



Service de lutte contre la pauvreté,
la précarité et l'exclusion sociale

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Citizenship and poverty

CONTRIBUTION TO POLITICAL DEBATE AND ACTION

S U M M A R Y

BIENNIAL REPORT 2016-2017

**COMBAT POVERTY,
INSECURITY AND SOCIAL EXCLUSION SERVICE**

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Introduction



The Combat Poverty, Insecurity and Social Exclusion Service's ninth report is the result of a long, collective process, which began at the first consultation meeting on 6 June 2016 involving associations, which bring together those living in poverty, and staff from the Combat Poverty Service. There was a high level of participation among people with experience of poverty right from the beginning of the consultation and throughout. The energy they devoted to preparing the meetings and participating in them was remarkable. Members from the above-mentioned associations, as well as professionals from various sectors were brought to the table during the 10 or so meetings that were held, because they are the ones who implement rights, train future social workers, work in institutions with a human rights protection mandate, and so on. This dialogue process took place in accordance with the Cooperation Agreement and in the spirit of the General Report on Poverty (GRP), at the participants' request.

The Service's team also had the opportunity to work with the stakeholders concerned from the German-speaking Community. The Minister of Family, Health and Social Affairs and the Combat Poverty Service organised a work day in Eupen on 18 April 2017, during which various questions relating to poverty and citizenship were broached.

To elaborate the theme of 'citizenship and poverty', we didn't base ourselves on an existing definition of citizenship but on the meaning provided by the participants in the consultation, especially those with experience of poverty. These discussions revealed three essential aspects of citizenship, which we have dealt with in three indissociable chapters: being a citizen means being equal in dignity and rights; being a citizen means being free to exercise one's rights and responsibilities; being a

citizen means being able to assume one's responsibilities. Recognition further strengthens these three pillars of citizenship and is such an integral part of them, that it appears as a theme common to all three chapters. Besides material and social hardships, people living in poverty suffer enormously from the lack of recognition they are subjected to by a society that considers them as 'worthless', unable to take charge of their life and that of their family. Just like a four-legged chair, recognition and the three pillars are essential elements that are connected to each other. Take one leg away and the chair becomes unstable, causing the person sitting on it to fall.

In the fourth chapter, we discuss all aspects of citizenship in relation to housing. With the housing crisis worsening since the General Report on Poverty, the pressure exerted by the cost of housing on the poorest has become intolerable. Without decent and affordable housing, it is impossible to fully exercise one's citizenship. During the consultation, emphasis was placed on the regulatory role the public authorities must play in relation to a market that leaves no room for the most vulnerable members of society.

Of course, citizenship isn't restricted to the right to decent housing. Within the framework of the consultation, the participants repeatedly underlined the importance they attach to family, work, education, health, justice, etc., and the fact that all these rights are indivisible. At a time when the trend is the individual empowerment of the person living in poverty, an approach focused solely on the rights and duties of the individual isn't sufficient. It is mainly the responsibility of the public authorities and society to correct the systemic errors that push people into poverty or keep them poor. Achieving a real change isn't simple and

requires a coherent and horizontal approach as well as major investments.

The purpose of this report is also to fight prejudices, insofar as it is chiefly aimed at services and organisations that support people living in poverty. Support provided by decision-makers, professionals or fellow citizens aware of the prejudices, at least partially overcomes the lack of consideration poor people are subject to.

In reference to the Cooperation Agreement, which demands particular attention be paid to the most disadvantaged, the option was taken to start from situations where the conditions of human dignity aren't met, where people have the most difficulty exercising their rights and responsibilities, with the belief that by doing so, the resulting thoughts and recommendations would be relevant in guaranteeing the fundamental rights of all. We have drawn up the recommendations in the body of the text, as close as possible to the analyses on which they were based, in order to provide clarification.

Once again, the consultation approach proposed by the Combat Poverty Service has raised interest among many stakeholders, even though the fight against poverty isn't the main mission among the majority of them. The uniqueness of the Cooperation Agreement allows these meetings between people, associations and organisations who don't usually meet, to take place, via the Service. They are all keen to take into account the experiences of people living in poverty through their commitment, work and assignments. This is particularly important since the fight against poverty is everyone's business. Thanks to its

interfederal nature, the Service is in a position to structure the exchanges based on people's opinions, without necessarily having to take into account the levels of competence concerned, and to formulate recommendations that strengthen the coherence of the fight against poverty. Owing to the Service's independence of action, it is able to offer participants in the consultation considerable freedom of speech. Neither an association nor a public service, the Service elaborates critical analyses of policies that reduce the level of protection of human rights, but also forms collaborations when this can help advance the fight against poverty.

During the last consultation meeting, the participants had the opportunity to look towards the future. The question of following up the work carried out was inevitably asked. "*And what's going to happen now?*" The idea of devoting one year to following it up was even suggested, before starting the process for the next report. The Cooperation Agreement includes a procedure to follow up the Service's biennial reports, which ensures these reports contribute to political debate and action. We must invest as much energy in the follow-up of the report as in its preparation and drafting. The participants have high expectations regarding policymakers (governments and public services, parliaments). We hope that this report reflects the richness of the consultation which took place and that it will help policymakers and other stakeholders to take the necessary initiatives so that everyone, including people living in poverty or insecurity, can fully exercise their citizenship.

Chapter I

Being a citizen means being equal in dignity and rights



The reflections regarding equality in dignity and rights are based on two questions. The first one relates to access to rights: what are the causes behind the non-take-up of rights and, consequently, inequality in terms of rights? The second one relates to the type of measures that best guarantee equality: is it necessary to have rights aimed at categories of particularly vulnerable people to ensure equality in terms of rights, or do they further contribute to inequality by turning the rights of the poor into poor rights?

1. Equal access to rights

Upon the express request of the participants in the consultation, we shall begin by underlining the issue of access to rights: the effectiveness of human rights. Enshrined in a number of international texts and in the Belgian Constitution, they are the expression of what is considered as necessary to men, women and children in order to live in accordance with human dignity: respect for family and private life, employment, social protection, health protection, decent housing, culture, sufficient food, and so on. This subsequently raises another question, which precedes that of access to rights per se, i.e. that of knowing whether the initiatives taken by policymakers at federal, regional or community level can be considered advances towards the achievement of human rights. In this sense, making it tougher to access rights, something that has been perceptible in the past 10 years or so, has been indicated as having a negative impact on

the effectiveness of human rights. Several laws reflecting this trend are mentioned in this chapter; it is especially visible in terms of social protection (social security and welfare) and access to justice. Four examples are elaborated upon: the increased degressivity of unemployment benefit, the modification of the law relating to the integration allowance, the generalisation of the individualised social integration plan and the second-line legal assistance reform.

There are many causes behind the non-take-up of rights. Some are well known, such as insufficient information on rights as well as the difficulty - sometimes including the costs - of the steps to be taken. Others are far less apparent. Hence, the lack of consideration to which the poorest are subjected is one of the unrecognised, and even unknown, fundamental causes of the non-take-up of rights. How can we believe we have rights when we remain for years on a waiting list to obtain social housing, when benefits and sometimes even wages don't allow us to live in accordance with human dignity, when children leave school without even having the basic skills? The adverse effects associated with exercising a right are also an underestimated cause. Exercising a right can turn out to be risky since it may well worsen the situation; this is especially the case when tenants file a complaint because their housing is substandard. The property may be declared uninhabitable as a result and the tenants may ultimately be evicted with no guarantee of being rehoused. Another factor in the non-take-up of rights resides in the fact that legislative measures

are either not properly applied or not applied at all. This is especially the case concerning the requisition of vacant buildings and the obligation to display the rental fee of a building put up for rent. There are many reasons behind this non-application, for instance, the absence of an order essential for the application of the legislation or the lack of preliminary consultations with the stakeholders concerned, who subsequently fail to adhere to the measure.

Registration in a population register is a determining factor in terms of access to rights. The law, which provides for the possibility of a reference address at a social assistance centre (CPAS) for homeless people with insufficient resources to access housing, plays a crucial role from this point of view since this address is equal to registration in the population registers: it doesn't provide housing but can offset certain consequences of homelessness. Although it has been in force for 20 years, this law isn't always applied in a satisfactory manner. Among other things, the difficulties are associated with a lack of information for homeless people and a lack of knowledge about this mechanism in certain public services. They are also associated with the various interpretations given to the terms 'homeless' and 'lack of sufficient resources' by the CPAS, a mistrust of homeless people who are suspected of wanting to escape their creditors or the law, and the striking-off procedure prior to a registration with a reference address. Furthermore, the lack of coherence of the significant number of circulars on the subject contributes to the difficulties of implementing the reference address. However, a joint circular from FPS Interior and PPS Social Integration should clarify the rules, and should be finalised before summer 2018. The possibility of registering with a private individual to obtain a reference address is useful as it increases the chances of staying in touch with the registered person. But this isn't often used for fear of the consequences on the amount of benefits paid out (cohabitant rate). People living in mobile homes can also obtain an address from an association. However, some local authorities appear to make

this type of registration difficult by enforcing checks that are disproportionate to the objective pursued, which overstep the legal requirements (e.g.: people are required to prove their mobility by producing receipts from shops located in different provinces).

Registration of people in the population registers, who live in housing that doesn't meet safety, health or town and country planning standards, causes problems in many municipalities, even if the law states that the legal address must be the principal residence, regardless of the building's characteristics. This is why a law introduced the notion of provisional registration several years ago. A draft law submitted in January 2016, and still under discussion in March 2018, currently aims to ban municipalities from registering people in the population registers who live in housing declared uninhabitable, which would lead to these people to lose their rights.

As a conclusion to this first part of Chapter I, a series of recommendations have been drawn up with the aim of reducing non-take-up and progressing towards equal rights. Administrative simplification and automatic access to rights (i.e. a public service automatically examines whether a person may or may not be entitled to a right) are very relevant approaches and deserve to be pursued and examined in depth. However, they aren't sufficient and are even hampered by the growing complexity of legislations and the increased conditionality of rights. This is why the Service recommends considering the non-take-up of rights as an indicator to assess public policies. It is a question of analysing, beforehand, the risk of non-take-up of the rights contained within the laws being drafted and examining, afterwards, which potential eligible parties haven't had access to rights they could lay claim to and why.

2. Specific measures for universal rights

Following the question of equal access to rights, we shall deal with the types of measures that can guarantee everyone benefits from rights in an equal manner. The answer to this issue is often given in terms of universal or selective measures. Since, in reality, universal or general measures benefit the least vulnerable groups above all, public authorities also take selective measures (specific, targeted or category-based), which are exclusively aimed at people exposed to an increased risk of poverty. Financial interventions (such as the increased intervention, social supplements to child benefits, social rates for public transport and telecommunications, etc.) or specific support services must help to ensure that the rights of these people are also guaranteed. But people living in poverty react differently to this issue. *"We don't want special rights for people living in poverty, we want a society where we are recognised as full citizens"*. They feel like 'second-class citizens' to whom only 'diminished rights' apply.

There are several reasons why people living in poverty speak of 'diminished rights'. We have already mentioned the growing conditionality of social rights. At times when the focus is on saving costs, the public authorities tend to reserve the limited resources for 'those really in need'. Consequently, the measures become more selective and, therefore, also more exclusive. In addition, some measures risk becoming a goal in themselves. Hence, for instance, people living in poverty have the right to progressive social integration but not to qualitative and sustainable employment. They have the right to a food package, but not to healthy food. Finally, these measures aimed at people living in poverty aren't 'supplements' or 'advantages' on top of what others receive. It is simply a question of assistance so that they can live in less dire circumstances. According to them, the necessity of these types of measures

results from the structural shortcomings of the general policy.

The definition of the target audiences to whom these selective measures apply ('second-class citizens') is also a problem. Participants in the consultation agreed that the categories used to define those exposed to an increased risk of poverty fail to cover all the situations and causes of poverty. For instance, they wondered if single-parent families are poor because of lone parenthood or if they are single-parent families because of poverty. By referring to social supplements to child benefits and to priority rules in social housing, we shall next examine the relevance of the income and status criteria to define target audiences. We shall also highlight several negative consequences arising from the use of categories. This can be stigmatising and humiliating because the people concerned must continuously prove they are in need. Categorisation can also lead to divisions and jealousy between people owing to the different 'advantages' that apply to different groups. It can also have undesired adverse effects. People living in poverty mentioned the case of fathers who leave their family so that their wife and children will fare better in the 'single parent' category.

The consultation concluded that an exclusively category-based policy isn't effective. Indeed, there will always be people who are excluded because they aren't covered by the categories used, resulting in the non-take-up of rights. Furthermore, category-based measures are neither sufficient for a life in line with human dignity nor do they offer real future prospects. Finally, they don't contribute sufficiently to autonomy: by reducing people to categories, they are made dependent on the support they receive thus inhibiting their emancipation.


Ideally, selective measures should be included in a policy focusing on social redistribution, where an effort is made to find a balance between equality and equity, a selectivity within the framework of universality. In a 'progressive or proportional universalism', everyone has the right to the

intervention of public authorities or access to basic services. However, groups in a vulnerable situation benefit from extra support in order to assert their rights or to guarantee access to services, or they receive a higher amount than others. As long as category-based measures are necessary to allow people in a precarious situation to catch up in terms of the effectiveness of their rights, the Combat Poverty Service recommends guaranteeing that

they don't become a goal in themselves and that they aren't limited to fulfilling basic needs. Besides that, it is essential to use objective criteria to define categories and avoid criteria associated with behaviour. It would also appear relevant to combine the income and status criteria in an intelligent manner so that people living in poverty can claim their rights through different means.

Chapter II

Being a citizen means being free to exercise one's rights and responsibilities



The second pillar of citizenship that was identified during the consultation is freedom. For people living in poverty, being a citizen means being free to make one's own choices: not so much being 'free to do whatever you like' but, above all, to be free to exercise your rights and responsibilities, having control over your life and your future. Situations of poverty, like the lack of a decent income, makes it necessary to choose among basic needs which is a priority (healthy food, housing, school costs, healthcare costs, etc.). At the same time, the possibilities of making choices are considerably reduced so only forced choices remain. For instance, if cohabitation leads to a reduction in the welfare allowance received, is it really a choice to continue living alone? In addition, situations of poverty can be at the source of invasions of privacy of recipients of benefits, while those who receive income from employment are less confronted with this. Based on the analysis that people living in poverty are made increasingly transparent, we shall begin this chapter by looking into privacy rights more deeply. We shall then examine the regulations relating to cohabitation, which are considered by people living in poverty as a major obstacle that prevents them from having the type of family life and solidarity they would like.

1. The right to privacy

The right to privacy is designed to protect citizens against the risk of interference from public authorities and is therefore very closely linked to the concept of freedom. But in situations of poverty, it is far from straightforward. Within the framework of the International Day for the Eradication of Poverty, the *Luttés Solidarités Travail* association put forward the notion of transparency, which includes two aspects: on the one hand, people living in poverty have to lay themselves completely bare, because different services have to know everything about them; on the other hand, all sorts of regulations contribute to their exclusion and making them invisible.

Today, privacy is undermined by digital developments, security considerations, the emphasis put on control, and so on. It is clear that these pressures are even greater in situations of poverty, especially when a person is asking for assistance or benefits. The consultation noted that there are an increasing number of requirements in order to be able to access and keep certain rights. These requirements - and their control - exert a growing impact on privacy and aren't always proportional to the measures' objectives.

Added to this is the fact that efforts to combat social fraud - including benefits fraud - has intensified over the past few years. During the consultation, participants didn't question the need to tackle benefits fraud, however, it was highlighted at the same time that the extent of the latter was exaggerated and that the problem of the non-take-up of rights was far more extensive and deserved a lot more attention.

Another question that was dealt with was services' access to data with a view to granting a benefit or right and checking the conditions for their maintenance. Here too, the question is knowing whether the objectives were formulated in a sufficiently specific manner and if the exchange of data is proportional to these objectives. One initial aspect concerns the amount and type of data on a personal situation, requested by public services. CPAS (social assistance centres) for example ask users to send them bank statements, in order to have a view of their finances. Even though the only goal, in principle, is to verify income, a certain number of CPAS also use them to check expenditure. This practice has also been criticised by the PPS Social Integration inspection service. A second aspect concerns the exchange of data between institutions and the importance of confidentiality. Data can only be transferred between public institutions according to strict conditions and with respect for the principles of the privacy law. Control of water and electricity consumption - which was introduced within the framework of fraudulent household composition declaration - was mentioned during the consultation. According to the majority of the participants, the control was based on a mistrust of people living in poverty. The way in which benefits claimants are received by services is a third aspect of the problem, because protection of privacy is also important when requesting assistance or a service. We continue to bear witness to situations where people have to talk about their situation within earshot of other people and in reception areas that are not adapted to privacy. The flip side of these information transfers is that the services often

compile files on people and their family without the interested parties having access to these documents. However, their access to these files would considerably increase the transparency of the services.

During exchanges, we particularly focused on the status of legal guardian. This status is an extreme example of a person's loss of control over their own life. It is a measure that is aimed at protecting adults who can't manage themselves or their property anymore owing to their physical or mental state. The law requires a detailed medical certificate to be established, but the concept of 'state of health' isn't defined in more detail. Even though it is clear that this status - whose objective is protection - can help various people, the participants in the consultation wondered about the number of people living in poverty to whom this status applies. Justices of the peace are therefore confronted with people who can no longer manage their personal finances because of poverty issues, young adults of 30 or 35 years old who come to beg them to appoint a temporary guardian for them and declare them unfit. We have received several signals indicating that when a CPAS sees no other solution in a situation of poverty, the person concerned may be advised to ask to be placed under administration by court order. In such situations, this is similar to the budgetary management of a very limited income.

The Combat Poverty Service recommends assessing the control instruments and procedures in force and checking, among other things, whether the objectives are formulated in a sufficiently specific manner and if the control is proportional to these objectives. It also recommends including the element of privacy in the current assessment instruments 'ex ante', like the regulatory impact analysis (federal level) and the poverty test (Flanders). An assessment involving associations where poor people come together and other stakeholders is also necessary, specifically regarding the provisional administration of property and the person in order to prevent this measure from being applied only for the reason of poverty.

2. Living with the people of your choice

The regulations relating to cohabitation are, for people living in poverty, one of the greatest violations of their freedom as a citizen. As recipients of benefits, they are unable to live with the people of their choice, not even as a couple or a family, without suffering a loss of income.

The regulations relating to cohabitation are diverse and complex. They relate to different areas (social security, welfare, housing, taxation, etc.) where the same definitions of cohabitation aren't necessarily applied. The determination of the income (from whom, above a certain threshold, etc.) that is taken into account when granting and calculating the benefit can also be different. Moreover, the interpretation and application of the regulations aren't uniform from one area to another. For people who receive benefits, it is a source of legal uncertainty and financial problems, as well as a restriction on their freedom of choice.

People living in poverty underline the fact that the regulations relating to cohabitation prevent them from living as a 'normal' couple or family. They can't choose to try living together at the beginning of a relationship without losing part of their income. When two recipients of benefits choose to live together, this changes not only their financial situation, but also their relationship of mutual dependence. Two single parents who want to form a new family and who have to manage with an integration allowance, risk losing half of their joint income. When their youngest child turns major, parents experience a reduction in their income and become dependent on (the income of) their child to be able to pay housing and household costs. Young adults who continue to live with their parents receive an integration allowance or a benefit at the cohabitant rate, which doesn't allow them to build a future for themselves. Often, the only choice for parents and young adults is for the young person to go and live on their own, whether they are ready for it or not, and whether they can afford it or not. "

decided to buy a house that is big enough to be able to help my children. People think we're taking advantage. It's true: my son 'takes advantage' of my house, but in order to make plans for the future, not to become a billionaire!"

The regulations relating to cohabitation not only undermine the right to start a family and the right to protection of family life, but also lead to inequalities between people who receive wages and those who live off benefits; between recipients of benefits depending on whether or not they live with a partner, and depending on the nature and amount of the partner's income; between men and women, and so on. Participants in the consultation wondered why people living in poverty can't choose to improve their financial or social condition by living with their family, friends or people they know, whereas people who work can. In order to regain a certain control over their lives, recipients of benefits seek makeshift solutions, such as renting a PO box or, in the case of fathers, 'supposedly' leaving their family. But these decisions rarely improve their situation, not to mention the fact that they risk being found guilty of fraud.

The consultation clearly revealed that the regulations relating to cohabitation aren't adapted either to the difficult situation and the life of people living in poverty, or to contemporary forms of living together. The notion of cohabitation applies to many forms of housing and (family) life, with people who can find themselves in different socioeconomic situations and have different relationships among themselves (more or less interdependent). At the same time, these regulations raise questions regarding the solidarity people want, can and must show.

Owing to the complexity of the regulations, it is very difficult to elaborate concrete recommendations to effectively tackle this problem. Furthermore, a number of possible recommendations raise a great many questions. On the other hand, the priority is clear for people living in poverty. Every citizen should have an income in line with human dignity, irrespective of the people whom they live with, that

allows them to freely make their own life choices. In addition, if the current regulations are modified, it is important to guarantee that this won't have a negative impact on people. That is why the Combat Poverty Service recommends drawing up an inventory of the real costs and real benefits of abolishing the status of cohabitant - as much for individual citizens as for society as a whole. It would also be a good idea to lead a debate on the abolition

of this status within the social security system because needs do not belong in an interdependent insurance system. Finally, it is essential to review the amounts for the different categories in the welfare system based on a realistic assessment of the supposed economy of scale.

CHAPTER III

Being a citizen means being able to assume one's responsibilities

People living in poverty also have responsibilities in their life and in society. However, because they don't have equal access to rights, they often don't have the means or the chance to assume these responsibilities. Besides this difficulty, which is regularly mistaken for incompetence or unwillingness, there is also a growing trend in our society of considering people accountable for their own situation.

This chapter deals with the obstacles people living in poverty face when they want to take responsibilities as citizens, in social life, in associations or on a political level, and as parents within their family.

1. Participation in society

Regarding participation in social life, many exchanges which took place during the consultation revealed the inequality experienced by people who want to take initiatives as citizens and who receive assistance or benefits. The fear of being punished for having shown solidarity is very present. Hence, the status of cohabitant is one of the main barriers to interpersonal solidarity given that people who are entitled to benefits as a single person, fear receiving less as a 'cohabitant', if they were to take in a close relative in difficulty. Another limitation is that if the recipient of the integration allowance, unemployment benefit or replacement income does voluntary work, the latter is subject to special conditions that can be very dissuasive. Indeed,

anyone who receives benefits and wants to take part in a voluntary activity, must declare this to the National employment office. The latter can refuse the activity, the most common motive being unavailability for work as a result of participation in a voluntary activity as well as suspicion of doing undeclared work, two elements that are sometimes assessed in a disproportionate manner. In case of refusal, the person is obliged to stop his voluntary activity as they may be penalised. This type of regulations creates a context of fear, where the recipient of benefits either doesn't dare to participate in an activity, or doesn't declare his activity in order to be able to continue it. This fear increases due to a lack of knowledge, and therefore bad communication, among the stakeholders concerned regarding what is and isn't allowed. Note that paradoxically, public authorities also put pressure on benefits claimants through activation policies, by inciting them to engage in 'community services'.

As for participation in associations, several participants in the consultation stated that they had regained some form of citizenship through their involvement in an association. Besides the positive action of associations in society, the latter also often act as 'citizenship triggers'. However, the shame associated with their situation, transport costs and other expenses linked with activities, as well as the lack of time, are all obstacles that appear once again for people living in poverty. Indeed, contrary to popular belief, they often have to juggle with a schedule filled with administrative procedures and

daily concerns. The challenge, for associations, is therefore to reach the poorest and win their trust during a process that takes time.

Finally, participation in society can take the form of participation in political processes: a citizen isn't simply an individual, he's also a full member of a community he participates in, which he would like to contribute to and have an impact on. Although all Belgians have the right to vote, exercising this right is not a straightforward matter: people who don't have an address can't actually vote. It is far more difficult for illiterate or uneducated people to vote in a well-informed manner, and those living in poverty generally don't feel represented by politicians. It is therefore important to develop and support initiatives aimed at giving back these people their civic and political power.

To conclude, poverty doesn't only infringe on social, economic and cultural rights, the civil and political rights of people living in poverty are also significantly affected. And yet, participation in society in all its forms is a powerful factor of social cohesion that deserves to be encouraged at all levels, on an individual, collective and state scale. Making such human rights effective means that public authorities shouldn't impede the exercise of individual freedoms, especially speech and association, through overly restrictive control mechanisms, for instance. It is also their responsibility to support associations that give a voice to the poorest, and to set up mechanisms that allow people living in poverty to participate in collective discussions as well as political actions through participatory decision-making processes. Hence, offering the most isolated people the chance to do unhindered voluntary work or initiate spontaneous solidarity, coupled with mandatory collective and institutionalised solidarity, is profitable to society as a whole.

2. Role as parent

During the consultation, it quickly became apparent that it was unthinkable to speak of citizenship and responsibilities without mentioning the family and parenthood. People living in poverty again expressed to what extent they wanted to take responsibility for their family as parents. Their hopes for their own family and their own children are extremely high especially when they themselves were put in care during their childhood.

But poverty and, even more so, extreme poverty puts families under pressure. The difficulties they must face simultaneously - an income that doesn't allow them to live in accordance with human dignity, no employment or precarious employment, substandard housing or no housing at all, etc. - make family life difficult or impossible. These difficulties, which are quickly assimilated with incompetence, lead to the removal of parental rights, which may result in children being placed in foster care or in an institution. The existence of a statistically significant link between a disadvantaged socioeconomic situation and placing children in care is made objective today. The consequence of this reality is that parents feel very vulnerable in their contact with services, and fear having to turn to them. Only support anchored in people's real life, which creates the possibility of acting autonomously, can be considered true support. Society's concept of what a 'good parent' is, also contributes to calling into question parenting skills.

Associations where poor people come together, fear that the emphasis on the fight against child poverty over the past few years is fuelling the perception of incompetency of parents insofar as it risks overshadowing the intrinsic link between child poverty and poverty of their family. However, it can help to raise awareness among policymakers regarding the impact of poverty on children and the importance of taking their point of view and their rights into account. This focus is necessary insofar as the measures taken in different areas (income,

housing, health, etc.) don't sufficiently take into account the impact they have on children. An example relating to food, provided by the Kinderrechten-commissariaat, is a good illustration of this link: the primary responsibility of public authorities in this domain, is to ensure that children have sufficient healthy food at home because *"meals eaten at home provide the best connection with the children's life: eating together, playing before and after meals, having a space to move and do homework. Public authorities can facilitate this by ensuring a sufficient level of income"*.

The chapter mentions the impact of several policies on the protection of family life: the status of foster families, child benefits, tax measures, early childhood services and education. It examines them by asking how they impact the way in which people living in poverty can exercise their parental responsibilities. Thus, for instance, the law of 19 March 2017, introducing a statute for foster families, offers the latter the possibility of being given almost full parental authority. Both associations where poor people can come together and fostering services believe that this will complicate relations between foster families and parents, and will consequently have a negative impact on maintaining the bond between parents and children in foster care.

After having mentioned the state's responsibilities towards families, i.e. taking appropriate measures to ensure families and their members reach their full potential, it is apparent that when parents aren't recognised as full partners, many of these measures are worthless. The relationship between parents living in poverty and professionals isn't a relationship of equals. The former are extremely dependent on the latter. This difference of position has a negative impact on the quality of the relations,

an essential element in providing the appropriate assistance. Furthermore, professionals in the field have to work in services where control often prevails over rights. Too little attention is paid to the professionals' limited room for manoeuvre. Some of them nevertheless try to apply the rules in a flexible manner. It is clear that families depend on the qualities of professionals to obtain quality assistance. Parents rarely feel as though they are partners in an assistance-based relationship. We have developed this finding based on the way the files on people are compiled. The majority of services – social assistance center, youth care services, etc. - write reports within the framework of their statutory tasks. But the people concerned generally aren't aware of what these reports contain. What is said about them and their point of view doesn't appear in them; they predominantly feature the professionals' account despite the fact that these reports often have a determining impact on the life of people and their close family, who are the subject of the report. These written documents are therefore a tool that reinforces the professionals' power and further weakens the people concerned. In this chapter, we mention an interesting initiative that could inspire others, whose objective is the reappropriation of the documents by the families concerned.

In theory, parents are increasingly considered as partners but there is still a large gap between theory and practice, owing to the place given to control, the lack of time and means, etc. *"The stake for associations lies in the political sphere regarding the recognition of parents and poor families as real partners, players, citizens and, above all, parents. And yet, this idea of recognition isn't anywhere to be seen anymore"*.

Chapter IV

Focus: the right to decent housing

Having a place to live and feeling at home is an essential element in everyone's citizenship. The importance of the right to decent housing, enshrined in Article 23 of the Constitution and in several international treaties, was emphasised by the participants. Given that housing was discussed at length during the consultation and that it affects different aspects of citizenship (equal rights, freedom, taking responsibilities), it is dealt with in a separate chapter in the report. This chapter, which contains figures relating to the three regions as well as interesting practices, confirms that this right is difficult to implement in situations of poverty and precarity.

Above all there is a shortage in affordable, good quality housing. Belgium has a large number of owners but this trend is changing as regards the less well-off sections of the population, especially in the Brussels-Capital Region. It is very difficult to access social housing considering its very low percentage compared with the overall housing market. The consequence of this is that the waiting lists to obtain housing are very full and, above all, very long. Therefore, the majority of people living in poverty are obliged to turn to the private rental market. Since the rent is very high, this causes a problem owing to low income from wages or benefits. People with a low income have to put a large amount of their budget towards housing. However, housing subsidies, mainly through taxation, are more aimed at the owners.

A second finding is that poor people are overrepresented in bad quality housing. Health standards exist to combat this phenomenon. They are essential but are accompanied by adverse

effects - rise in prices, reduction in the amount of housing - which cause a deterioration in the situation of vulnerable people. In reference to interesting local practices mentioned during the consultation, the question of a more flexible application of the quality standards in certain situations and in the interest of people, was asked. Such an application could only be envisaged on a small scale, because it is crucial to ensure the quality of housing for everyone. Measures such as compliance certificates and the moving allowance, which is granted according to the quality of the housing, may be interesting but they have their downside too; furthermore, their application doesn't always appear optimal.

In a context such as this, the number of vacant buildings is striking, especially the lack of exact knowledge about the situation. The municipal and regional authorities have legal tools to fight this phenomenon, but rarely use them. The occupation of an empty building is sometimes the only 'makeshift' solution for people living in extreme poverty. For others, it is an act of indignation in an effort to catch the attention of the public authorities. Local authorities seem to be prepared to authorise and support these occupations. But this benevolent attitude risks being undermined by the law approved in October 2017, which now facilitates the eviction of squatters and penalises the illegal occupation of any property.

Without being a real choice, the recourse of people living in poverty to so-called 'alternative' forms of housing is a way of dealing with the housing crisis. Sometimes, these types of housing can even correspond to a desire for greater freedom and

control over one's life. Permanent residency on a camping ground exists in Flanders and even more so in Wallonia. The two regions have developed specific and significantly different policies relating to this form of housing. The development of an outdoor living environment, within the framework of social housing, while retaining the positive elements of living on a camping ground, is likely to meet the aspiration of aiming towards something better. As for furnished bedsits, participants in the consultation were unanimous in saying that no-one really knowingly opts for this type of housing. The fact that homeless people and families live in tents isn't acceptable in a society such as ours. However, it is an act of respectable resistance faced with the lack of answers or inadequate answers given to people who find themselves on the street. And, finally, cohabitation which helps to reduce rental costs, often involves a loss of income for people who receive benefits as they pass from the single rate to the cohabitant rate. Labels such as 'community living' or the specific provisions of the shared tenancy agreement in the regional decrees relating to a tenancy agreement can overcome this adverse effect but are of no use in cases of spontaneous forms of solidarity, such as providing a family member or friend with temporary accommodation, which frequently happens in situations of poverty.

Mobile homes are a special case. In 2012, the International Human Rights Federation submitted the matter to the European Committee of Social Rights, which concluded the non-compliance of several articles in the Revised European Social Charter. One of the reasons is the very restricted number of available sites; the situation hasn't significantly improved since, despite positive initiatives. Another reason was the failure to recognise caravans as housing, in Wallonia. The Walloon decree on tenancy agreements adopted in March 2018, now recognises caravans as housing.

Added to the shortage of affordable, good quality housing, are several exclusion mechanisms. Potential tenants are more frequently subject to selection and discrimination on the private rental

market but the complexity of the procedures to access social housing means there is also a risk of unequal treatment. The most frequent type of discrimination is based on wealth and, in particular, the provenance of the income. Lessors understandably want to be assured of their potential tenants' solvency but the checks carried out can automatically exclude anyone who depends on benefits as their source of income. The '30 % rule', according to which a tenant presents a high risk of insolvency if they spend more than 30 % of their budget on rent, excludes many potential tenants, especially in Brussels. Some real estate agents ask for a rental promise to be signed along with a payment of up to EUR 500; this practice is an additional selection tool. The difficulty of putting together a security deposit is also a source of selection. The provisions whose aim is to make this easier to do, such as the bank guarantee and the neutral form, are all too often not used. Numerous stakeholders speak in favour of using regional funds for rental guarantees.

The second exclusion mechanism dealt with in the report is that of evictions as a result of substandard conditions. With few documented statistics, it is often the result of a particularly unfair situation where the tenant is doubly the victim. Not only are they living in substandard housing, they are also evicted within the framework of administrative procedures that provide less protection than a civil procedure. The tenants' right to be heard isn't very effective; repressive measures against owners are generally seldom applied. In theory, tenants can - in parallel to the administrative procedure - refer the matter to the justice of the peace to obtain compensation, but the problems of access to justice make this procedure difficult. The key issue associated with evictions as a result of substandard conditions, lies in the fact that the public authorities' obligation to rehouse someone is only an obligation of best endeavours. Hence, people who are evicted find themselves on the street, with no chance of being rehoused. Municipal authorities regret that they are sometimes reduced to using 'workarounds' in order not to evict inhabitants from

substandard housing. Finally, the problem of illegal evictions was also dealt with.

Conscious of the housing shortage and the eviction mechanisms which people living in poverty are the victim of, the public authorities have established support measures aimed at facilitating access to housing and keeping people in housing. These initiatives are positively perceived as complementary solutions to an overall increase in the housing offer, as long as they aren't obligatory. Joint tenancy committees could help to solve tenancy conflicts without taking legal action, which is difficult for the poorest to access. However, the pilot study wasn't extended. Finally, various initiatives exist, which offer alternative ways to become an owner. They are available to people with a low income, such as the Community Land Trust, but they only concern a very limited audience.

The issues dealt with during the consultation led the participants to ask about instituting a right to housing. The experiences in Scotland and France, where such a right exists, show that this isn't a miracle solution but it has led to a change in mindset. Housing is no longer considered solely in market terms but also in terms of human rights. Instituting a right to housing, associated with a

policy to create social housing, could help to meet citizens' housing needs, including the poorest among them. The ratification of Article 31 of the Revised European Social Charter, relating to the right to housing, would be a first step signifying Belgium's desire to move towards greater effectiveness concerning the right to housing.

Besides establishing a right to housing along with a massive investment in social housing, the Service recommends following three ways to increase affordable housing: measures regarding rent control, rent assistance, as well as regulated rent systems. These measures should be combined with provisions aimed at guaranteeing the payment of rent to landlords. Support measures can ease the impact of the rental market mechanisms that exclude people living in poverty. And, finally, it is the public authorities' responsibility to offer people currently living in 'alternative' forms of housing, solutions in line with the latter's aspirations and, in the meantime, abstain from taking measures that make them even more vulnerable. Instead they must act in order to allow those concerned to 'move towards something better'.



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