in the world of NGO's with the objective to give persons in difficult situations access to the private renting market by maintaining, creating or reintroducing affordable houses with good comfort to the private renting market. The social real-estate agencies (subsidised by the Brussels Region) are mediating between supply and demand with respect to affordable and decent houses.

The Brussels-Capital Region also disposes of a Fund for rent guarantee that provides loans without interest to persons and families with financial problems. The maximum loan equals 90% of the rent guarantee demanded by the proprietor. Financial support for housing

can also be provided by the public help centres (Public Centres for Social Well-being, CPAS-OCMW) to underprivileged persons.

The Brussels-Capital Region gives underprivileged persons grants to move, install or to rent when they leave unhealthy accommodations, expropriated houses, inhabitable houses or during urban renovation operations. These persons can also benefit from social loans by the Housing Fund of the Brussels-Capital Region.

The Brussels-Capital Region does not have a specific policy towards caravan dwellers. The geographical configuration of the region does not provide any adequate grounds⁵. Since 1979, caravan dwellers were allowed to stand on grounds of the Agency *Bruxelles-Propreté / Net Brussel* (public waste-disposal service of Brussels), but since the beginning of the 1990's these grounds are used again for their industrial purposes. Since 2000, grounds of the city of Brussels are put to the disposal of about 20 families of caravan dwellers.

⁵ See Dossier “Les gens du voyage”, *Nouvelle Tribune*, n° 30, 2002, pp. 25-63. (Special Issue on Caravan Dwellers)

6. Description and analysis of existing data and sources in the housing sector

Research on the housing situation of ethnic minority members shows that these groups are often relatively poorly housed in bad and too expensive private rented houses⁶.

6.1. Background data on housing in Belgium

Since housing is a regional competency, the available statistics are presented at the level of the regions. On the whole, there is a lack of detailed numeric data on the different aspects of housing on a federal level⁷. Table 1 shows the distribution of different types of accommodations for the three regions. Three out of four houses in Belgium are single-family dwellings. As is to be expected, the proportion of this type of house is much smaller in the Brussels-Capital Region (28,2%), which mainly consists of the city of Brussels. There are slightly more single-family dwellings in Wallonia (82,2%) than in Flanders (79,6%). Table 1 also shows that there are slightly more detached and semi-detached houses in Flanders than in Wallonia. The proportion of caravans or chalets is almost three times as high in Wallonia (0,31) compared to Flanders (0,11).

Table 1. Proportions of the different types of houses in 2001, by region

	Single-family dwellings					Flat, studio flat, room	Caravan, chalet	Other types
	Total	Detached houses	Semi- detached house	Terraced house	Type unknown			
Belgium	75,3%	32,3%	18,00%	24,50%	0,50%	24,10%	0,17%	0,45%
Flemish Region	79,6%	36,10%	20,40%	22,60%	0,38%	20,00%	0,11%	0,42%
Walloon Region	82,2%	34,90%	17,80%	28,60%	0,81%	17,10%	0,31%	0,43%
- of which German Community	80,9%	49,70%	19,10%	11,40%	0,61%	18,90%	0,08%	0,16%
Brussels-Capital Region	28,2%	2,2%	4,30%	21,60%	0,21%	71,10%	0,08%	0,61%

Source: NIS.

⁶ Kesteloot, C., Martens A., et al., Integratie met vallen en opstaan: over de woonsituatie van etnische minderheden in Vlaanderen; K.U.Leuven, 1999, in opdracht van de Vlaamse gemeenschap. (Integration with ups and downs: On the housing situation of ethnic minorities in Flanders; K.U.Leuven, 1999, by order of the Flemish Community.)

⁷ This observation is to be situated in the overall lack of recent reliable statistics in Belgium (see Annex 2).

The most recent socio-economic survey by the federal government (2001) shows that the number of property owners has slightly increased during the last ten years (see Table 2). The highest proportion of property owners (72,6%) is situated in the Flemish region. The survey also showed that about one out of five houses has less than 20 years (23,6% for the Flemish Region, 14,5% for the Walloon region and only 8,8% for the Brussels-Capital Region). Additional general statistical data on housing in Belgium are presented in Annex 3.

Table 2: Percentage of owner-occupied properties for 1991 and 2001

	1991	2001
Belgium	65,4%	68%
Flemish Region	69,2%	72,6%
Walloon Region	67,1%	68,1%
Brussels-Capital Region	39%	41,3%

Source: NIS.

Only very few data exist on the differences in housing for persons of different nationalities or different ethnic origins. A study on the housing situation of the Turkish population (also exploring the sociologic, economic and geographic determinants) was done in 1998 under the direction of Prof. Kesteloot.⁸ Previous studies by Kesteloot⁹ showed the difficult housing situation of Turkish immigrants in Belgium. Despite a general amelioration of their situation since their arrival (1965-1974), Turkish families still have fewer conveniences than Belgians.

A questionnaire of 206 items was presented to the heads of the family older than 30, Turkish or of Turkish origin, living in the districts of Liège, Charleroi, Gent, Antwerp and Limburg. Most of these heads of families were men. 61% of the participants lived in a single-family dwelling. The average number of persons per room was 1,4. Moreover 58% had central heating whereas only 30% had central heating in 1981. These results indicate that the Turkish families (whose size has averagely decreased) live in more spacious houses than in the previous decades. Other indicators also showed a general increase of comfort (running

⁸ A. Manço, *L'habitat turc en Belgique: Enquête*, published on <http://www.flwi.ugent.be/cie/IRFAM/amanco2.htm>. (Turkish housing in Belgium. A study)

⁹ Kesteloot, C. (1988). *Le marché du logement et les immigrants à Bruxelles*, Tribune Immigrée, n° 26-27. (Housing market and migrants in Brussels.)

water, kitchen, bathroom, etc.), even after taking into account a sampling bias in the data. The total monthly housing cost was averagely 14.443 Belgian francs, which is about 23% of the net monthly incomes that were reported in the context of this survey.

22% of the participants are not satisfied with their housing situation and want to move. 14% state that they found the ideal accommodation and 24% the ideal neighbourhood. Since the first arrival in Belgium, the most important type of housing is based on the nuclear family (with or without children).

The results of the survey show that the proportion of tenants rapidly decreases amongst Turkish migrants: More and more persons of Turkish origin live in their own properties in Belgium. About 65% of the participants were proprietor of at least one accommodation. Moreover, 20% possess another house that they let to others (to family members in one case out of three). About 64% of the proprietors own property in Turkey as well. The proportion of Turkish tenants of social housing remains constant, i.e. about 43% of the Turkish tenants.

The data show that the number of persons per room also continuously decreases among the Turkish families. The habitable surface of each subsequent house tends to increase every time families move to another accommodation.

Proprietors and non-proprietors (tenants) differ with respect to their relation to their neighbourhood. Proprietors (42%) more frequently have family members in their neighbourhood than tenants (38%). 52% of the proprietors have a mosque in their neighbourhood they visit (versus 42% of the tenants). 42% of the proprietors send their children to school(s) in the neighbourhood, whereas only 24% of the tenants do the same. 31% of the proprietors send them to catholic schools (versus 19% of the tenants).

The author concludes that a constant amelioration of the housing situation of Turkish families was observed. This trend is accompanied by general increase in the housing costs. The number of Turkish proprietors is also increasing steadily. These proprietors differentiate themselves with respect to a number of characteristics from the non-proprietors.

6.2. The housing situation of ethnic minorities in Flanders.

Prof. Dr. Goossens (2003) points out that the Flemish Housing Code (see §5) is only applied in the social housing market. This conclusion certainly pertains to the housing situation of ethnic-cultural minorities. An exact and up-to-date view on the housing situation of ethnic-cultural minorities does almost not exist.

According to the VRIND-report of 2002 about three out of four Flemish citizens (76,4% versus 79 in 1998) are the proprietors of a house in 2000¹⁰. 17.5% rents a house (versus 15.7 in 1998). And only 3.6% (versus 2.8% in 1998) have social housing accommodations. According to this report, the fact that the proportion of proprietors has decreased in comparison to 1998 can be attributed to the continuous increase of the prices: both building land and the houses themselves keep getting more and more expensive.

Since 1960 Flanders continuously has about 300.000 low-quality houses (about 12% of the total amount of houses!) that urgently need renovation or need to be torn down (Goossens, 2003; Pascolet & Buyst, 2001). Especially the lowest categories of the private rented houses are over-priced, considering the deplorable state they are in. More and more households have to spend very high proportions of their monthly family incomes to rent or to hire purchase (Van Dam & Geurts, 2000). Despite this situation, only a small fraction of the total housing market consists of social houses.

The housing study of Kesteloot et al. 1999

The most recent elaborate study on the housing situation of ethnic minorities in Flanders was done by Kesteloot and colleagues in 1999. These authors focused on the housing situation of four substantial ethnic minority groups in Flanders: Italians, Spaniards, Turks and Moroccans. At the beginning of their study they point out that ethnic minorities in Belgium tend to have a lower socio-economic status than Belgians have. Evidently, this difference has a strong impact on the housing situation of ethnic minorities (date of construction, size, comfort of the house). This is for instance shown in the fact that that different ethnic minority groups in Flanders are renting a dwelling more often than the Flemish population. In order to analyse this pattern into detail, the authors distinguish six categories of houses on the basis of the year of construction, the comfort and the differentiation tenant/proprietor. The *residual renting sector* refers to rented houses without comfort (at least one of the following is missing: running water, a bath or a shower, a private toilet), most of these houses are built before 1945. The *primary renting sector* refers to rented houses with comfort, mostly built after 1945. The *medium-renting sector* pertains to rented houses with comfort but built before 1945. A

¹⁰ It will be clear that the data provided in this report of the Flemish government (76,4% house owners in 2000) does not tally with the data provided by the federal government (see §6.1; 72,6% in 2001). A possible explanation could be a difference in what is actually

parallel taxonomy is made for owner-occupied properties. Owner-occupied properties without small comfort constitute the *residual buying sector* (again, most of the time house built before 1945). The *primary buying sector* refers to houses with comfort, built after 1945. The *secondary buying sector* is constituted by the other owner-occupied properties with comfort.

The dominant housing sector for Belgians in Flanders is the primary buying sector. With respect to rented dwellings, most of the Belgians rent houses that can be categorised in the primary renting sector. The situation of Italians in Flanders is comparable to the one of Belgians: they score a bit lower with respect to the primary buying sector and a bit higher with respect to the primary renting sector. Spaniards in Flanders mostly occupy lodgings in the medium-renting sector, the primary renting sector and the primary buying sector. The data show that the secondary buying sector and the residual renting sector are becoming more important for this population category than for the two previous categories (Belgians and Italians). For the Turks in Flanders the renting sectors are the most dominant, but also the secondary and the residual buying sector are more relevant. A similar pattern can be found in the category of the Moroccans, although this category is even more present in the residual and the medium-renting sector than the Turks. Different studies have shown that Moroccans are more focused on social housing in order to improve their housing situation, whereas Turks are more interested in obtain their own properties (De Decker et al., 1996; Kesteloot et al., 1998). It will be clear that the housing situation of the categories of immigrants that have been longer in Belgium (Italians and Spaniards coming in a first migration wave after WWII) is better than the housing situation of the more recent (1960's and early 1970's) migration categories (Turks and Moroccans).

We will now present a short overview of the three different housing sectors in terms of specific problems for ethnic minorities.

Social housing. Kesteloot et al. point out that a systematic registration of tenants of social houses in terms of these characteristics is essential in order to develop and evaluate social housing policies. Unfortunately, we are confronted with a lack of valid and reliable data (national origin, income, family composition, age of the family members) on the inflow, the

measured: house owners versus owner-occupied property. The exact meaning of the figures provided is not clear in this respect.

occupation and the outflow of ethnic minorities in the social housing sector¹¹. On the basis of the available data the authors provide, nevertheless, provisional statistics on social housing.

Tables 2 and 3 show that non-EU migrant families have, in comparison to their proportion of the total population, obtained more social housing in the province of Limburg (Hasselt, Maaseik, Tongeren) and less in the other areas. However, the lack of available data on income prevent us to conclude to what extent we can speak of over or under-representation in social housing¹² of the ethnic minorities involved. Nevertheless, considering the disproportionally high unemployment rate of Turks and Moroccans (about 6 times the unemployment rate of Belgians) combined with the high number of children in their families, the authors tend to conclude that the proportion of these minorities should be higher in the social housing sector than in the general population.

¹¹ Peleman and Kesteloot (2001) point out that scientific research in this field is hindered by the parsimonious supply of statistical data by the social housing departments on the number of ethnic-cultural minorities in the social housing sector.

¹² I.e. constituting a smaller or a larger proportion of social housing tenants than is justified on the basis of their socio-economic situation.

Table 3: Proportional distribution of social houses tenants by nationality for the years 1990 and 1994.

	1990			1994		
	Belgian	EU	Non-EU	Belgian	EU	Non-EU
Antwerp	91,18	1,10	7,73	92,33	2,73	4,94
Mechelen	94,71	1,01	4,24	96,45	1,05	2,50
Halle- Vilvoorde	95,31	2,30	2,39	94,78	2,78	2,44
Aalst	97,58	1,28	1,14	97,62	1,03	1,35
Dendermonde	97,09	0,28	2,62	96,35	0,89	2,76
Gent	96,84	0,39	2,78	89,59	4,58	5,82
Saint-Niklaas	95,60	1,37	3,02	95,08	1,58	3,34
Hasselt	66,26	14,87	18,87	69,62	12,63	17,75
Maaseik	75,69	12,73	11,58	75,82	12,14	12,05
Tongeren	67,49	16,27	16,24	65,74	17,46	16,81

Source: Kesteloot et al. (1999)

Table 4: Proportional distribution of the population by nationality for the years 1991 and 1996.

	1990			1994		
	Belgian	EU	Non-EU	Belgian	EU	Non-EU
Antwerp	92,74	3,08	4,45	91,57	3,39	5,04
Mechelen	96,71	0,80	2,49	96,35	0,88	2,77
Halle- Vilvoorde	94,34	4,02	1,65	93,44	4,58	1,97
Aalst	99,06	0,45	0,49	98,77	0,58	0,65
Dendermonde	98,22	0,41	1,38	98,16	0,44	1,40
Gent	96,03	1,09	2,87	97,36	0,74	1,91
Sint-Niklaas	96,00	1,19	2,81	95,85	1,23	2,29
Hasselt	89,98	4,83	5,19	89,39	5,49	5,13

Maaseik	91,89	5,79	2,32	91,79	5,95	2,26
Tongeren	91,02	6,74	2,24	91,01	6,91	2,08

Source: Kesteloot et al. (1999)

Table 5 shows the proportion of the number of candidates and the number of actual allocations in the different districts (based on the data available). In Antwerp, Gent, Hasselt, Maaseik and Tongeren the proportion of allocations for non-EU citizens is clearly lower than the proportion of candidates. In the other districts it is exactly the other way round. Additional information (income, and national origin of the candidate¹³) is necessary in order to determine whether these patterns are indicators of discrimination.

On the basis of interviews with about 100 households it is shown that one third of the Moroccan and Turkish families want to move again because of the rent that is too high and the poor quality of the houses. Apparently, the rent of social housing remains problematic for a number of families. Some families spend more than 30% of their income to the rent, others merely 4%. In comparison to private rented houses, social housing is nevertheless cheaper. The quality of the social houses can be poor, and they are also often too small. 30% of the interviewed households want to move to a better social house, or to an owner-occupied property. The knowledge of premiums and subsidies differs for the different provinces: In Gent the interviewed families are better informed than in Antwerp and in Limburg.

Table 5: Proportion of candidates and the proportion of actual allocations by nationality, 1994-1995

	Belgian		EU		Non-EU	
	Candidates	Allocations	Candidates	Allocations	Candidates	Allocations
	1994	1995	1994	1995	1994	1995
Antwerp	78,81	81,23	3,44	2,20	18,99	15,33
Mechelen	88,73	88,18	2,63	2,14	9,13	9,19
Halle- Vilvoorde	90,93	85,05	1,94	3,20	5,88	13,01
Aalst	97,42	94,41	0,00	1,13	1,46	5,59

¹³ More and more foreigners acquire the Belgian nationality, which makes them 'disappear' from the statistics as foreigners.

Dendermonde	94,31	93,79	1,41	0,89	4,80	4,80
Gent	85,42	93,67	0,63	6,67	7,90	5,70
Sint-Niklaas	90,03	83,07	2,59	2,31	7,65	14,34
Hasselt	60,30	73,10	7,11	9,29	30,41	19,80
Maaseik	74,93	79,32	6,02	10,78	14,29	14,66
Tongeren	55,46	69,33	10,54	14,50	30,04	20,13

Source: Kesteloot et al. (1999)

The private renting sector. Kesteloot et al. (1999) point out that ethnic minorities tend to be more present in this sector in the larger cities (Antwerp and Gent) than in the smaller cities of Flanders. The specific localisation of ethnic minorities in specific districts depends on the availability of houses and on the accessibility of these houses. Reoccurring discriminatory behaviour of the proprietors impedes the access to good quality rented houses in the ‘good’ neighbourhoods for non-EU migrants. Moreover, the houses in this sector are expensive, often of poor quality and situated in unattractive neighbourhoods.

The buying sector. Since the second half of the eighties, the secondary buying sector has become more important because of a decrease in the number of available residual rented houses. These houses in the residual renting sector were getting more expensive because of revaluation and the general increase of rents. A number of them were also simply declared unfit for human habitation. Because of these reasons it was often more interesting for members of ethnic minority groups to buy an own property in order to increase housing security. This segment of residual housing (renting and buying sector) is dominantly located in the large and regional cities. It concerns properties that were left by the Belgian middleclass in the process of sub-urbanisation.

As we pointed out, the emergency purchases (as they are called) of ethnic minority members generally involve poor quality properties. However, after the expenses of the purchase, most of the buyers do not have the financial resources to renovate their property. The available renovation grants (see below) are not sufficient. Nevertheless, the study of Kesteloot et al. showed that private properties are financially more advantageous than private rented houses, and even, although to a lesser extent, than social houses. The monthly financial load (also called ‘housing load’) for private property rarely exceeds the limit of 20% of the total household budget, whereas certainly in the private rented housing sector this housing load frequently exceeds the 30%-limit. Apart from these financial incentives to buy

own property, an additional psychological reason can be found in a change of perspective by the ethnic minorities: With the second generation of Moroccans and Turks being born, many of these individuals chose to stay permanently in Belgium.

In order to be able to actually buy properties, many ethnic minority members recur to social loans (on mortgage). The Turkish community has started to buy properties around the mid-eighties; as a consequence individuals from this community are already better informed than others who haven't made the step towards actually buying property¹⁴.

For improving the property one can appeal to a number of premium and financial subsidies. The best known premiums are the redevelopment grants, the financial contribution to loans for building, buying and renovating (*tegemoetkoming in de leningslast, TIL*), and the improvement and adjustment grants (VAP, *verbeterings- en aanpassingspremie*). The applications for grants by ethnic minorities are at the level of no more than 4% of all applications. The most frequent applications pertain to improvement and adjustment grants (VAP) or a financial contribution to loans for renovations (TIL-renovation). Mainly Turkish families apply for these grants. Moroccan families tend to apply mainly for rent subsidies. In interpreting these results, one has to take into account that the data that leads Kesteloot et al. to these conclusions stem from the period 1993-1996. These trends could have changed by now. Unfortunately, no recent analyses on this issue are currently available.

The interviewees were also asked from which sources they obtained adequate information. The results showed that the public institutions clearly scored the worst as providers of information. Family and friends, Housing Fund (Gent) and housing information centres were more frequently mentioned as important information sources.

In their conclusions, Kesteloot et al. point out that the structure of the housing market differs for each region, and even for each municipality. As a consequence, it is important to develop differentiated policies. We will outline briefly the recommendations of the authors for improving the housing situation of ethnic minorities in the larger cities in Flanders (such as Antwerp and Gent).

An urgent need for changes is manifested in the private renting market of these cities. The socio-economic status of Turks and Moroccans combined with the increasing value of

¹⁴ Another possible reason for the fact that Moroccans tend to buy less private property than Turks is that they interpret the Koran more strictly, which prohibits them to loan from a Western bank and, as a consequence, makes it more difficult to actually buy private property (De Ceuninck, 1999; Eggerickx et al., 1999).

properties makes renting often a more feasible choice than buying a house for these persons. Nevertheless, the renting sector is contending with problematic situations with respect to quality, affordability and housing security. The authors plead for renting and renovation subsidies for persons who rent houses. In this way people can rent good quality properties and can also actively maintain and renovate these properties in order to guarantee housing quality on a long term. Combined with the guarantee for a long-term tenancy agreement, these measures should be able to counter the three above-mentioned problems.

Adequate counselling of the tenants involved remains of the uttermost importance. This counselling and providing of information should be district- or neighbourhood-based. Moreover, they should actively contact the communities of ethnic minorities, for it has been shown that municipal and other governmental services are rarely consulted, unless they actively seek contact with the different communities. It goes without saying that it is essential to involve existing ethnic networks.

Ethnic minority members that want to buy their own property should also be permanently supported and offered counselling. They should be informed about the different premiums and benefits that already exist. This solution is slower and on a smaller scale, but it substantially increases the durability of housing security.

The authors do not see an important role for social housing in these matters. The social housing sector can not meet the needs of the averagely large migrant families. In addition, there is a lack of social housing, which leads to very long waiting periods (on the average more than 2 years). In 2000, for instance, 22.000 persons were on a waiting list for social housing in the province of Antwerp: In the same year only 3158 actually obtained social housing. The construction of additional social housing is very slow, and moreover construction on a large scale is almost impossible in these cities. The suggested combination of renting and renovation subsidies could take over the role of social housing departments.

6.3. Housing situation in Walloon Region

In 1991, the National Institute for Statistics reported 1.212.139 private accommodations in Wallonia. More than 80% of these properties were single family houses. A 1995-1998 survey on the budget of households that the proprietor-occupied houses constituted about 74% of the housing market. The private housing market constitutes about 20% and the social housing market (for people with low and with average incomes) constituted about 8% of the total

housing park (i.e. about 25% of the total renting park). In 2000, the social housing market represented 100.911 accommodations (56% individual houses and 44% flats).

Despite the increase of the number of families and the demographic evolution, the construction rate of new accommodations in Wallonia remains quite low. The needs for housing are clearly not met. In 2000, 10.672 accommodations (7.644 houses and 3.028 flats) were constructed; this is a decline of 11% in comparison to 1999, constituting a return to the level of the years 1994-1996. A similar decline is observed with respect to renovations (7.993 in 2000 versus 8.870 in 1999)¹⁵. On the other hand, it is estimated that Wallonia has about 30.000 to 40.000 unoccupied houses.

Official data on housing specified for racial or ethnic origin of the inhabitants of Wallonia do not exist. Nevertheless, a university study published in 1993 concludes that the problems concerning housing of population categories with immigration background are the same as the problems of underprivileged Belgians¹⁶.

The above mentioned survey on the housing of Turkish families (see 6.1) showed that the housing in the Walloon Region costs slightly less for an equivalent quality than in the other Regions.

6.4. Housing situation in Brussels Capital Region

The increase in unhealthy accommodations for rent in both the private and the public sector constitute one of the major housing problems in Brussels. The BHC strives to counter this problem by obligating proprietors to let accommodations that comply with the minimal norms of security, salubrity and equipment (see above). According to the Brussels Ministry of housing¹⁷, 19% of the dwellings do not dispose of 'small comfort' (i.e. bathroom and toilet in the dwelling) 38% of the accommodations does not have central heating. Less than half of the accommodations (ca. 245.000 accommodations) does not have 'large comfort' (i.e., bathroom, toilet inside, kitchen of minimum 4m², recreation space, ...).

¹⁵ See <http://www.lucpire.be/ebooks/MR/vol3/html/bk01pt03ch09s01.html>

¹⁶ M.-N. Beauchesne *et alii*, *Les immigrés dans la ville. Trajectoires et espaces résidentiels*, (Université Libre de Bruxelles, Institut de Sociologie), Bruxelles, Services de Programmation de la Politique scientifique, Programme de recherche en sciences sociales, Etude de l'immigration, 1993, 172p. (Migrants in the City. Trajectories and residential spaces)

¹⁷ http://www.hutchinson.irisnet.be/fr/pages/logement/logement_index.html, last update : October 25, 2003

In 1991, the percentage of social housing was about 17,9% of the total number of rented houses in Flanders, 25,1% in Wallonia and 7,6% in the Brussels-Capital Region. It is said that an ideal proportion of social housing should be around 20 till 30% of the total rented houses market¹⁸. Clearly, the Brussels-Capital Region did not attain this ideal proportion of social housing.

The Brussels-Capital Region strives to obtain a social mix (see 7.c) in social housing. In this way, the Brussels Housing Minister aims to prevent ghettos. The social real-estate agencies also participate in this social mix because they actually manage 723 accommodations and continue to buy houses throughout the city.

The eighth report on poverty in the Brussels-Capital Region¹⁹ shows that specific municipalities have high mono-ethnic concentrations whereas other municipalities have a more international and 'mixed' character. Moreover, the municipalities with high mono-ethnic concentrations tend to be characterised by low quality accommodations. This ethnic differentiation can vary from municipality to municipality, but also from neighbourhood to neighbourhood²⁰. Some authors even refer to marginalised neighbourhoods in a fragmented city²¹.

This report also shows that the average income of the inhabitants of the Brussels-Capital Region decreases annually in comparison to the rest of the country. Between 1991 and 1999, the average annual income per inhabitant of Belgium increased with 4,4%, but the Brussels-Capital Region and the large Walloon cities did not follow this general increase. In 1999, the average income per inhabitant of the Brussels-Capital Region was 10% lower than the average Belgian income. The report indicates that the Brussels population changes as a consequence of emigration. A limited number of districts attract a new urban population of economically favoured, which increases the incomes. The inverse tendency can be observed for the Brussels-Capital Region: the high-income families leave the city, whereas low-income families come to live there.

¹⁸ The Cabinet of State Secretary of Housing in the Brussels-Capital Region, http://www.hutchinson.irisnet.be/nl/pages/logement/logement_situation_pg2.html

¹⁹ Commission Communautaire commune, Observatoire de la Santé et du Social, *8^{ème} rapport sur l'état de la pauvreté en Région de Bruxelles-Capitale*, Bruxelles, 2002, 200p. (8th report on poverty in Brussels-Capital Region)

²⁰ X. Leloup, *La ségrégation résidentielle. Le cas d'une commune bruxelloise*, Paris-Montréal, L'Harmattan, 1999, 322p. (Residential segregation. The case of a Brussels municipality)

The report concludes that the supply of accommodations is not in proportion with the demands. Brussels does not have sufficient healthy accommodations for affordable prices. In addition, the report indicates the weak quality of statistical information on the topic resulting in difficulties to present a precise view on the housing situation in the Brussels-Capital Region. The report recommends the public authorities to create a statistical service that is charged with the systematic collection of data on the different aspects of housing in the Brussels-Capital Region. To this day, we don't have reliable statistical data on housing in the Brussels-Capital Region by ethnic origin.

6.5. Complaints on housing registered by the CEOOR

Every year the CEOOR presents an analysis of the different complaints on discrimination and racism, which it receives. Most of the complaints concern the domains of public services, employment, society, police and education. The files concerning housing represent about 4% of the total amount of complaints that are treated by the CEOOR. One should be careful in interpreting these complaints as a reliable and valid representation of the problems of discrimination / racism in housing. Kusters²² rightfully points out that the number of complaints that are registered by the CEOOR largely depends on the familiarity with the CEOOR but also by the intrinsic difficulty of the problem because the refusal to let because of discriminatory motives remains most of the time implicit.

Most of the complaints on housing can be situated in Brussels and Antwerp, whereas the persons that report most frequently about problems in housing are of Moroccan or Turkish origin, or persons who are clearly visible as foreigners because of their skin colour. 60% of the complaints on housing during the last decade come from individual proprietors, the rest of the complaints derive from both housing organisations and real-estate agencies. About 70 to 80 percent of the complaints concern refusals to let. Unneighbourliness, disturbances and quarrels constitute about 25% of the complaints. Complaints with respect to refusals to sell

²¹ Ch. Kesteloot *et alii*, "Terres d'exil en Belgique" in (Coll.), *La Belgique et ses immigrants. Les politiques manquées*, Bruxelles, De Boeck Université, 1997, pp. 25-43 + 16 cartes. ("Exile in Belgium" in Belgium and migrants. The missing policies)

²² Kusters, Joke (2003) Discriminatie ten opzichte van allochtonen op de private huurmarkt. In "Vrijheid en Gelijkheid. De horizontale werking van het gelijkheidsbeginsel en de nieuwe anti-discriminatiewet". Antwerpen- Apeldoorn, Maklu. P.541-571

houses are very rare. Complaints with respect to social housing often concern long waiting periods for the allocation or problems related with neighbourliness.

Table 6: Overview of the complaints received by the CEOOR for the years 1997-2002

	1997	1998	1999	2000	2001	2002
Public Services	219	161	161	214	215	185
Employment	149	123	116	104	141	148
Society	109	86	104	91	119	132
Police	133	100	91	73	86	101
Education	80	95	101	81	83	94
Propaganda	0	45	40	102	28	72
Private services	93	67	103	62	69	65
Internet	-	-	-	-	-	61
Housing	64	62	47	44	54	58
Media	65	26	32	34	66	54
Nationality	57	54	36	60	48	43
Dissatisfaction	47	15	15	19	24	23
Personal privacy	40	55	39	36	51	21
Leisure time	25	20	15	21	27	18
Justice	-	-	-	-	-	13
Others	29	13	16	26	26	20
Subtotal	1110	922	919	967	1037	1108
Residency files	362	325	200	130	209	208
Other files	1110	922	919	967	1037	1108
Total	1472	1247	1119	1097	1246	1316

Table 7: Complaints on Housing received by the CEOOR for the years 1997-2002

	2002	2001	2000	1999	1998	1997
Complaints on Housing	58	54	44	47	62	64
Proportion in comparison with total amount of complaints	4,4%	4,3%	4%	4%	5%	4,3

The CEOOR has brought only few cases before the courts because of the difficulties of the burden of proof. The CEOOR lodged a liability complaint against a real-estate office that had put out an advertisement with the message “candidate should be of Belgian origin”. On 21 June 1996, the correctional court of Antwerp sentenced the office because of an infringement against article 2 of the law 30 of July 1981.

The CEOOR also started a liability action regarding to an advertisement for letting a flat contain the sentence “Etrangers, s’ abstenir” (Foreigners, do not apply). On 28 December 2001 the correctional court of Liege convicted the accused for infringement against article 1 (3° and 4°) of the antiracism law (which penalises the public expression of one’s intention to discriminate).

As a result of a complaint regarding a refusal to letting on the grounds of the origin of the candidate-tenant, the public prosecutor has suggested a criminal mediation procedure consisting of the payment of a compensation.

7. Analysis of direct and indirect discrimination²³

a. Discrimination in housing

Discrimination in housing has been mainly identified in the rental market (both social and private). The crucial problem is that the Rent Act admits a lot of contractual freedom, which puts the proprietor in a superior position in terms of rights of choosing an ‘adequate’ tenant for his/her property (see §5). As a consequence, discrimination on the private rented market mostly concerns indirect and implicit reticence of the proprietors towards candidate-tenants of foreign origin. This reserve can be traced back to distrust with respect to stereotypes concerning the cultural habits of ethnic-cultural minorities. These attitudes often forces ethnic minority members to be satisfied with renting low-quality dwellings or even to buy such low-quality dwellings (about 55,5% of the Turkish, and about 36% of the Moroccan population, see Kesteloot & Martens, 1999).

These tendencies also put more stress on the social housing departments in specific districts. The elaborate and strict regulations with respect to social housing mostly guarantee the right of ethnic-cultural minorities to decent housing. Due to their modest or low socio-economic situation, they constitute a substantial proportion of the candidate and effective tenants of social housing. Martens and Kesteloot observed in 1998 that social housing departments could often not deal with minority members’ demands for large houses. Moreover, the authors state, these departments sometimes deliberately refuse to apply the normal allocation procedures in order to avoid “high concentration neighbourhoods”. As a consequence, very long waiting lists arise. Moreover, as we have pointed out above, the obtained social houses are often of a very poor quality.

b. Contributing factors

In general, problems in the domain of housing arise from a combination of social-economic, political and juridical factors. In the following paragraphs we will outline some of the factors that hamper the process of finding adequate housing for ethnic minority members: the impact

²³ Remark: A number of the issues listed in the Raxen 4 guidelines for this paragraph have been dealt with in paragraph 6. For this reason, we will not repeat them in this section.

of the economic and political situation, the personal situation of the candidate tenants and the stereotypes of the proprietor.

Impact of the economic and political situation. The general economic decline reduces the financial power of the Regions, which has a negative impact on the housing policy. The fight against decay of houses, for instance, is obstructed by a lack of means. The CEOOR reports a substantial reduction of the housing market (both private and public²⁴), manifesting itself in a decrease of habitable accommodations that are reasonably priced. This trend facilitates social inequality in access to the housing market. Persons with limited financial means are often disadvantaged with respect to their right to decent housing. Unfortunately, this trend is getting worse every year. Moreover, most of the accommodations are quite small which makes it even harder for large families (very often of foreign origin) to actually find adequate accommodation with more than two rooms. Brussels, for instance, has a shortage of about 20.000 social houses with several rooms in order to house large families. Housing problems occur most frequently in Brussels, less frequently in Wallonia and the least frequently in Flanders.

The personal situation of the candidate tenants. Different aspects of the personal situation of candidate tenants hinder their access to decent housing: their administrative situation, economic dependency, and juridical position towards the proprietor. Administrative situation: proprietors are afraid of the application of persons with a delicate position (e.g. asylum seekers) or persons without legal documents. Economic dependency: proprietors distrust candidate tenants who can not give them sufficient guarantees of their financial independence. Vulnerable juridical position towards the proprietor: the 'consensual' concept of Civil Law indicates that the consensus of both parties is crucial for making a contract. It is clear that the proprietor has the right to decide whether or not he wants to make a contract with the candidate tenant. He can choose freely the tenant he wants and he can independently determine the renting conditions, as long as, of course, these are in accordance with the law. The proprietor can not, for instance, claim his contractual freedom in order to violate public order or specific binding regulations of the law of 20 February 1991 on rental agreements. But before the implementation of the general anti-discrimination law the proprietor could use quite arbitrary criteria concerning the family situation of the candidate (e.g. deciding not to let to large families), age, gender, social-economic situation, etc. In general one can say, that the principle of contractual freedom and the general anti-discrimination law are in conflict, which

makes it very hard to trace motives of discriminatory refusal. The private proprietor can always hide his real intentions by making up a false motivation or by just not making his motivation explicit, for he can always hide behind a law that does not oblige him to declare his motivation.

The stereotypes of the proprietor. Proprietors often are reluctant to let to groups of persons because of stereotypes that they have concerning these groups. These stereotypes can stem from own negative experiences with member(s) of the specific groups (leading to over-generalisations) or from stories that are passed about these groups. These stereotypes give rise to fears of over-population of the accommodation, bad maintenance or non-payment. Evidently, these stereotypes can easily lead to discrimination. In this respect we can refer to a survey study in Brussels performed by MRAX that indicated that 55% of the interviewed Belgians indicated that they understood proprietors who refused to let to ethnic minority members (see §8). So apparently, the general acceptance of these stereotypes serves as a justification or a rationalisation ground for discriminating behaviour. Evidently it is of the uttermost importance to counter these stereotypes. In this context, sensitisation campaigns such as MRAX's "Désolé, c'est déjà loué" (2002-2003, see §8) need to be stimulated.

The fact that houses in quarters with a strong concentration of ethnic minorities have low value is not so much due to the presence of these people, but rather to the actual state of decay of these houses. The fear of proprietors to let to foreigners 'because they lower the state of the houses' is based on a stereotype that is actually a complete inversion of the fact that foreigners are obliged to rent houses in a state of neglect because they can not afford any other ones.

All these obstructions make finding adequate accommodations a very tiresome and frustrating process, which, in many cases, leads candidate tenants in the hands of rack-renters who let uninhabitable houses that are much too expensive.

c. 'Social Mix'

A much-discussed issue with respect to housing is the matter of 'the social mix' (Decaluwé, 1990; De Corte, 1993; Kesteloot, 1998; Kesteloot and Mistiaen, 1998). The quintessential

²⁴ The private market constitutes about 75 to 90 % of the total renting market, and the social

question in this debate is whether it is better to have concentration-neighbourhoods (with a high concentration of ethnic minorities) or rather to promote neighbourhoods with a broader social mix. A concrete consequence of this hot debate was article 18bis of the law of 15 December 1980²⁵ which aimed to avoid ghetto formation by prohibiting specific categories of foreigners to live in certain municipalities. Since this article restricted specific categories of foreigners to living in municipalities with a low concentration of foreigners, it was a clear-cut case of institutional discrimination. This article still needed implementing orders by each community in order to become applicable. These implementing orders have not been established by the successive governments. As such this article is not being applied. Nevertheless this article is still present in the law of 15 December 1980. As a consequence, the Forum for Asylum and Migrations rightfully pointed out in its recent report of March 2003 ("Propositions for another asylum and migration policy") the necessity to delete this article from the law.

De Decker (1994) warns that spatial segregation of underprivileged citizens in neglected neighbourhoods partly reproduces deprivation. At the same time, dispersing migrants over different neighbourhoods in a forced way is not considered as an adequate solution. According to these authors, a forced dispersion policy is nothing but a symptomatic measure that merely makes the problem less visible (see also Maes, 1988). A number of other studies point out that living in concentration-neighbourhoods also has advantages (Kesteloot e.a., 1997; Meert, 1998). These advantages can be of a social, a cultural and an economic nature. Social advantages pertain to the sense of security that is created in a neighbourhood with a strong concentration of people from the same ethnic cultural community. At the same time concentration neighbourhoods make it easier to maintain and develop the own culture, and tight social networks offer advantages for ethnic entrepreneurship. Peleman and Kesteloot (2001) point out that, although ethnic entrepreneurship are often considered as positive aspects of concentration neighbourhoods, ethnic shops and luncheon bars are often considered by autochthonous persons as indicators of the total take-over of 'their' neighbourhood. This is why ethnic entrepreneurship can also have a negative impact on intercultural relations within a neighbourhood. Unfortunately, scientific studies in this respect are very rare.

housing about 25 to 10 %, depending on the region.

²⁵ The law of 15 December 1980 (also known as 'the foreigners law') concerning the access to the territory, the residence, the settlement and the expulsion of foreigners and the regularisation of special situations.

Another, directly related, societal issue is the impact of high concentration of ethnic minorities on educational settings of local schools. Many 'autochthonous' local residents fear the deterioration of the quality of local education (Peleman and Kesteloot, 2001). As a result of the very sensitive character of the topic, the scientific research on the relation between population constitution in neighbourhoods and the level of education is scarce and rather of an exploratory nature (Migranten Overleg Mechelen, 1993; Peleman, 1997; Van Avermaet, 1988).

8. Strategies, initiatives and good practices for reducing racial/ethnic/cultural discrimination in housing

In this paragraph we will outline a number of initiatives that were taken in the context of discrimination in housing.

a. Practical Test ALARM

In co-operation with the CEOOR, the organisation ALARM (*Action pour le logement accessible aux réfugiés à Molenbeek*, [Action for accessible housing for refugees in Molenbeek]) has organised a practical test concerning discrimination in housing by means of a phone test among 250 proprietors. The results were stunning: The sound of a foreign name or a foreign accent apparently immediately evoked all kinds of pretexts in order to avoid or refuse renting the property. When after this phone call of a “foreigner” a call was made by a “Belgian”, there was no problem for hiring the property in most of the cases.

In 58% of the telephone calls the proprietor refused to give more information about the house, with the pretext that the accommodation was already let, or by just explaining that he/she did not let to foreigners. The results indicated that mainly asylum seekers are stigmatised because they belong to both the category of foreigners and the category of socially marginalised persons.

The importance of this study should mainly be situated in its sensitising role or in its role as an alarm signal. Neither the aim nor the methodology of the study was of a scientific nature.

b. MRAX campaign: “Sorry, the house is already rented”

The CEOOR and all other organisations active in this domain (Cire, Habitat et Rénovation, Convivial, the Observatory for Health and Well-being of the Brussels Commission (Communautaire Commune-Gemeenschappelijke Gemeenschapscommissie, CCC-GGC), the Brussels Association for the right on housing, tenants associations, etc.) supported the “Désolé, c’est déjà loué” campaign of MRAX (2002-2003). This sensitising campaign against

racial discrimination in housing aimed to compose a white paper on the basis of an analysis of questionnaires with testimonies of the tenants and the proprietors.

Under the expert guidance of the sociologist Rea Andrea of the Free University of Brussels (ULB), a survey on discrimination in housing was done. 400 questionnaires were distributed among tenants or candidate-tenants of Belgian and foreign origin, in the Brussels municipalities Forest-Vorst, Schae(a)rbeek, Etterbeek, Brussels-City and Ixelles-Elsene. 200 completed questionnaires were included in the analysis. Nearly 70 percent of the Belgian participants admitted that racism in housing occurs frequently. More than half of the Belgians (55%) state that they understand that proprietors do not want to let to people of foreign origin. Only 30% of the Belgian participants think that this type of attitude is shameful.

One out of five tenants indicate that he/she has been victim of this kind of discrimination himself/herself. 40% of the participating North-Africans and 60% of Black-Africans state that they have been victims of discrimination.

Professor Rea underlines that the survey can not claim complete representativeness, but that it, nevertheless, gives a rather good view on the situation in Brussels.

We conclude this paragraph, with quite an interesting detail with respect to this MRAX-campaign. In the context of this campaign, MRAX asked the association for proprietors to disseminate the questionnaires among their members, but the association refused co-operation. According to MRAX, this refusal clearly demonstrates the susceptibility of the issue among proprietors, certainly since the recent installation of the general anti-discrimination law.

c. The non-discrimination declaration in Gent

On 4 July 1997 a non-discrimination declaration for housing was signed in Gent. Signatories were the different parties in the housing sector: several associations of tenants and proprietors, representatives of social housing departments, real-estate agents, the city of Gent, OCMW Gent, University of Gent, AROHM-department Oost-Vlaanderen (Housing Department), the Province Oost-Vlaanderen, the League for Human Rights and the CEOOR. In this declaration the signatories committed themselves not to discriminate a person, a group, a community or its members on the grounds of race, colour of skin, descent, origin or nationality.

The problem of the burden of proof makes it very hard to actually prosecute on the basis of individual complaints. As a consequence, by means of this declaration the different actors

in the field aimed to structurally counter the pertinent problem of discrimination in housing. In a first phase (1998/1999), this structural approach was realised by a steering committee that constituted a panel of experts that could exchange data and points of view. During 1998 and 1999 the non-discrimination declaration was communicated towards the broad public by means of a multilingual brochure and poster campaign.

An evaluation of this initiative by the CEOOR in 2003 pointed out that the declaration fulfilled a relevant sensitising role both for tenants as for proprietors. On the other hand, a disadvantage of this sensitising process could be that the tenants who are well aware of the fact that a number of grounds for refusal are liable to penalisation 'disguise' their refusals more adequately. An analysis of the complaints on housing shows that proprietors tend to refuse candidate-tenants under false pretences (insufficient solvability or a lack of knowledge of Dutch).

The project revealed an additional problem in the context of housing. Many foreigners experience difficulties in obtaining housing because of their precarious residence status (as asylum seekers) which is seen as an indicator of insufficient solvability or of insecurity with respect to the tenancy period. These processes drive many (rejected) asylum seekers in the hands of rack-renters.

d. Participation promoting democracy in the Brussels-Capital Region

Two new counselling instruments were established in the Brussels-Capital Region in order to promote an active participation in democracy. The objective is to be able to take the advice of the different partners in the Brussels housing sector into account.

On a local level, from January 2004 onwards, each social housing agency will have to organise the election of its members of the advisory board of tenants. In this way, the elected social tenants become members of the advisory board.

This advisory board for housing is also established on a regional level. This advisory board (constituted by 24 effective members and 24 deputy members) joins representatives of public housing agencies, NGO's, municipalities, trade unions, employers' organisations, professionals (architects, notaries, ...) and experts. This board gives advice with respect to drafts of ordinances or regulations concerning housing or with respect to the Housing Code.

e. Social cohesion in the Brussels-Capital Region

It is interesting to point out the existence of 14 projects of social cohesion that were initiated in social housing, even though these projects were not specifically focused on migrants. The unique character of these local development programs resides in the fact that they can not be realised without the co-operation of the tenants and their representatives. The different partners in these social cohesion projects were: the inhabitants, representatives of different organisations, the public centre for social help (CPAS), the social housing departments and the municipality.

These projects contribute to the promotion of good neighbourliness between tenants, and to the stimulation of good relations between tenants and the housing agency. An additional aim is to improve the integration of the social houses and their inhabitants in the neighbourhood.

Recently, a new regional service was established to provide social counselling to tenants of social houses in the Brussels-Capital Region²⁶. Local centres of social workers and jurists provide help for cases of individual or familial troubles and problematic indebtedness.

f. Campaign 'two months under a roof' ('2 mois pour un toit, 2 maand onderdak')

The Brussels Association for the Right to Housing (RBDH/BBRoW) organised this campaign (2 Octobre 2002 - 4 December 2002) to sensitise about the dramatic housing situation for families with a low income in Brussels. These families are confronted with increasing difficulties to find a decent and affordable house on a short term. The campaign is focused on four themes: needs for a) more social houses, b) control on the increasing rents, c) dealing with the hard core of unoccupied and neglected houses, d) more financial means for the Brussels-Capital Region to develop a social policy. According to the organisation the existing initiatives and measures are on too small a scale, and too fragmentary (i.e. not adequately co-ordinated). Different actions (debates, manifestations, theatre plays, large-scale games) concerning these themes were organised. Each week a "house of the week" was presented on the homepage of the campaign. These houses of the week mostly concerned a description

²⁶ See http://www.hutchinson.irisnet.be/fr/pages/logement/logement_social_pg6.html

(incl. pictures) of houses in deplorable states that were actually let. On 4 December 2002 the actions were ended by a manifestation in Brussels.

On its homepage, the organisation outlines a number of concrete realisations of this campaign. 1) In the context of its presentation of the Regional budget of 2003, the Brussels Government has declared to give priority to housing in Brussels. This is translated in a reduction of the registration costs and a substantial increase in the means of the Housing Fund (+ 7 million €) to make cheap loans accessible for more families. 2) The four-year-plan for investments in social housing (2002-2005) provides a budget of 200 million €, which constitutes an increase of 21% in comparison to the previous plan. A special focus is on the renovation of social houses: by 2005 17.000 unhealthy social houses (on a total of about 38.000 social houses) are to be renovated in order to comply with the minimal BHC norms. 10 million is reserved for the purchase and renovation of 100 houses by the public real-estate agencies. 3) The State Secretary of Housing Hutchinson has declared to strive to add 6.000 à 7.000 additional social houses on the market by 2007. At the moment, an inter-ministerial conference is discussing the possible ways to finance this project.

9. Summary and Conclusions

It will be clear that a number of discrepancies between the housing situations of Belgians and persons of foreign origin continue to exist. These discrepancies in housing should be dealt with in a transversal and co-ordinated approach, integrating the advocating of socio-economic aspects, urban planning, juridical protection of specific population categories, etc. On the whole, a substantial financial investment is needed in order to obtain a balance between the supply of cheap quality accommodations and the demand of underprivileged population categories²⁷. It needs no argumentation that social housing cannot solve all the housing problems in Belgium. As a consequence, initiatives should be started to stimulate investments in real-estate (e.g. insurance against the risk of insolvency of the tenant, decrease of taxes in the form of a lower advance levy on real-estate), in order to counter the lack of engagement of the private housing sector.

Moreover, all governmental initiatives and financial subsidies should be adequately communicated to both tenants and (candidate) proprietors. Ethnic minority members that want to buy their own property should also be permanently supported and offered counselling. They should be informed about the different premiums and benefits that already exist. As Kesteloot et al. indicate, this counselling and providing of information should be district- or neighbourhood-based and involve the ethnic minority organisations and networks as well.

Our report shows that the anti-racism law of 30 July 1981 has some serious limitations with respect to the fight against discrimination in housing. The most prominent problem in this respect is evidently the concealed nature of this type of discrimination. As a consequence, jurisdiction on the basis of this law still remains very rare when it comes to discrimination in housing. Dropping the notion of ‘publicity’ in article 2 was a substantial step forward, but it does not solve the problems of the burden of proof for the victims. The anti-discrimination law of 25 February 2003 aims to increase the judicial power by introducing civil law procedures and by extending the grounds for discrimination. In addition, this law condemns both direct and indirect discrimination. A combination of the strict application of both laws with profound sensitisation of the general population about the problem of discrimination in housing should be the basis of the fight against this form of injustice.

²⁷ We refer to the elaborate study of Pascolet and Buys (2001) for a very detailed list of recommendations with regard to specific subsidies and grants of the Flemish government. A presentation of their recommendations is beyond the scope of this report.

Finally, we would like to quote Prof. Dr. Goossens, an academic expert on housing policies, concluding his most recent report on the housing situation of ethnic minorities in Flanders: “An evaluation of the Flemish minorities policy with respect to housing maintains a limited character for the time being. There is a general lack of material for the evaluation of this policy. The scarce information that can be found indicates the presence of significant wrongs and defects concerning the housing policy on federal, regional and local levels. Funded and nuanced statements concerning several specific aspects remain quite difficult to make due to a lack of systematic research.” On the basis of our report, we can only fully agree with this conclusion when it comes to describe the situation of ethnic minorities in housing on a national level. Moreover, there is even a larger lack of data with respect to the housing situation in the Brussels-Capital Region and the Walloon region. As a consequence, governmental instances (both at the federal and the regional levels) should be stimulated to gather and publish data on housing in a more systematic way.

ANNEX 1: The Federal Structure of the Belgium State

During the last decade, Belgium was restructured as a federal state by four reforms (1970, 1980, 1988-89 en 1993). The power over the state is now spread over different partners that have their own competencies. The reorganisation of competencies was performed by two major principles. The first principle pertains to language, and more broadly to culture resulting in three communities: Flemish-, French- and German-speaking Communities. The second principle of the state reform was historically inspired by economic interests. The Regions that strive for more economic autonomy express these interests. As a consequence three Regions were differentiated: Flanders, Wallonia and the Brussels Capital Region.

Broadly speaking, the powers of the Federal State cover everything connected with the general interest of all Belgians: public finances, the army, the state police, the judicial system, social security (unemployment, pensions, child benefit, health insurance), foreign affairs and development aid as well as substantial parts of public health and home affairs.

Communities have powers for culture (theatre, libraries, audio-visual media, etc.), education, the use of languages and matters relating to the individual which concern on the one hand health policy (curative and preventive medicine) and on the other hand assistance to individuals (protection of youth, social welfare, aid to families, immigrant assistance services, etc.).

Regions have powers in fields that are connected with their region or territory: economy, employment, agriculture, water policy, housing, public works, energy, transport (except Belgian Railways), the environment, town and country planning, modernisation of agriculture, nature conservation, credit, foreign trade, supervision of the provinces, communes and inter-communal utility companies.

ANNEX 2: Analysis of the Lack of Adequate Statistics in Belgium

With respect to the lack of adequate statistics in Belgium we can refer to two relevant laws limiting the gathering of statistical information. The law of 4 July 1962 on public statistics prohibits the National Institute for Statistics to gather data on race or ethnic origin of individuals (Art 25 *quinquies*). The law of 8 December 1992 (Art. 6) on the protection of the privacy of personal information prohibits gathering information that reveals the racial or ethnic origin of individuals, except for data used for scientific purposes and gathered on ministerial authority.

On 10 September 2003 the Flemish newspaper “De Standaard” published an interesting analysis on the situation of statistics in Belgium. In this annex we present a short synopsis of this analysis, followed by the original article (in Dutch).

In 1991 “The Economist” stated that, in terms of statistical reporting, Belgium had degraded to the level of a developing country. According to “De Standaard” the situation has not ameliorated ever since. Recently severe discussion was raised with respect to the reliability of the local crime statistics of Antwerp. Last year, an inspection commission on police services pointed out that the federal statistics on criminality were unreliable. The drastic reorganisation of the police structures in 1998 introduced a new registration system of district ‘intersection data banks’ (*kruispuntbanken*), but, to this day, this registration system does not work adequately.

There is a general lack of adequate and recent statistics in Belgium. Some examples: The most recent data on the number of traffic casualties date from 2001. The youngest data of the National Institute for Statistics (NIS) on the average gross monthly wages of full-time employees are from 1999. This summer, the ministry of national health had to inform the public on the number of heat casualties on the basis of random check in the hospitals because adequate statistics do not exist.

The complex federal structure of Belgium certainly contributes to this lack of systematic and regularly updated statistics. Competencies are often spread over different authorities. National health, for instance, is both a federal and community competency. A second reason can be found in the fact that the authorities have neglected the NIS for years and years. The NIS was often the first victim of savings. Even when the European Commission threatened in 1994 to summon Belgium before the European Court because the country did not spend enough money to statistics, the NIS did not receive more funds.

Original Article by Filip Verhoest, in Dutch (De Standaard 10/09/2003)

Waarom België geen deugdelijke statistieken heeft Van modelstaat tot ontwikkelingsland

België was ooit een modelstaat als het op statistieken aankwam. Die stevige reputatie hadden we te danken aan Adolphe Quetelet, die in 1846 de eerste volkstelling op het getouw zette. Maar dat is alweer een tijd geleden. In 1991 concludeerde het gezaghebbende tijdschrift The Economist dat België inzake statistische rapportering was vervallen tot een ontwikkelingsland. Het ene vernietigende rapport over de Belgische statistieken volgde het andere op. En er is weinig verbetering merkbaar.

In Antwerpen is er voor de zoveelste keer discussie ontstaan over de betrouwbaarheid van de plaatselijke misdaadcijfers. Al dan niet bewust is de registratieperiode vervroegd afgesloten, waardoor de cijfers over de criminaliteit in de metropool rooskleuriger zijn dan de werkelijkheid.

Het is -- laat het de Antwerpenaren een troost zijn -- geen typisch lokaal probleem. Niemand minder dan premier Guy Verhofstadt zwaaide eind vorige jaar in het parlement met cijfers, waaruit moest blijken dat de criminaliteit er onder zijn bewind flink op achteruit was gegaan. Uit een onderzoek van het toezichtcomité op de politiediensten bleek achteraf dat de inzameling van die cijfers door de politie onbetrouwbaar was verricht.

De conclusie van het comité-P echode tot in het buitenland na. Onze reputatie kreeg opnieuw een knauw. Maar in eigen land ontlokte het incident hooguit wat meewarig gelach. De Belg is het gewend geraakt te horen dat de statistieken in zijn land niet deugen.

Bij de politie bijvoorbeeld is de rapportering van de misdaadfenomenen met de politiehervorming in 1998 over boord gezet. Er kwam een nieuw registratiesysteem met de arrondissementele kruispuntbanken. Maar de architect van de politiehervorming, Brice De Ruyver, erkende vorige week ootmoedig dat "sommige van die kruispuntbanken goed werken, andere niet".

De federale politie pakte dit weekeinde uit met cijfers over het dalend aantal hold-ups. Meteen kreeg ze vragen over de betrouwbaarheid van die gegevens. Omdat ook de banken en verzekeringsmaatschappijen statistieken bijhouden over ramkraken en hold-ups, durft de politie met een gerust hart met die cijfers uit te pakken. Sinds de blamage van het comité-P passen ze daar op hun tellen.

Ook de minister van Justitie, Laurette Onkelinx, heeft recentelijk in deze krant toegegeven dat er geen statistieken bestaan over de gerechtelijke achterstand. Haar ministerie had weliswaar op het Internet gegevens bekendgemaakt over de binnenkomende en

uitgaande rechtszaken per rechtbank, maar die cijfers bewezen volgens haar niet dat de achterstand bij sommige rechtbanken dramatisch toenam. Waarom die cijfers dan worden bijgehouden, is een raadsel. Voor de spectaculaire toename van het aantal lopende zaken de jongste drie jaar kwam er geen verklaring.

Het wordt een treurige opsomming. De meest recente cijfers over het aantal verkeersdoden dateert van 2001. De jongste gegevens van het Nationaal Instituut voor de Statistiek (NIS) over de gemiddelde bruto-maandlonen voor voltijdse werknemers zijn van 1999. En er vielen deze zomer in België hooguit 150 hittedoden te betreuren, leidde de minister van Volksgezondheid Rudy Demotte af uit een steekproef die hij liet uitvoeren bij ziekenhuizen. Want "er bestaan geen echte statistieken".

Hoe komt het dat België zijn voorsprong in het domein van de statistische rapportering heeft verspeeld? De complexiteit van ons gefederaliseerd landje speelt zeker een rol. Bevoegdheden zitten vaak verspreid. Volksgezondheid bijvoorbeeld zit zowel in federale als Vlaamse bewindshanden (Demotte en Byttebier). Die versnippering maakt de zaken er niet eenvoudiger op.

Daarenboven heeft de overheid de statistiek decennialang stiefmoederlijk behandeld. Net als de federale administraties en het gerecht is het Instituut voor de Statistiek decennialang verwaarloosd. Als er bespaard moest worden, waren zij de eerste slachtoffers. De informatieverzameling takelde zienderogen af.

Pas toen de Europese Commissie ermee dreigde ons land voor het Europees Hof te dagen omdat het "veel te weinig geld besteedde aan statistiek", trad in 1994 de toenmalige regering op.

Niet door het NIS te versterken, wel door een ander instituut in het leven te roepen: het Instituut voor de Nationale Rekeningen. Het NIS moest verder roeien met de te korte riempjes die het had.

Onvermijdelijk rijst hierbij de vraag of die verwaarlozing niet bewust is uitgelokt. Objectieve gegevens zijn vaak vervelend voor het beleid: ze laten zich niet gemakkelijk manipuleren.

Kenschetsend in dit verband is de reactie van Nederlandse en Belgische politici als cijfers bekendmaken die voor het beleid vervelend zijn. In Nederland vloeken de politici binnensmonds en zeggen dat ze dit of dat zullen doen om het probleem te verhelpen. In België betwisten de politici de juistheid van de gegevens. En er is niemand die hen kan tegenspreken, bij gebrek aan deugdelijke statistieken.

Annex 3: Additional Statistical Data on Housing in Belgium

Monthly Rent (without additional costs), 2001

	Less than 247,89 EUR	247,89 till 495,78 EUR	495,79 till 743,67 EUR	743,68 till 991,56 EUR	991,57 EUR and more
<i>Absolute figures</i>					
Belgium	343.608	661.037	116.694	19.098	16.477
Flemish Region	163.643	336.232	58.599	9.184	7.585
Walloon Region	134.616	200.022	27.007	3.903	2.748
Brussels-Capital Region	45.349	124.783	31.088	6.011	6.144
<i>% of number of rented houses</i>					
Belgium	29,7%	57,1%	10,1%	1,7%	1,4%
Flemish Region	28,4%	58,5%	10,2%	1,6%	1,3%
Walloon Region	36,6%	54,3%	7,3%	1,1%	0,7%
- of which German Community	29,7%	61,4%	7,5%	1,0%	0,4%
Brussels-Capital Region	21,2%	58,5%	14,6%	2,8%	2,9%

Source: NIS

Accommodations with WC

	1991		2001		Evolution
	number	in %	number	in %	2001/1991
Belgium	3.444.357	91,9%	3.836.144	96,4%	+11,4%
Flemish Region	1.949.918	91,1%	2.241.157	97,6%	+14,9%
Walloon Region	1.123.777	92,7%	1.219.288	94,7%	+8,5%
- of which German Community	24.652	97,8%	25.971	97,0%	+5,4%
Brussels-Capital Region	370.662	94,0%	375.699	94,9%	+1,4%

Source: NIS

Accommodations with bathroom

	1991	2001	Evolution
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	number	in %	number	in %	2001/1991
Belgium	3.286.594	88,4%	3.854.161	95,8%	+17,3%
Flemish Region	1.891.035	88,9%	2.233.043	96,5%	+18,1%
Walloon Region	1.059.237	88,0%	1.242.425	95,1%	+17,3%
- of which German Community	23.626	94,5%	26.236	97,3%	+11,0%
Brussels-Capital Region	336.322	86,6%	378.693	94,4%	+12,6%

Source: NIS

Accommodations with central heating

	1991		2001		Evolution
	number	in %	number	in %	2001/1991
Belgium	2.251.512	61,4%	2.888.724	72,7%	+28,3%
Flemish Region	1.308.109	62,6%	1.666.263	70,8%	+27,4%
Walloon Region	670.095	55,9%	901.714	67,6%	+34,6%
- of which German Community	19.276	77,9%	23.562	85,1%	+22,2%
Brussels-Capital Region	273.308	71,5%	320.747	80,3%	+17,4%

Source: NIS

Annex 4 : The Belgian Immigration and Integration Policies

Due to the reform of the Belgian state (8 August 1980) all the matters concerning the lives of individual persons and their relations with the public authorities – are attributed to the Flemish and French communities. As such, since 1980 the French and the Flemish communities are responsible for the reception and integration of migrants, for the territory of the Walloon Region, the Flemish Region and the Brussels Capital Region. As a consequence, from then on, the communities developed their own policies concerning the reception and integration of migrants. The matter of migration, however, remains a federal competency implying that the communities are not competent with respect to the admittance policy, the judicial residence position and the expulsion of foreigners from the Belgian territory. The matter of attribution of voting power to foreigners also remains a federal competency. At the end of 1980s, the development of a policy against racism is also explicitly considered as a responsibility for the federal government.

a. Federal policy: from migrants to equal chances policy

Until the eighties, migrants were mainly considered as temporary guest-workers, that would, in time, return to their home countries. As a matter of fact, in 1984 the government even launched an active return policy of immigrants as the country was facing an unprecedented high rate of unemployment. The royal decree of July 17 1985 provides for a re-installment fee for those immigrants of non-EU countries and who were out of a job for three years. The voluntary return program, however, did not prove to be successful as a very low number of immigrants chose to return. This can be attributed to the relatively low re-installment fee, which hardly covered all the return expenses. Moreover, there were no job perspectives in the country of origin. Contrary to the recommendation by the Council of Europe, there were no co-operation programs between the host society and the country of origin. As a consequence, the official return policy was abandoned in 1991.

It is only in the second half of the eighties that one started to realise that these migrants had become integral parts of the Belgian population. Moreover, in the mid-1980s family formation (by a non-Belgian spouse) and reunification (consisting of minor children and relatives) constituted a new migration source. In 1989, the Royal Commission on Migrant Policy (CRPI-KCM) was established which outlined the general policy on migrants – conceptualised as an integration policy. This integration policy can be briefly summarised as:

- With respect to public order, migrants have to assimilate.
- Migrants were to be stimulated to adapt to the social principles of the Belgian society, referring to modern western concepts of modernity, emancipation and pluralism.
- Both autochthonous persons and migrants should respect cultural diversity as mutual enrichment.

The Royal Commission on Migrant Policy clearly stated that a policy should be pursued that structurally involved minorities in the activities and objectives of the government. The Commission issued various recommendations aiming to remedy the weak position of migrants as well as to fight discriminatory practices hindering their integration.

The parliamentary elections of 24 November 1991 resulting in an overwhelming electoral triumph of the extreme right political party Vlaams Blok – also referred to as ‘Black Sunday’ – make the migrant issue and especially the themes of racism and xenophobia even more important for the political agenda. In 1993 the Centre for Equal Opportunities and Opposition to Racism (CEOOR) is established in order to replace the Royal Commission on Migrant Policy

b. Flemish policy: from integration over focus on the underprivileged to minorities policy

Since the Flemish community gained competence over the reception and integration of migrants in 1980, a shift was made from employment guidance for guest-workers to care for integration of migrants and their families by means of a group specific (labelled as ‘categorical’) welfare policy. The instances that were responsible for the reception of ‘guest-workers’ were changed into services guiding migrants in their integration process, serving as an intermediary between migrants and the established welfare, health, education and housing services.

In the 1980s this integration policy was mainly based on specific actions (like language lessons and individual assistance) initiated by private organisations. The effects of these actions were rather limited due to insufficient financial means and a general lack of substantial response of the government. At the end of the eighties (partly due to the growing electoral success of extreme-right), the issue of migrants, which had ‘merely’ been a welfare

issue, became a priority in the policy of the Flemish government²⁸. The first policy document ‘*Migrant Policy*’ of the Flemish government (1989) stipulates the establishment of an Interdepartmental Commission of Migrant Policy (ICM). At a Federal level, the Royal Commission on Migrant Policy (KCM-CRPI) outlined the general policy on migrants – conceptualised as an integration policy (see above). Evidently, this policy also determined the elaboration of the migrant policies in the communities.

In 1990 the regulation on integration centres for migrants was approved by the Flemish Executive. Private and public organisations that were already dealing with integration before 1990 were, from then on, confirmed in their functioning. This regulation was an important step in the development of the ‘migrant sector’. On the level of the community a Flemish Centre for the Integration of Migrants (VCIM) was established, 8 different regional integration centres (RIC) and, at the bottom of the organisational hierarchy, 43 local integration centres (LIC) were recognised. The disadvantaged position and the discrimination of immigrants were issues to be addressed in the integration sector. In reality this sector had evolved into a service, which mostly deal with welfare issues in the form of individual assistance in employment projects and the organisation of language lessons. Until the mid 1990s the migrant policy of the Flemish Government was limited to providing funding for private initiatives of the categorial sector.

Halfway the nineties the scope of the Flemish migrant policy was substantially broadened in order to include other groups that are often confronted with social exclusion and discrimination because of their ethnic or cultural background: refugees and caravan dwellers. The interdepartmental commission for migrants (installed in 1990, and renamed in 1996 as The Interdepartmental Commission Ethnic-Cultural Minorities, ICEM) elaborated a strategic plan for the Flemish policy concerning ethnic-cultural minorities. This strategic plan can be considered as the first step to an elaborated policy for minorities. Basically, the Flemish government put forward three policy objectives.

- The central objective was defined as the emancipation policy, striving for a full-fledged participation of ethnic minorities to the Flemish community.

²⁸ The Flemish community and the Flemish Region have one Flemish Government and one Flemish Parliament. The Flemish Government consists of 7 departments, among which the Department of Welfare, Health and Cultural Affairs. As such, this department is also responsible for the welfare and equal opportunities and societal integration of special groups like youth, elders, sick, persons with a handicap, ethnic-cultural minorities and the underprivileged.

- A new policy objective was constituted by the reception or welcome policy (*'onthaalbeleid'*), which focuses on 'newcomers' that arrive in the context of family construction or reunion or as refugees. The objective is to familiarise these persons as quickly as possible with the Flemish society in order to stimulate autonomous functioning. By means of a insertion program the government stimulates social, educational and professional autonomy of newcomers. This is organised by the new insertion decree that was proposed in 2002 to the Flemish Parliament.
- The reception or relief policy (*'opvangbeleid'*) focuses on foreigners without legal documents who require help and assistance because of their precarious position. This policy is strictly complementary to the federal policy, since the final responsibility in this matter is situated at the federal level.

This strategic plan aimed to prevent and fight discrimination systematically and to ameliorate communication between autochthonous persons and persons of foreign descent. This policy concerning minorities was now formally defined as inclusive and co-ordinated. The main idea is to embed projects concerning ethnic-cultural minorities in the existing structures. 'Inclusive' refers to the fact that the policy towards minorities concerns the entire Flemish government. The different sectors involved in the minorities policy (education, housing, employment, welfare, health care, culture,...) are explicitly given the final responsibility for the realisation of the policy objectives within their own competencies. This inclusive approach evidently implies adequate co-ordination in order to maintain a coherent policy and to avoid overlaps and contradictions.

The decree of 28 April 1998 concerning the Flemish policy towards ethnic-cultural minorities, also referred to as the Minorities Decree, constituted an important second step in the development of the minorities policy. This decree provided the objectives outlined in the strategic plan, the co-ordination of the policy, the organisation of the inclusive policy, the involvement of the target groups in the policy and the categorial sector with a decretal basis. As such, the three pillars of minorities policy – the Flemish government, the categorial sector and the target groups – got a legal basis. The Flemish government is responsible for the preparation, realisation and evaluation of the policy concerning minorities. The categorial sector²⁹ is now seen as partner of the Flemish government in the realisation of the minorities

²⁹ The term 'categorial sector' refers to the network of centres and services that are financially supported by the Flemish government in order to realise the policy towards minorities in the field.

policy and is attributed – contrary to before – a policy supporting role. The target groups are actively involved through three channels: involvement in the inclusive minorities policy, involvement in the decision-making of existing advisory bodies and recognition of a forum of organisations of ethnic-cultural minorities as a discussion partner³⁰.

The Minorities Decree (fully implemented in January 2000) outlines a reorganisation of the integration sector. The decree recognises one centre on the Flemish level to support the categorial sector: The Flemish Minorities Centre (VMC). This centre was recognised on 1 May 1999 along with three support centres that are part of the VMC: the Support Centre for Allochthons (OCA), the Consultative centre for the Integration of Refugees (OCIV) and the Flemish Centre WOONWAGENWERK (VCW). The objective of the VMC is to elaborate and guard the coherence and integration of the activities of the support centres. Moreover, the VMC should, in co-operation with the support centres and members of the target groups and their organisations, support the sector ethnic-cultural minorities in order to allow them to realise the objectives of the minorities policy.

In total 8 integration centres were recognised: Five provincial (West-Vlaanderen, Oost-Vlaanderen, Vlaams-Brabant, Limburg, Antwerp), one regional (in Brussels) and 2 local (in Antwerp and Ghent). The integration centres can also develop local offices in municipalities or quarters in the big cities. Most of the time these are transformations of the former local integration centres. Besides integration centres, integration services associated with municipal OCMW can be distinguished (to date 14 integration services are registered).

³⁰ The ‘integration sector’ was seriously criticised by many leaders of migrant organisations, pointing out that the traditional integration centres work for them and not with them. The inclusion and participation of immigrants in the integration sector was considered to be too weak. In 1993 the Intercultural Centre for Migrant (ICCM) was set up as an umbrella organisation supporting local organisations set up and run by immigrants. In the period 1993-1995 280 local (mostly migrant, few refugee) organisations were supported. After three years of experiment the structure was consolidated in 1996 with the establishment of supra-local federations, which are regrouped in the umbrella organisation ‘Forum of ethnic and cultural minorities’. In 1995 8 national federations were recognised. Ever since the number has increased with one organisation in 1996, 1998 and 1999. At the beginning of 2002 there were in total 14 recognised national federations, of which 3 are Turkish federations, 2 Moroccan federations, 2 Italian federations, 2 intercultural federations and 2 African national associations, one national organisation of Muslim associations and one national women organisation and one national Latin American federation.

Moreover in 2002 the working of the ICCM was stopped because of the idea that cultural diversity should be developed by all Flemish cultural centres (*‘steunpunten’*). Since 1 May 2002 SoCiuS – the centre for social cultural work – was assigned to assume the different tasks of the ICCM and to integrate them in the actions of the centre.

Currently ICEM is working on a new strategic plan, which further refines the existing strategic plan. Moreover the minorities policy is currently being evaluated by researchers of the Catholic University of Leuven.

Since 2000, the Flemish government has an experimental insertion (*'inburgering'*) policy for newcomers. The Decree of 28 February 2003 concerning the Flemish insertion policy formalises this policy in a legal document. The insertion policy consists of an individual trajectory including three areas, namely language learning, community orientation and support to find a job in the labour market. Newcomers who qualify for such a policy are those who have resided in Flanders less than one year. Secondly s/he has the status of family formers, family reunifiers, asylum seekers who are declared receivable, recognised refugees, regularised people and others. The rationale for organising these trajectories is to facilitate the insertion of these people in the Flemish society.

With respect to the Flemish minorities policy in the Brussels Capital Region, the Flemish Community Commission (VGC) assumes a number of tasks that are assigned to local authorities in the Flemish Region. Moreover, the VGC pursues a proper minorities policy (elaborated in co-operation with the regional integration centre Foyer) which is complementary to the Flemish policy.

c. The French-speaking policy

On 1 January 1994, the French Community transferred (mainly because of financial reasons) the competency over issues concerning support to individuals to the Walloon Region and to the French Community Commission of the Region of Brussels-Capital.

1. The French Community

Before 1980, the French community subsidised organisations that focused on cultural activities for migrants. In opposition to the situation in Flanders, these cultural activities were hardly co-ordinated since they were realised by non-specific organisations stemming from socialist or Christian circles or by migrant organisations themselves. After the reform of the institutions in 1980, the French Community exerted the competencies that were previously assigned to the Regions, with the exception of work permits and the application of the regulation concerning employment of foreign employees, which remained Regional competencies.

In 1981 an Advisory body for migrants in the French Community (Conseil consultatif des immigrés auprès de la Communauté Française, CCIF) was created. This advisory body insisted on the structural character of migration in Belgium. The French Community favoured a migrant policy focusing on two dimensions: the societal insertion in the host community in order to facilitate equal chances and the recognition of cultural identities.

In 1986 the CCIF was renamed as the Advisory body for population groups of foreign origin of the French Community (Conseil consultatif des populations d'origine étrangère de de la Communauté Française, CCPOE). The switch from 'migrants' to 'population groups of foreign origin' indicated a change in the perspective of the French Community concerning migration. The idea of a temporary labour presence was replaced by the acceptance that population groups stemming from migration were settling for a long time on the Belgian territory. At that time, four regional centres were created to deal with the questions and the needs of the population groups of foreign origin. The CCPOE continued what CCIF had initiated by proposing to develop categorial policy lines for integration of the population groups stemming from migration. In 1989 the CCPOE addressed a memorandum to the Royal Commission on Migrant Policy in which it deplored the fact that the French Community had not developed a global policy nor created an institutional framework in order to adequately deal with matters of integration.

In 1991 a number of riots involving young persons of foreign origin gave cause to a shift in public opinion on migrants: in stead of integration and intercultural exchange the attention was focused on processes of social exclusion, which could be controlled by a more general societal policy. From then on, the CCPOE focused on a policy social work and societal actions towards the underprivileged and victims of social exclusion.

The CCPOE disappeared from the institutional horizon when the French Community transferred the competency over issues concerning support to individuals to the Walloon Region and to the French community Commission of the Region of Brussels-Capital. With respect to education the French Community maintained its policy towards the population groups stemming from migration. For instance, in 1998 the decree on positive discrimination in schools was enacted. This decree aimed at promoting equal chances of pupils in primary and secondary education. The French Community also developed a school program to teach the language and the culture of the country of origin.

2. The policy of the Walloon Region

As explained above, the insertion policy of population groups stemming from migration in the Walloon Region were for a long time limited to cultural actions aimed at these population groups. Subsequently, the policy was focused on general social actions towards the underprivileged. In 1996 the Walloon Region that had become competent in this respect created a regulative instrument that can be defined as a categorial policy. The decree of 4 July 1996 on the integration of people with a foreign nationality and those of foreign descent can be considered as the result of the considerations initiated by the CCPOE of the French Community and subsequently adopted by the Royal Commission on Migrant Policy. The Advisory Body had recommended not to neglect the national and cultural specificity of migrants, a specificity that differentiates them from the autochthonous underprivileged. As such, contrary to the French Community Commission (Cocof) in the Brussels Capital Region (see below), the Walloon government has a specific policy against social exclusion and a reception and integration policy towards people with a foreign nationality and those of foreign descent.

The decree takes into account the diversity of population groups in Wallonia and instructs the regional integration centres (Charleroi, La Louvière, Liege, Mons, Namur, Verviers and Tubize) to organise, in co-operation with the local authorities and organisations, the necessary actions for a harmonious insertion in the Walloon society. The relevant domains are outlined: social-professional insertion, housing, health, education, collection of data and determination of indicators, dissemination of information, support of persons, evaluation of local initiatives, participation of persons to the societal and cultural life, promotion or intercultural exchange and the respect for differences. The decree is focused on regional centres, local authorities and the organisations in the field, it promotes categorial actions towards migrants and it recognises positive discrimination as an important instrument to foster integration.

d. Brussels policy

The Brussels Capital Region is undoubtedly the most diverse city in Belgium. It consists of the city of Brussels and the 18 municipalities. It is the meeting point of at least two majority groups and cultures, ethnic minorities, languages, religions and daily practices. It has a bilingual policy structure, notably French- and Dutch-speaking policy structures. It is different from Flanders and Wallonia in that it has a bilingual policy structure, a multicultural

demographic composition and metropolitan functions. Different governments rule the Brussels Capital Region : the Brussels Capital Region (Council or parliament and government), the Common Community Commission (CCC-GGC), the French Community Commission (COCOF) and the Flemish Community Commission (VGC).

1. Brussels Capital Region

Two aspects can be differentiated in the integration policy of the Brussels Capital Region : the general aspect of the regional policy concerning employment, revaluation of quarters and public places, housing on the one hand, and the categorial policy concerning insertion-cohabitation of the French Community Commission on the other hand.

The first general policy lines are contracts of quarters (1994) aiming at the development of four-yearly programs and partnerships for the renovation of buildings and the revaluation of housing in seriously damaged quarters in which the inhabitants cumulate different social handicaps. Security and prevention contracts (1992) aim to prevent delinquency. Contracts are made to promote the opening of shops in old quarters of the Region (1998). Initiatives are created with respect to socio-professional insertion and discrimination in employment.

In 1992 the Regional Government created the Regional Inter-ministry Delegation for Urban Solidarity (DRISU) in order to support local projects on socio-professional insertion and social development of the city. DRISU was replaced by the Regional Secretary for Urban Development (SRDU) in 2001.

2. The French Community Commission (COCOF)

The French Community Commission (COCOF), has the power to issue decrees and is competent in matters relating to French-speaking education and French-speaking cultural and person-specific matters. Within this legal framework it also promotes through the integration policy the social integration of 'problematic' neighbourhoods. Starting from 1997 it aims to improve impoverished neighbourhoods. The principle of this integration policy is double: on the one hand it attempts to fight exclusion of certain neighbourhoods and on the other hand it aims to make municipalities more responsible for these areas through a common co-financing scheme.

The action of the Cocof towards the organisations prefers a more general policy of social inclusion without explicitly referring to one's nationality or one's ethnic origin. In practice

this action provides support to associations, active in the area of social inclusion. In order to reach this objective the internal coherence of the different programmes and the co-operation between the different projects, established by the associations within the framework of the 'co-habitation' project. Furthermore, the actions of the COCOF support organisations, which respond to the needs of foreigners and those of foreign origin.

In the areas of labour, training and social-cultural activities aiming to insert foreigners and those of foreign descent in the labour market is signed between two organisations, namely ORBEM-BGDA and Bruxelles-Formation (Brussels Training) on the one hand and the local neighbourhood shops and associations on the other hand. ORBEM-BGDA or the Brussels Regional Service for Labour Negotiation is a bilingual public institution of placement and training in the Brussels Capital Region. Its mission is twofold. It helps job seekers finding a job in the labour market. Secondly, it supports employment in the management of HRM. Given the precarious social and economic position of most immigrants and second and third generation, they often make use of these services.

2. The Flemish community commission (VGC)

The Flemish Community Commission (VGC) aims to foster the ties with Flanders and the Flemish Minority Policy in the Brussels Capital region. The Flemish Community recognised one regional integration centre and several local integration centres in Brussels (see above). The Dutch speaking Brussels organisations of ethnic minorities are financially supported, because they are considered as emancipatory and stimulating integration. But the Flemish Community Commission also subsidises self-organisations and other 'community initiatives'. Explicit attention and means are attributed to language courses Dutch.

Despite the fact that the VGC is not directly responsible for employment, it is concerned with the training matters improving the labour market conditions of immigrants. Within this policy objective 'training for work' different projects targeting 'job seekers at risk'. These are people, who due to their low schooling and/or professional ability or from social need are unemployed and consequently find themselves in a subordination position or are vulnerable to such a position. A significant part of this group consists of immigrant youngsters. The main points for this policy objective 'training for work' are:

- promotion of the Dutch-speaking job offers/facilitation of this group to Dutch-speaking partners

- promoting language training/support of Dutch as a second language or NT2
- ‘training the trainers’ or improving the expertise of the teachers, assistants and entrepreneurs
- promoting and supporting professional initiatives
- promoting the learning and working experience.

One specific project is worthwhile mentioning, notably *Tracé*. It is an information and promotion service, assisting job seekers in finding the right training and job. Tracé co-operates closely with ORBEM-BGDA, the Employment Service of the Brussels Region and VDAB. The VDAB is the counterpart in Flanders of ORBEM-BGDA. Among the clients of *Tracé* there is a considerable number of immigrants.