

The Centre in 2010

2010 ANNUAL ACTIVITY REPORT

CENTRE FOR EQUAL OPPORTUNITIES
AND OPPOSITION TO RACISM



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INTRODUCTION



For a number of years now, the Centre for Equal Opportunities has published four annual reports:

- » three special reports on the tasks falling within the Centre's jurisdiction: the *Annual Report on Discrimination/Diversity*, the *Annual Report on Migration* and the *Annual Report on the Trafficking and Smuggling of Human Beings*;
- » one report on the Centre's general activities, explaining how it carries out its statutory tasks as described in the organic law of 15 February 1993.

The last report, the Annual Report on General Activities, is the one you have before you now.

The year 2010 was one of **consolidation** and **preparation**.

Consolidation. The Centre strengthened its structural collaboration with the regions and communities, both with Flanders and with the French Community and the Walloon Region. In the course of 2011 the Centre expects to conclude similar collaborative agreements with the Brussels-Capital Region and the German-speaking Community. These agreements are in line with the potential conversion of the Centre from a purely federal institution to an 'interfederal' body based on a collaborative agreement among the country's various political entities.

Long-term projects were also consolidated, such as the Diversity Barometer and the socioeconomic monitoring of persons of foreign origin. In the context of the *Round Tables on Interculturality*, an initiative of Equal Opportunities Minister Joëlle Milquet, the Centre considered the sensitive issue of 'reasonable adaptations'. This thought exercise will continue in 2011.

Consolidation cropped up internally as well, with the development of a new job ranking system and a new wage agreement to match. This allowed a reassessment of wages and remains within the limits laid down by the Board of Governors. A separate job ranking system and wages policy also represents a preparatory step in setting up the interfederal Centre.

Finally, the drafting of a new **Strategic Three-Year Plan for 2011-2013** ensures good **preparation** for the next three years. Before the Board of Governors approved the Strategic Three-Year Plan for 2011-2013

on 8 December 2010, the previous Strategic Three-Year Plan for 2008-2010 was thoroughly evaluated. This was done both by a team of external consultants and during many preparatory meetings and a strategic two-day meeting open to all staff of the Centre.

Finally, 2010 was also characterised by the **Belgian Presidency of the EU**. The Centre was actively involved in the latter as an organiser or co-organiser of a wide range of important and successful events, thereby making a modest but valuable contribution to the success of the Belgian EU Presidency.

Edouard Delruelle, *Deputy Director*
Jozef De Witte, *Director*

CHAPTER I: GENERAL OUTLINE



Tasks, structure and organisation of the Centre

When it was founded in 1993, the Centre had jurisdiction only with respect to combating racism. Today, its powers are much wider. The Centre's statutory tasks are currently founded on two **main pillars**:

- » The **'Discrimination / Equal Opportunities' pillar**, with the task of promoting equality of opportunity and combating all forms of discrimination, exclusion, restriction or preferential treatment based on nationality, 'race', skin colour, descent, or national or ethnic origin; but also based on sexual orientation, marital status, birth, wealth, age, religion or ideology, present or future state of health, disability, political conviction, physical or genetic characteristics, or social origin ⁽¹⁾. Gender-related issues are the preserve of our sister institution, the Institute for the Equality of Women and Men. The Centre does not have jurisdiction for discrimination on the basis of language: the government has yet to designate an authority to deal with such reports.
- » The **'Migration' pillar**, with the tasks of ensuring

respect for the basic rights of foreigners, informing the authorities about the nature and scale of migration flows and promoting the struggle against the trafficking and smuggling of human beings.

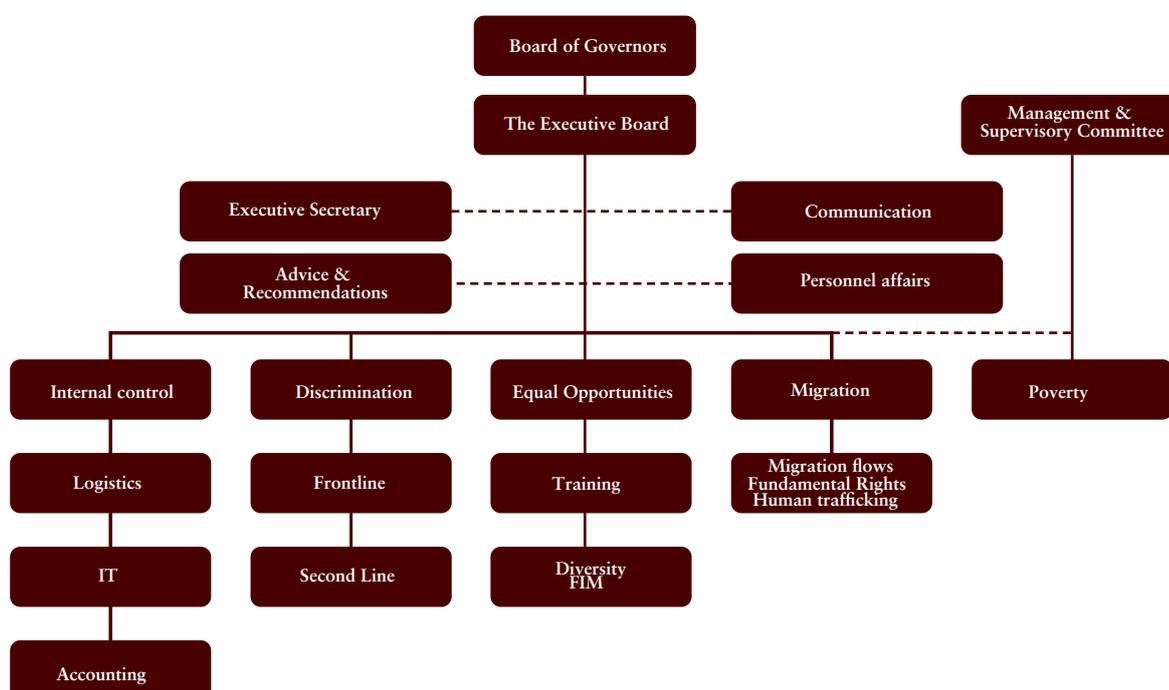
In 1999, the **Support Point for combating poverty, economic insecurity and social exclusion** was added to the Centre. The Support Point has separate tasks of its own, works with separate administrative bodies and a separate budget, and does not fall under the responsibility of the Centre's Board of Governors and Executive Board. Page 28 outlines the Support Point's activities in 2010.

The act which established the Centre states that it is **completely independent** in the performance of its tasks and carries them out in a **spirit of dialogue and collaboration** with associations, institutes, bodies and services carrying out similar tasks or directly involved in the performance of those tasks.

The Centre carries out three tasks within each of its two pillars. First, it deals with incoming reports. At the very least, the Centre responds to each report and attempts to find adequate solutions to the problem

¹ The powers of the Centre have not yet been formally extended to the criterion of 'trade union affiliation' that was included in the list of criteria protected by the anti-discrimination law in 2009 following a judgment of the Belgian Constitutional Court.

Following the Centre's internal reorganisation in 2009, its organisation chart is currently as follows:



highlighted as quickly as possible. In doing so, it takes account of the rights and interests of all of those involved. Second, the Centre disseminates information, works on awareness-raising campaigns and organises training courses. Here too, its aim is to help people and organisations resolve deep-seated problems. Finally, the Centre provides advice and recommendations to ensure that recurring problem situations can be remedied based on adapted rules and regulations.

To tackle the wide variety of tasks assigned to the Centre, across-the-board consultation is essential. This

was a focus of special attention in 2010. The Centre has a number of working groups comprising staff members from different departments who broaden the Centre's expertise in certain sectors (employment, housing, education, intercultural harmonisation etc.) and specific subject areas (disability, 'race' etc.).

The Centre is governed by a Board of Governors of a pluralistic composition. The Board comprises 21 effective members and 21 deputies, appointed for a period of six years. Of the 21 members, 7 are put forward by the community and regional governments.

Composition of the Centre's Board of Governors as of 31 December 2010

Effective members	Deputies
Hervé Hasquin (Chairman)	Isabelle Mazzara
Ann Verreth (Deputy Chairperson)	Tinneke Huyghe
Bernard Blero	Fatima Shaban
Jan Boulogne	Anne-Marie Vangeenberghe
Anne-Emmanuelle Bourgaux	<i>Ahmed Laaouej</i>
Eddy Boutmans	Kurt Demeester
Naima Charkaoui	Hakim Boutkabout
Diane Culer	Chico Kebsi
Claude Debrulle	<i>Zakia Khattabi</i>
Eugène Dimmock	Machteld Ory
Badra Djait	Jochen Soetens
Afaf Hemamou	Mohammed Tijjini
Laura Iker	Fabien Paelmans
Carine Jansen	Alain Jacobeus
Véronique Lefrancq	Benoît Drèze
Eric Lemmens	Gisèle Marlière
Alexander Miesen	Ingrid Inselberger
Liesbet Stevens	Karin Van Mossevelde
Soetkin Suetens	Khadija Zamouri
Renaat Vandevelde	<i>Ina Vandenberghe</i>
Steven Vansteenkiste	Lieve De Cocq
Government-appointed director	
Philippe Bouchat	

Italics = retiring

The Centre in figures

- » As of 31 December 2010 the Centre has **101** full-time equivalent employees (FTE): **86.31** within the staff plan; **5.8** in projects; **8.8** in the Poverty Support Point.
- » In 2010 the Centre received a total of **4 500** complaints. Around **56%** of those were made via the website.
- » Noticeably, more men (**64%**) than women (**36%**) filed complaints.
- » Languages used for the complaints were **45%** in Dutch and **47%** in French.
- » Discrimination was the topic of **80%** of the complaints and **20%** concerned the basic rights of foreigners.
- » **1 794** files were ultimately opened for which the centre has jurisdiction.
- » **107** files were passed on to other competent or specialised authorities.
- » The Centre took **16** of the casefiles to court and also initiated **6** legal procedures in the fight against human trafficking.
- » The Centre provided **344** hours of information sessions (less than ½ day) and **640** hours of training (minimum ½ day), reaching a total of around **6 350** people.
- » In the context of the Belgian EU Presidency, the Centre attended **6** conferences, workshops etc.
- » The Centre is involved in **7** international associations (EQUINET, FRA, NCP INT, NCP EMN, ECRI, ODIHR and the UN).
- » The Centre issued a total of **45** opinions and recommendations: **8** on discrimination and equal opportunities, and **37** on migration.

CHAPTER 2: DISCRIMINATION / EQUAL OPPORTUNITIES



Discrimination

Frontline Service

The Frontline Service is the first point of contact with the Centre. This service provides an initial answer to inquiries within a reasonable space of time.

The Frontline Service provides a permanent point of contact by telephone for those seeking information, wishing to report discrimination or requesting advice on their basic rights as foreigners. One morning a week, there is an open session when visitors can come to the Centre in person. The Service also accepts visitors on other week days by appointment.

As of 31 December 2010, the team consists of 9 staff members (FTEs).

The tasks of the Frontline Service: registration, advice, information, referral

In the fight against discrimination, the Frontline Service provides information about the Centre's powers and advises individual complainants. The Service ensures a professional welcome and proposes specific solutions to complainants to help them out of a difficult situation. As soon as a complainant requests assistance, a file is opened. After initial analysis it is passed on to the Second Line Service.

The Frontline Service also provides information and advice on foreigners' basic rights, particularly on administrative issues concerning territorial access, residence, establishment and expulsion of foreigners. Specifically, it deals with the options for regularising residence or procedures for reuniting families, access to Belgian nationality or the labour market etc. To ensure that people contacting the Centre receive the best possible follow-up assistance, the Service occasionally contacts local and federal authorities or lawyers.

The Frontline Service frequently receives queries that, after analysis, turn out not to fall within the Centre's jurisdiction. In this case the service refers these complainants to the best of its ability to other authorities better placed to advise them. These include social services, ombudsmen, administrations, lawyers etc. For example, complaints of discrimination based on

gender are referred to the Institute for the Equality of Women and Men.

Introduction of a processing and registration system: METIS

The Frontline Service also led the way in the implementation of a new information technology (IT) system for the processing and registration of complaints and files: METIS. This system is used both internally (by the Frontline Service, the Second Line Service and the Migration Department) and by external partners, such as the various Flemish focal points and the Equal Opportunities Directorate of the Ministry of the French Community.

METIS is a web platform that allows complaints and casefiles to be processed and forwarded to internal services or external partners. A number of safeguards are built in so as to protect personal data.

By storing (anonymised) data concerning complainants, the facts of the case, the persons involved and the outcome of a request, METIS is able to produce reliable data. This gives a picture of the reality in terms of discrimination or foreigners' basic rights.

Second Line Service

The Second Line Service has 16.5 full-time equivalent staff members, just over half of whom are lawyers. Although the handling of individual discrimination files and hence the application of the laws are part of the Services main duties, a multidisciplinary (i.e. not purely legal) approach is necessary. As a result, the Service can anticipate as fully as possible the expectations of complainants and the need to find solutions outside of the formal procedures defined by the anti-discrimination and anti-racism laws.

One of the Service's main tasks is to handle individual casefiles relating to discrimination based on all of the criteria for which the Centre has jurisdiction (age, disability, sexual orientation, 'racial' criteria, religion or ideology, wealth, state of health etc.) in all areas of social life (employment, housing, insurance, education, restaurants, police, cyber-hate etc.).

In 2010, the Second Line Service opened and dealt with 1 466 casefiles. This means that each staff member opened just over 90 new casefiles on average. On top of this were files from previous years that were still being processed in 2010. For a more detailed overview of these figures, see the Annual Report on Discrimination/Diversity.

In processing individual reports, the Centre aims first and foremost to arrive at amicable solutions. In the most serious and flagrant cases, or where a dialogue proves impossible, the Centre will refer the case to judicial and/or disciplinary authorities. In 2010 this was the case for only 3.3% of the files (49 out of 1 466) (and this relates both to ordinary complaints and legal cases).

The Second Line Service does not confine itself to handing individual files. It draws lessons from the casefiles it handles, with a view to acting in a more structural and/or preventive manner in the future.

Among other things, staff members contribute through multidisciplinary groups to the development of policy instruments, studies and research projects. These are presented in the chapter on the Diversity Service and/or in Chapter 4 of this Annual Report.

Cyber-hate

Cases of cyber-hate can also be reported via the Centre's website (www.diversiteit.be). Two staff members from the Second Line Service handle the cyber-hate cases, in close collaboration with the Frontline staff.

Collaboration

The Centre has concluded various collaborative agreements or protocols with authorities and partners in the field (organisations, trade unions etc.). Almost all of these protocols contain a section on complaints and

individual casefiles and lay down rules on the specific collaboration for the handling of such cases.

» **With the Walloon Region and the French Community**

Collaborative protocols were signed between the Centre ⁽²⁾ and both the Walloon Region and the French Community in the context of the approval of the anti-discrimination decrees. Thanks to these protocols, it was possible in 2010 to employ three staff members in the Second Line Service and one in the Diversity Service. These staff members are responsible for handling cases relating to the powers of the region (public transport, vocational education etc.) and the community (education, culture etc.).

» **With Flanders**

The agreement between the Flemish Government and the Centre was extended in 2010 in view of further development of the Flemish Discrimination Reporting Points. These use the electronic file management system (METIS) and the Centre offers its staff: training, a helpdesk, collaboration on files and support in local consultation.

» **With the Brussels-Capital Region**

A collaborative protocol has been signed between the Centre and the Territorial Employment Pact. This replaces the long-standing agreement with Actiris.

» **With other partners, including:**

Trade unions: ACV, ABVV, ACLVB

Specialised associations/institutions:

- » *Sexual orientation:* Alliège, Arc-en-ciel Wallonie, Çavaria, FAGL, Tels Quels, Het Regenbooghuis
- » *Disability and health:* AFRAHM, Altéo, ANAHM, Association socialiste de la personne handicapée, Nationale Hoge Raad voor Personen met een Handicap, Federatie van Vlaamse dovenorganisaties, Fédération Francophone des Sourds de Belgique, Handiplus, Inclusie Vlaanderen, Katholieke Vereniging Gehandicaptten, het Brailleliga, Ligue des Droits de l'Enfant, Oeuvre national des aveugles, Sensoa, Vlaamse Diabetes Vereniging vzw, Vlaamse Federatie Gehandicaptten, Vlaamse Liga Tegen Kanker

The Centre also works in collaboration with the Walloon Integration centres.

Equal Opportunities

Training Service

The Training service has 10 staff members and the following tasks:

Registration and analysis of queries addressed to the Centre concerning training, information and awareness-raising

The Centre is frequently asked to organise information sessions (presentations about the Centre, its tasks and anti-discrimination legislation), awareness-raising events (interactive sessions for small groups) or training (interactive one-day or two-day courses, tailor-made for professionals). Thanks to thorough analysis, the Service is able to respond as appropriately as possible to these queries and take account of expectations, public and subject matter. The Service relies on both its own staff and staff from other services. In some cases it refers to external speakers, to cope with demand better. Such analysis also allows a better understanding of priorities.

Internal training and support

For a number of years now, the Training Service has been developing activities targeted at the various staff members and services of the Centre: methodological or didactic support in order to prepare for or carry out information, training or awareness-raising activities, and supervision and coordination of information sessions for staff of the Centre etc.

External training

How can minority groups vulnerable to discrimination be received in a private organisation or public institution? How can diversity be introduced in organisations and how can teams be managed specifically to avoid or resolve conflicts? How can people understand, listen, act, learn and work in a multicultural environment? These are some of the questions that the Training service attempts to answer, together with the users involved. Training courses and thought exercises are based on methodological instruments and

leave a lasting impression on participants. The Training Service has a contextual approach to the training process that takes account of individual, collective and structural problems.

Its training and awareness-raising or supervisory activities relate to subject areas within the Centre's jurisdiction. Examples include: intercultural communication; dealing with stereotypes, prejudice and discrimination; managing conflicts in an intercultural context; diversity management; training of trainers and anti-discrimination legislation.

The Centre also offers tailor-made training specifically geared to clients' needs and expectations. The training is based on participants' experience and their descriptions of that experience. It explores participants' attitudes to others, be they clients or colleagues. The debates are anchored in the participants' experience. They are asked for their opinions on the difficulties, frustrations and sometimes the anger they face in their day-to-day work.

The Centre also provides external training to the Belgian police. In 2010 this collaborative agreement became indefinite, whereas it had previously been renewed on an annual basis. Under this agreement, two staff members from the Centre are able to give basic and advanced training and provide services to all police services and police zones wishing to make use of the Centre's courses and expertise.

Diversity Service

The objective of the Diversity Service is to promote diversity in the different areas of economic, social and political life (employment, housing, education etc.). The service has 13 staff members.

The Diversity Service achieves this objective by adopting a multidisciplinary approach. For example, it works with the different services of the Centre but also with external partners in order to:

- » develop opinions and recommendations;
- » provide a forum for various actors;
- » set up studies and research projects and collect relevant data;

- » participate in (depending on the services priorities) awareness-raising and informational activities and/or develop such activities. This is also done via project support during the execution of a diversity policy;
- » refer people to other assistance providers where necessary.

The Diversity Service encourages multidisciplinary thinking by setting up subject-related working groups comprising staff members from different services: employment, housing, education, care, disability, sexual orientation, cultural harmonisation etc.

The Impulse Fund for Migration Policy

The Federal Impulse Fund for Migration Policy (FIM) was set up in 1991. It aims to support projects that tackle the social integration of persons of foreign origin, contribute towards preventing discrimination and promote intercultural communication.

The FIM is managed by a Committee that lays down rules and priorities on an annual basis and decides which projects are to be funded, acting on proposals put forward by federal, regional and community governments.

The Committee is composed of representatives of the Belgian federal government, representatives of the regional and community governments and a representative of the Centre.

The *Centre is responsible for the* secretariat (administrative and financial supervision) of the FIM and does not make decisions.

The funded projects must tackle one of the integration aspects mentioned below and address the set priority themes:

- » promoting equality and diversity in all sectors of social, cultural and economic life;
- » participation in social, cultural, economic and political life and acquiring useful tools for exercising freedom of choice and personal autonomy;
- » improving exchanges and mutual understanding between the different communities as well as intercultural dialogue;
- » support for local initiatives towards social cohesion;

- » social and cultural diversity of the public as well as diversity in age and gender;
- » the emancipation of women and girls;
- » fighting racism and discrimination.

A call for projects is published each year in the Belgian Bulletin of Acts, Orders and Decrees. In 2010, the FIM was granted a budget of EUR 8 million, which was used to fund 551 of the 825 subsidy applications.

With a view to improved file handling, part of the administrative and financial monitoring of the projects has been computerised since 2008 through the implementation of a web application. This application has led to time savings in the handling of applications, a paperless environment and greater transparency for promoters and the FIM team. Promoters are able to consult the status of their application online at any time.

For the Centre, this means that it is now able to gain a better picture of the history of each project. It now also has the ability to generate an entire series of documents automatically.



CHAPTER 3: MIGRATION



Ensuring respect for the basic rights of foreigners

Individual reports

In the Migration Department, several staff members are responsible for handling files relating to immigration laws. They analyse and monitor the case files passed on by the Frontline Service and hold weekly coordination meetings with the Service.

In 2010, the Centre received 890 reportings and opened 250 files relating to immigration laws. Although these mainly concern advice, information and referrals, these accounts give a good idea of the difficulties in the field and thus enable the Centre to fulfil its observer role more effectively. The preponderance of certain types of accounts during certain periods, or recurring administrative problems, indicate a trend in the field. Knowledge of these trends contributes to effective analysis of phenomena.

In 2010, for example, the supervision of regularisation applicants accounted for a large proportion of the work. The Centre mainly concentrated on the long application processing times, both in the local authorities and in the Aliens Office and on the application of regularisation criteria as laid down in the statement of 19 July 2009. In this context, the Centre dealt with many queries relating to the situation of Tibetans in Belgium and had regular contact with the Office of Tibet in Brussels to that end. It also focused on the problems encountered by European citizens in their contacts with local authority offices.

Just like last year, the Centre received many inquiries about the right to family life: marriage procedures; entering into a legal cohabitation contract; recognition in Belgium of a marriage contracted in another country; controls on sham marriages etc.

In 2010, the Centre provided support and advice to aliens, as well as to their lawyers and family members, being held in administrative detention in an INAD centre after being refused entry to Belgium.

The Centre also received a number of queries about obtaining Belgian nationality. These mainly concerned the statutory residence period needed in order to obtain nationality; the time periods taken into account in calculating the statutory residence

period; the consequences of interruptions of those periods – sometimes for only a matter of days – and the possibility of removal from the registers. Some of these queries are dealt with in the 2010 Annual Report on Migration.

Training, consultation, studies, opinions and recommendations

The Centre regularly receives applications for training in immigration law. In 2010, it provided training in the context of the ‘social orientation’ training course offered by the non-profit organisation BON (Brussels Onthaalbureau voor Nieuwkomers or ‘Brussels reception of newcomers’). The Migration Department itself took part in a training course on administrative detention of foreigners and a retreat on the use of DNA tests as part of the family reunification procedure. Both activities were organised by the Association pour le droit des étrangers (ADDE) (organisation specialised in legislation concerning foreigners). The Department also took part in training courses on recent developments in migration at the nursing school of the Hogeschool-Universiteit Brussel. The Centre addressed the symposium on ‘30 years of immigration law’ organised in Leuven on 15 and 16 December 2010 by K.U.Leuven and the University of Antwerp Legal Research School.

In 2010, the Centre organised a number of meetings with various actors involved in the management of INAD centres (at national and regional level). These meetings were held in the context of the Centre’s work on the basic rights of foreigners in detention centres. This work will continue in 2011. The Centre also actively participated in a working group on the right of family reunification organised by the Koning Boudewijn stichting (King Baudouin Foundation).

The Centre attends the monthly contact meetings of the Belgian Refugee Council as a fully-fledged member; it attends meetings as an observer of the closed centres’ Visitors Group – coordinated by CIRE (Coördination et Initiatives pour et avec les Réfugiés et Etrangers or the coordination of and initiatives for refugees and foreigners); it also participates as an observer in the Platform voor Minderjarigen in Ballingschap (platform for minors in exile).

The Flemish Government's Minister for Sport sought the Centre's opinion on the FIFA regulations with regard to the entry of young athletes not holding Belgian nationality. That opinion was the subject of a Committee debate on 25 May 2010 in the Flemish Parliament. The Centre prepared its opinion at the invitation of and in collaboration with the Children's Rights Commissioner. Following on from this, a Flemish Government working group published a booklet containing practical information for associations and sports clubs.

As the National Institute for Human Rights ⁽³⁾ in Belgium, the Centre addressed the UN on 25 and 26 May 2010 on the issue of the basic rights of migrants working as servants.

The Centre is keen to encourage the debate on (aspects of) migration policy. On 28 May 2010, a seminar was organised on the issue of taking mental health into account in asylum procedures. On 26 November 2010, the Centre held a symposium on the challenges posed by the implementation of the 'repatriation directive'. Although this directive raises a number of questions, the symposium focused mainly on two aspects: voluntary repatriation and the refusal of entry. The Centre regards the directives transposition as an outstanding opportunity to promote voluntary repatriation: the

3 In March 2010, the Centre was again recognised by the UN as a human rights institution with a B status.

preference for voluntary over compulsory repatriation can be enshrined in law through its transposition. The symposium also discussed the refusal of entry. This is a new instrument in Belgian legislation, certainly on this scale, and its implementation raises a number of questions (e.g. automatic or not, legal remedies, exceptions, links with the Schengen information system).

In late December 2010, the Justice Committee of the lower house of the Belgian Parliament sought the Centre's opinion on the reform of Belgian nationality legislation. That opinion was provided on 4 January 2011. It dealt with the basic principles of Belgian nationality legislation (a law based on subjective rights, the definition of legal residence, the migration neutrality of nationality legislation, the role of a language requirement, denationalisation etc.).

The Centre also took part in the supervisory committee of the Family Reunification Fund for recognised refugees, which is managed by the Belgian Refugee Council, and in the Advisory Committee of the General Delegate for Children's Rights of the French Community.

On International Migrants Day (18 December) in 2010, the Centre joined a call to ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The Convention celebrated its 20th anniversary in 2010.

Providing information about flows of migrants

The Centre fulfils its task of providing information on the nature and extent of flows of migrants via several publications. This includes a demographic and statistical report on the presence of foreigners in Belgium, produced in collaboration with the IACCHOS institute of the Université Catholique de Louvain. The 2010 Annual Report on Migration takes up its main findings.

In collaboration with the same academic partner, the Centre published a demographic study in 2010 on the characteristics of Congolese migration to Belgium,

taking the 50th anniversary of Congolese independence as its starting point. Among other things, the study disputes the impact of the various reforms of nationality laws on the Congolese presence in Belgium. On 1 June 2010, a symposium was held on this topic in the Atomium. This study will be followed by a study of Moroccan and Turkish migration.

The Centre is the initiator of the 'ROUTE' research project – carried out by K.U.Leuven, the ULB, the UA and the ULG – on the development of a statistical module for a long-term follow-up of regularised

persons. The Centre also took part in a working group for the collection of statistical data on unaccompanied foreign minors under the aegis of the Belgian National Commission for the Rights of the Child.

In 2010, the Centre continued its work for the Belgian contact point of the European Migration Network (NCP-EMN: see also Chapter 4). For example, in the context of the Belgian EU Presidency, the Centre actively contributed to the organisation of a conference (on 29 September 2010) on the long-term follow-

up of migrants. During this conference, experience was exchanged at national and international levels concerning the long-term monitoring of flows of migrants (the evolution over time of the legal, social and political situation of migrants).

The Centre also gave a lecture on the connection between migration and Belgium's demographic needs at the symposium on 'Freedom of movement: from utopia to necessity' organised by the Liga voor Mensenrechten.

Encouraging the fight against human trafficking

In 2010, the Centre continued its efforts to improve controls on the trafficking and smuggling of human beings. In October 2010, it presented its 2009 Annual Report on the Trafficking and Smuggling of Human Beings, entitled 'In a haze of legality'. This Annual Report focuses on economic exploitation and is structured by subject area. It queries the status of victims of human trafficking and highlights the lack of statistics. It ends by making 10 recommendations. This report was submitted to the Justice and Internal Affairs Joint Committee of the Belgian Senate on 9 November 2010 and, on 16 December, a briefing on the report was given to the Board for combating tax fraud and social fraud.

With this Annual Report, the Centre fulfils its role of 'National Human Trafficking Rapporteur'. For this reason, the report is available in full in English. As de facto National Rapporteur, the Centre actively took part in two meetings of national rapporteurs at the European Commission. One of these was devoted to the indicators of human trafficking, and the other to the gathering of data.

On 19 January 2010, the Centre was the first guest of the Human Trafficking Working Group set up by the Belgian Senate. During the various hearings, frequent reference was made to the Centre's annual reports. The Centre also collaborated on the 'Panorama' programme entitled 'Ze zijn zo lief meneer', which was broadcasted on VRT (first shown on 3 January and again on 25 July 2010). This programme was frequently cited during the policy discussions within

the Senate's parliamentary working group.

The Centre continued its activities within the Interdepartmental Coordination Cell for fighting trafficking and smuggling of human beings, and provides its secretariat. In addition to the monthly meetings of the Office of the Coordination Cell, the tasks of certain working groups, such as the working group on interpreting, were completed. The Centre also took part in the evaluation meetings on the multidisciplinary circular of 26 September 2008, specifying the collaboration of all parties involved. On the occasion of the fourth Anti-Trafficking Day, the Centre – as a member of the Interdepartmental Coordination Cell – participated in preparations for the conference entitled 'Towards a multidisciplinary approach to prevention of trafficking in human beings, prosecution of traffickers and protection of victims', which took place on 18 and 19 October under the Belgian EU Presidency. The Centre played the role of shadow rapporteur during one of the sessions. In the same week, the Centre also took part in a symposium on human trafficking and economic exploitation organised by the Samilia Foundation.

In 2010, the Centre worked closely with the three victim support centres for victims of human trafficking (Payoke, Pag-Asa and Sürya) to set up a common information system for electronic dossier management and to compile a database of victims' statements.

The Centre contributed to awareness-raising and training in the area of trafficking and smuggling of

human beings at a variety of national and international symposia and seminars. To name just a few: the seminar on domestic help organised by the King Baudouin Foundation on 27 April 2010, and the conference entitled 'Mintegration: on new forms of migration and integration', organised by the Centre for Migration and Intercultural Studies (CeMIS) of the University of Antwerp.

The Centre made various contributions to a special edition of the "Tijdschrift voor Strafrecht en Criminologie", entitled 'Traite des êtres humains / Menschenhandel-mensensmokkel', under the professional direction of Ch.E. Clesse. This publication formed the basis of a symposium held on 26 May 2010 in Brussels with the cooperation of the Procurator-General with responsibility for human trafficking, which was attended by large numbers of magistrates and lawyers.

At an international level, the Centre coordinated the working group on judicial prosecutions of the international workshop 'Laborex' on economic exploitation, which was held on 2 February 2010 in Maastricht. This was attended by a large number of magistrates and inspection services from various countries. The Centre also lent its expertise to the drafting of international reports such as the report on 'Analyzing the business organization of trafficking in human beings, in order to decrease vulnerabilities to human trafficking and to better prevent the crime', which was produced by the Organisation for Security and Cooperation in Europe (OSCE) and the report on forced labour and human trafficking issued by the International Labour Organization (ILO).

Finally, the Centre held training sessions and presentations for lawyers, social inspectors, police officers, social workers, students and international actors, including the Finnish Ombudsman for Minorities, who is also the National Human Trafficking Rapporteur for Finland. In 2010, the Centre was also visited by a number of international delegations, including a Vietnamese delegation seeking to find out about the Belgian approach to fighting human trafficking.



CHAPTER 4: INTERNATIONAL ACTIVITIES, PUBLICATIONS AND EVENTS



International collaboration

Within the European Union

Equinet is the European network of institutions promoting equal opportunities and equal treatment. The network aims to promote collaboration and the exchange of information and legal expertise between the institutions. Equinet published a number of studies in 2010 (the list is available at www.equineteurope.org), with repeated contributions from the Centre.

The European Fundamental Rights Agency (FRA). Until the end of June 2010, the Director of the Centre had a seat on the FRA's Management Board. After that the seat was given to the head of the Discrimination Department. The FRA has the following three tasks: collecting and analysing data; advising European institutions and Member States; and collaborating with society and raising the awareness of the general public. As they do every year, the Centre and all other national contact points of the RAXEN network (racism and xenophobia) provided the FRA with a report containing all the data collected in 2010 in relation to racism and xenophobia, allowing the FRA to incorporate those data into its annual report. The year 2010 was also the last of the RAXEN project, which has been replaced by FRANET as of 2011. FRANET covers almost the entire field of human rights, so the Centre is no longer the designated partner.

- » www.fra.europa.eu/fraWebsite/research/raxen/raxen_en.htm
- » www.fra.europa.eu

The European Commission's network of National Contact Points for Integration (NCP-I). The Centre is the Belgian contact point for the NCP-I. In 2010, the Centre coordinated the preparatory work for the European Inter-ministerial Conference on Integration under the Spanish Presidency and, in consultation with the regional governments, prepared and monitored the input for the Zaragoza Draft Declaration. During the Belgian EU-Presidency, the Centre, as the National Contact Point, worked closely on a European 'Expert Conference on European Integration Modules'. This conference, which was prepared in collaboration with the Belgian regional governments, substantially contributed to the European Commission's work for the development of three European Integration Modules. In particular, the conference dealt with terminological focus and a shared understanding of the concept of 'module'.

The European Migration Network (EMN). In 2010, the Centre continued its work as the Belgian National Contact Point of the European Migration Network (NCP-EMN). This contact point consists of four Belgian institutions, one of which is the Centre. In 2010, the contact point published a policy report, a statistical report, two special studies and four editions of its electronic newsletter. The contact point also took part in the EMN's European activities and organised an international conference on the long-term follow-up of immigrants' trajectories. Preparations were made for the launch of a national website scheduled to come online in 2011. From April 2011, the EMN's publications can be downloaded from the Belgian contact point's website or the EMN's own website.

- » www.emn.europa.eu
- » www.emnbelgium.be

The Council of Europe

The European Commission against Racism and Intolerance (ECRI) joins the fight against racism, xenophobia, anti-Semitism and intolerance within Europe based on the conviction that human rights must be protected. A representative of the Centre has a seat on the ECRI under his own name, as do all the members, who were selected based on their expertise in the field of fighting intolerance. All ECRI members are independent and impartial in performing their duties.

- » www.coe.int/ecri

The Organisation for Security and Cooperation in Europe (OSCE)

The Centre takes part in the activities of the Office for Democratic Institutions and Human Rights (ODIHR) within the **Organisation for Security and Cooperation in Europe (OSCE)**. The Centre is one of the National Contact Points in the fight against hate crimes.

- » www.osce.org/odihr

The United Nations

The National Human Rights Institutions Network (NHRI), and more specifically the European network of national human rights institutions, ensures that human rights are sufficiently protected in European decision making and legislation. In June 2007, the network set up the working group on 'Asylum and Migration', which is led by the Centre in collaboration with the Deutsches Institut für Menschenrechte.

» www.nhri.net

The United Nations Human Rights Committee is a continuation of the 1996 International Covenant on

Civil and Political Rights (ICCPR). The Committee is composed of 18 members. Every four years, the Member States that have signed the pact submit a report to the Committee, which can also seek verbal clarification. After that, an analysis is published on the positive, but also on the disturbing aspects, of the implementation of the ICCPR by the Member States. Belgium submitted its 5th 4-yearly report on 14 and 15 October 2010 in Geneva. That report, the written contributions, and an alternative report by NGOs and the Committee's analysis can be found at:

» www2.ohchr.org/english/bodies/hrc/hrcs100.htm online.

Some of the Centre's international activities

- » 17-19 January 2010: participation on behalf of the ECRI in a FRA seminar on 'hatespeech in the sport's world'.
- » 28-30 January 2010: participation in 'Le temps des tribus et des ghettos?' during the 'La barbarie' symposium at the Université de Nice.
- » 2-3 February 2010: participation at the conference on 'Fundamental rights in the EU in view of the accession of the Union to the European convention on human rights and fundamental freedoms', organised by FRA in Madrid.
- » 11 March and 20 September 2010: participation on behalf of the ECRI in a working group on traveller racism in Strasbourg and Paris.
- » 8-10 April 2010: participation in a 'National legal workshop: combating and preventing discrimination by the means of criminal law', organised by the Commission for Protection against Discrimination in Sofia.
- » 14 April 2010: participation in the '2nd cooperation and coordination meeting between FRA and Equinet' in Vienna.
- » 23-25 April 2010: presentation of 'Peurs, haines, colères. Matériaux pour une typologie des passions politiques' during the symposium entitled 'La pensée et l'action dans le pouvoir. Colère : dynamiques soumission-insoumission et création politique', at the Université de Lausanne.
- » 7 May 2010: FRA conference on 'Strengthening the fundamental rights architecture in the EU' in Vienna.
- » 20-21 May 2010: Inach (International Network Against Cyberhate). The Centre's participation in the members' meeting on the topic of 'Efficient approach of international network websites' in Brussels.
- » 22-26 May and 1-5 November 2010: Supporting the Equal Employment Opportunity Commission in Israel.
- » 1-2 June and 4-5 November 2010: the Centre's participation in the FRA's 'Joined-up governance' project in Vienna.
- » 8-9 June 2010: 'Effective and independent structures for promoting equality', organised by the Council of Europe Commissioner for Human Rights in Strasbourg.
- » 1-2 July 2010: participation in the Equinet seminar on 'Legal developments and concepts in the field of equality and non-discrimination in Europe' in Brussels.

- » **13 September 2010:** participation in ‘Promoting equality: the Belgian experience’, organised by DG Employment, Social Affairs and Equal Opportunities in Brussels.
 - » **19-22 September 2010:** participation in Equinet’s Dynamic Interpretation Group concerning Roma.
 - » **29 September 2010:** joint organisation of the NCP-EMN’s conference on ‘Long-term follow-up of immigrants’ trajectories’ in Brussels.
 - » **30 September to 1 October 2010:** participation in the ‘Second conference in relation to financial independence and sources of income of the commission for protection from discrimination in the country’, organised by the OSCE in Skopje.
 - » **11-12 October 2010:** participation in Equinet’s ‘Tools of evidence in discrimination cases’ in Bratislava.
 - » **18-19 October 2010:** participation in ‘Towards a multidisciplinary approach to prevention of trafficking in human beings, prosecution of traffickers and protection of victims’, organised by the Belgian EU-Presidency in Brussels.
 - » **29 October 2010:** participation on behalf of the ECRI in the annual meeting of ILGA-Europe in The Hague.
 - » **4-5 November 2010:** participation in ‘Populisme, dépolitisation, délégitimation’ (‘Populism, depolitisation, delegitimation’), during the ‘Identitates cruzadas’ symposium organised by EXUBEL and the Walloon and Brussels Region in Santiago, Chile.
 - » **15-16 November 2010:** joint organisation of the fourth Equality Summit in Brussels in the context of the Belgian EU-Presidency. The theme of this fourth Equality Summit was the fight against discrimination and the promotion of equal opportunities in the workplace. Ten years after the adoption of the Framework Directive ⁽⁴⁾ and the Race Directive ⁽⁵⁾, the conference aimed to review not so much the legal effects but rather the changes in equality and diversity in the workplace in the various Member States.
 - » **18-19 November 2010:** participation in the ‘Disability Forum’ held by the European Commission and the Belgian EU-Presidency.
 - » **7-8 December 2010:** participation in ‘Ensuring Justice and Protection for all Children’, organised by FRA and the Belgian EU Presidency in Brussels.
 - » **16-17 December 2010:** the Centre’s participation in an expert meeting in Geneva. During this meeting, a technical manual for the Member States was drawn up to enable them to develop a national action plan as part of the follow-up of the ‘Durban Review Conference on racism, discrimination and intolerance’.
-
- 4 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation
- 5 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

Publications

Centre

- » **25 May 2010:** *Federal elections 13 June 2010. Memorandum for the attention of the political parties* (13 pages)
- » **2 September 2010:** *2009 Annual Report on General Activities* (41 pages)

Discrimination / Equal Opportunities

- » **18 May 2010:** *Arbeidssituatie van holebi’s die handenarbeid of een technische functie uitoefenen* (in collaboration with HIVA – 79 pages) An exploratory study of lesbians, gays and bisexuals employed as technicians or labourers, the first on this subject matter.

- » **7 July 2010:** *Diversiteit en discriminatie in de sociale huisvesting: een kritische benadering van 'sociale mix'* (in collaboration with Erasmus Hogeschool Brussel – 93 pages)
This study focuses on the concept of social mix in social housing in Belgium and has a three-part research assignment.
- » **31 August 2010:** *Discrimination – diversity. 2009 Annual Report* (180 pages)
For the first time, this Annual Report commenced with a focus on disability.
- » **1 September 2010:** *La diversité culturelle sur le lieu de travail. Pratiques d'aménagements raisonnables* (in collaboration with IES & METICES-GERME – 151 pages)
A study on the reasonable adaptations that employees ask of their employers. This study examines the nature of these requests, the employer's response and the level at which they are negotiated.
- » **1 September 2010:** *Discrimination toi-même* (in collaboration with the French Community and the IGVM – 49 pages)
This brochure addresses young people between the ages of 12 and 18 and contains specific information about anti-discrimination legislation and its applications. It uses cartoons to make difficult themes accessible, such as discrimination, freedom of expression, inciting hate, racism, sexism, homophobia, disability etc.

Migration

- » **6 May 2010:** *2009 Annual Report on Migration* (208 pages)
This Annual Report provides information on the extent and nature of flows of migrants and on respect for the basic rights of foreigners.
- » **1 June 2010:** *België – DR Congo. 50 jaar migratie* (87 pages)
Migration between Belgium and the present-day Democratic Republic of Congo is inextricably connected with the historical links between the two countries.
- » **14 October 2010:** *2009 Annual Report on the Trafficking and Smuggling of Human Beings: 'In a haze*

of legality' (135 pages)

With a focus on human trafficking with a view to economic exploitation and with special attention to (il)legal constructions of free movement of persons and services that may engender practices of human trafficking.

- » **27 October 2010:** *Migraties en migrantenpopulaties in België. Statistisch en demografisch verslag 2009* (204 pages)
Short-term and long-term migration analyses containing data per nationality, country of origin and nationality at birth. It also deals with a number of issues concerning the perception of migration phenomena and statistics, the limits of available data and the methods of calculation.

Poverty

- » **1 March 2010:** *Report on the fight against poverty 2008-2009 – part 2. Naar een coherente aanpak in de strijd tegen dakloosheid en armoede* (84 pages)
Concerning the situation of homeless people in Belgium, based on consultation with the homeless themselves and with associations working with the homeless on a daily basis.
- » **1 June 2010:** *Federal elections 13/06/2010. Memorandum for the political parties* (7 pages)
- » **1 June 2010:** *Studieoriëntering in het secundair onderwijs in de Franse, Vlaamse en Duitstalige gemeenschap* (30 pages)
This informative memorandum gives background information to the chapter on 'Study orientation: re-evaluation of competences or reinforcement of inequalities from the Support Point's fifth biannual report.
- » **6 July 2010:** *Summary of the panel sessions and debates from the Seminar 'Towards an effective right to water'.*
- » **7 September 2010:** Minutes of the Seminar '*The Transition of vulnerable young people from education to the labour market*' (40 p.)
The minutes summarise the presentations and debates which took place during the seminar on the transition of vulnerable young people from education to the labour market (and the role of educa-

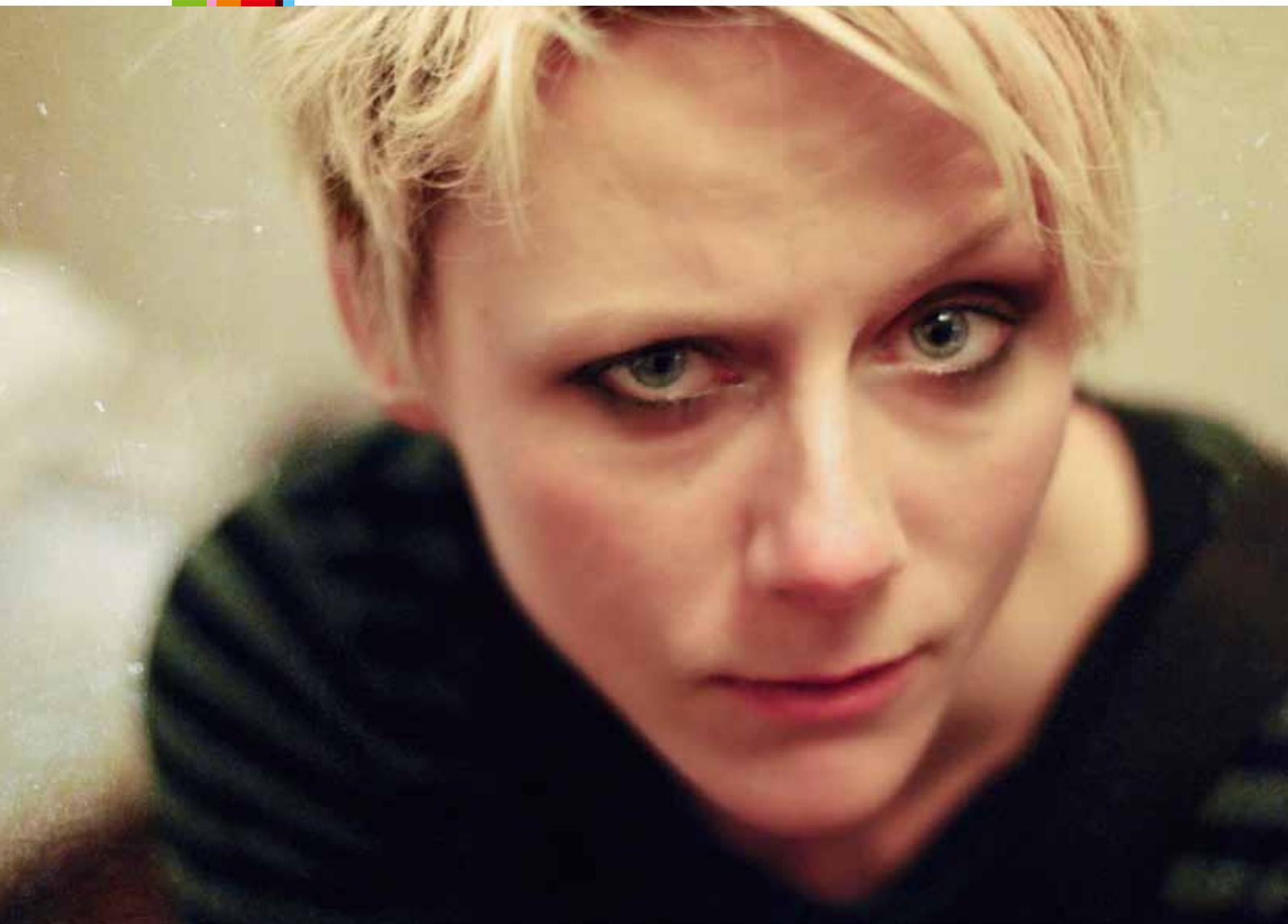
tion and training schemes which take place partly in an educational institution and partly in the workplace).

» **1 October 2010:** *Publication of a survey of water suppliers in Belgium on the tariffs and social aspects of water supply (difficulties in paying, payment plans, court referrals, cutting off supply, etc.). (59p.)*

Events

- » **1 September 2010:** continuation of the campaign 'La discrimination s'arrête ici', in collaboration with the IGVM, the French Community and the Walloon Region. An awareness-raising brochure (in collaboration with the French Community) using cartoons, aimed at young people between the ages of 12 and 18 (see 'Publications'), with posters and postcards and, in collaboration with the Walloon Region, boomerang cards, placemats and paper table sets for the catering sector. See www.stop-discrimination.be online.
- » **3 December 2010:** together with the Nationale Hoge Raad van Personen met een Handicap, the Centre organised an event at Brussels-Central station as part of the International Day of People with Disability. The event emphasised the lack of accessibility of trains and stations for people with a disability and the requirement to book journeys 24 hours in advance.

CHAPTER 5: THE SUPPORT POINT FOR FIGHTING POVERTY, ECONOMIC INSECURITY AND SOCIAL EXCLUSION



The Support Point for Fighting Poverty is doing everything it can to make eliminating poverty a policy priority. This tool for combating poverty, insecurity and social exclusion was created by the Federal State, the Communities and the Regions. They tasked the Service with providing information and analysis, formulating recommendations and producing regular reports on the way in which fundamental rights are effectively exercised and on remaining inequalities in terms of accessing rights, and with ensuring a basis for dialogue with actors in the field. In view of its specific status, the Service produces an activity report which is separate from that of the Centre. Here, the Service briefly presents three activities which stood out in the year. In the following we outline three activities that characterised the past year. For more information, see www.armoedebestrijding.be online.

For a coherent approach to fighting homelessness and poverty

The Support Point was asked by the State Secretary for fighting Poverty to organise a consultation process and make recommendations on the issue of homelessness. About 20 meetings were held and approximately 50 organisations took part in the debate, and the results were published in 2010. The consultation clearly showed that ‘homelessness’ is an extreme form of poverty that infringes all basic rights and not merely the right to decent accommodation. As a result, the 70 recommendations included in the report cover many areas of expertise and are wide ranging in nature. They range from the ratification of international texts on better implementation of the provisions concerning the reference address and improved quantitative and qualitative knowledge of homelessness to night shelters etc.

Towards an effective right to water

Many households have trouble paying their water bills and we know that water prices will further increase in coming years, given the rising costs of water treatment. On account of the finding that very little information was available on the social aspects of water provision, the Support Point carried out a survey of distribution companies. The survey contained questions about rates and the average level of bills, social measures, numbers of cases of default (unpaid bills)

and repayment schedules, numbers of disconnections, customer service etc. The Support Point is calling for a better gathering of data. The incomplete nature of the available data became clear during the survey. The Support Point recommends organising a debate on the introduction of a public service requirement, like those that already exist for the supply of gas and electricity.

2010, European Year for fighting Poverty and Social Exclusion

Designated the national implementing body for the European Year, the Support Point was the national coordinator of many initiatives developed during the year. It was assisted in this task by the Federal Public Service for Social Integration (administrative and budgetary aspects). Together with the Supervisory Committee, the Support Point developed a national programme of action on the general topic ‘Fighting poverty is everyone’s business’. It also managed the call for project proposals and followed-up on the 26 selected projects throughout the year. The Support Point awarded the 2010 label, maintained a section of the website devoted to the European Year and conducted awareness-raising campaigns. One expert who was associated with the Support Point in the course of the year worked at a more European level, more specifically on the drafting of the Council Declaration adopted at the end of the year (2010/C 333/06, Official Journal of the European Union, C 333 of 10 December 2010).

CHAPTER 6: BALANCE SHEET AND PROFIT AND LOSS ACCOUNT OF THE CENTRE



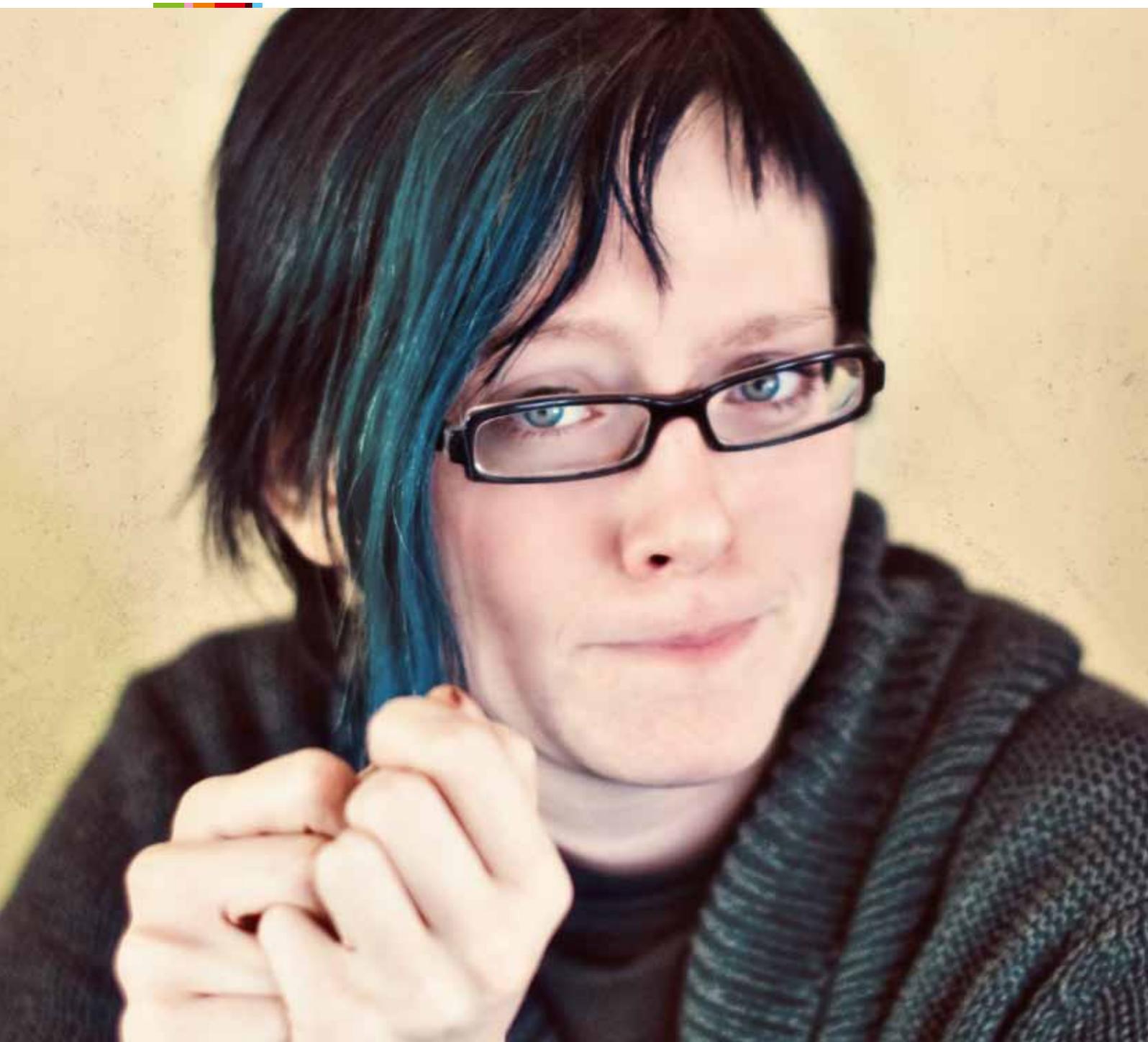
What follows is an overview of the most important figures from the balance sheet as of 31 December 2010 and from the profit and loss account for 2010. The 2010 Annual Accounts were certified without reservation by the independent auditor and approved on 27 April 2011 by the Board of Governors. This overview contains only the figures for the Centre itself, not those relating to the Impulse Fund for Migration Policy (FIM) or the Support Point for fighting poverty, economic insecurity and social exclusion; these are dealt with separately and are the responsibility of their management committee.

Figures are expressed in EUR 1 000.

Balance sheet as of 31/12/2010 (x EUR 1 000)			
Assets	8 545	Liabilities	8 545
Fixed assets	362	Capital	55
Tangible assets	224	Cumulative result	4 121
Financial assets	138	Provisions	28
Current assets	8 183	Debts	4 341
Trade debtors	2 146	Suppliers	321
Investments	5 350	Social liabilities	540
Liquid assets	687	Other liabilities	3 480

Profit and loss account 2010 (x EUR 1 000)			
Income	8 517	Expenses	7 312
Grants	7 140	Project costs	486
Project income	1 050	Operating expenses	1 433
Other income	293	Staffing costs	5 209
Financial income	9	Depreciation	156
Exceptional income	25	Exceptional expenses	28
		Result for 2010	1 205

CHAPTER 7: A LOOK TO THE FUTURE



Once again, the year 2011 looks set to be a very important one for the Centre. The end of 2006 saw the launch of discussions concerning the Centre's conversion to an *interfederal* Centre but, due to the political situation, these discussions are still ongoing. A **political collaborative agreement** between the Federal Government, communities and regions may lead to the conversion of the Centre into a **common, *interfederal* institution**. Concluding such an agreement will bring Belgium into line with the European Directive. An agreement like this will guarantee that every inhabitant of this country has a single point of contact for reports or queries connected with discrimination and migration, and need not worry about precisely which law, decree or ordinance is applicable. It will also guarantee that every inhabitant is helped as quickly and effectively as possible, thanks to the combining of expertise on discrimination and migration. Finally, it will give the authorities access to an independent expertise centre for advice and recommendations on discrimination and migration.

Conversion to an interfederal institution opens up even broader avenues. Belgium still lacks a **national human rights institution** working in accordance with the *Paris Principles*, something that the United Nations is aiming for. The interfederal Centre could herald such a structure through its involvement in the fight against discrimination and the subject matter concerning the defence and promotion of basic rights.

A national human rights institution of this type could in the future also house the independent monitoring body that Belgium is required to have under the United Nations International Convention on the Rights of People with Disabilities. Under the Convention, social organisations, people with disabilities and the organisations representing them must be fully involved in this respect.

The setting up of a human rights institution of this type also presents an opportunity to clarify the position of the **Support Point for Fighting Poverty**. Both the Support Point and the Centre regret the current lack of clarity. They are dealing with this uncertainty to the best of their ability but continue to seek clarification of the relationship.

The Centre has been encouraging the **fight against the trafficking and smuggling of human beings** since 1995. Through an annual report and other instruments, the

Centre evaluates Belgian policy in an independent and critical manner, in dialogue and in collaboration with all authorities and organisations involved. The Centre is currently the de facto national rapporteur and is also keen to be officially recognised as the **national human trafficking rapporteur**, as provided for by the Council of Europe and in the EU directive currently being prepared.

For all of these reasons, the coming years represent a turning point for the Centre. The Centre is ready to take on these challenges thanks to its well developed contacts at national and international levels. Such a new 'architecture' for the Centre also calls for a new name, a new logo and a new house style, and the Centre is ready for those as well. Its new name should highlight the unique position of the Centre even more clearly: a public service that works actively, in complete independence and in dialogue and collaboration with the authorities and society, in the field of fighting discrimination, promoting equal opportunities, the rights of people with disabilities, migration and basic rights and human trafficking, and in the field of fighting poverty. In a nutshell: in the broad field of human rights.

Edouard Delruelle, *Deputy Director*
Jozef De Witte, *Director*



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The Centre in 2010
Annual activity report
Brussels, may 2011



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