

Questionnaire:

A – The role of CSOs and rights defenders in ensuring the effective implementation of the Charter at national level

1. How do CSOs contribute to activities aimed at making the fundamental rights enshrined in the Charter a reality in your country? Please give examples.

Réponse Région Bruxelles-Capitale : The Brussels Government has set up consultative councils to benefit from the opinion of civil society (social partners, associations and academics) on its projects. These are the Brussels Council for the Disabled and the Brussels Council for Equality between Men and Women. The opinion of these councils can be requested by each member of the Government for its projects, particularly legislative projects. These bodies can also issue own-initiative opinions on a project or a situation in the field that they are dealing with.

In addition to these structural consultations, the Brussels Government can count on the expertise of NGOs active in the field of equal opportunities and the fight against discrimination in the Brussels-Capital Region (BCR), including the "equality bodies", to feed the reflection on the action of the public authorities. Thus, the Secretary of State for Equal Opportunities and the administration in charge of the equal opportunities policy can carry out consultations in the framework of the elaboration of the equal opportunities policy, notably the thematic action plans or the awareness and information campaigns. This allows for feedback on the situations and needs experienced by the field. These organizations are also consulted for the evaluation of policies in order to feed the future work of public authorities.

2. In which areas do CSOs contribute the most to the protection of fundamental rights?

Réponse SPF Justice : Fight against discrimination.

3. How do rights defenders, including NHRIs, Equality bodies and Ombuds-institutions, contribute to activities aimed at making the fundamental rights enshrined in the Charter a reality in your country? Please give examples.

Réponse Région flamande : **Unia and the Gender Chamber** of the Flemish Ombudsman Service were designated as independent equality bodies for Flemish competences (education, housing, sports, media, youth, etc.). Within their respective mandates they are responsible to promote equality and tackle discrimination on all grounds of discrimination included in Flemish legislation (the Gender Chamber for sex, gender identity, gender expression; Unia for nationality, alleged race, colour, descent, or national or ethnic origin, age, sexual orientation, marital status, birth, property, religion or philosophy, political opinion, trade union opinion, state of health, disability, physical or genetic characteristic, social position).

From March 2023 on, **a new Flanders Institute for Human Rights (FIHR)** will be set up. The government of Flanders will end its cooperation with UNIA and set up its own Flemish independent equality body. The Gender Chamber of the Flemish Ombudsman Service will be integrated in the newly created institution. The new institute will be given a broad, independent mandate to protect all human rights within the Flemish competences. Within **its broad human rights mandate**, the FIHR is given competences in the field of reporting, **first-line assistance, awareness-raising, research, study, (policy) advice and networking**.

In line with relevant European legislative obligations, a **specific focus will be placed on combating all forms of discrimination**, for which the institution is given a quasi-judicial mandate. As regards the fight against discrimination, individual complaints will be dealt with, a priori, through mediation. If this does not lead to any results, a litigation chamber, taking the form of an organically separate entity, will be empowered to make rulings.

Réponse Région Bruxelles-Capitale : The NGOs active in the field of equal opportunities and the fight against discrimination in Brussels, including the equality bodies, offer various support services and carry out research, information and awareness-raising activities for the Brussels population. The equality bodies, which are independent bodies, offer a service for reporting and following up complaints, including legal representation, in case of discrimination.

In 2019, the legislative assemblies of the Brussels-Capital Region have established a regional Ombudsinstitution by law (décret et ordonnance conjoints du 16 mai 2019 relatifs au médiateur bruxellois).

In December 2021, the first Ombudswoman of the Brussels-Capital Region was designated in Parliament. She started her five-year mandate at the beginning of 2022.

The mandate of the Brussels Ombudsoffice includes the enforcement of the fundamental rights enshrined in the Charter :

The Brussels Ombudsoffice is established by law, in accordance with the Venice Principles on the protection and promotion of the ombudsman institution, and has a general mandate to promote good governance among regional public authorities and to safeguard the fundamental rights of Brussels' citizens. Accordingly, every interested person (natural or legal) can lodge a complaint with the Office regarding the functioning or regarding a decision of a regional authority when they believe that they have not been treated fairly or properly. The Office can also decide, of its own initiative, to investigate such matters. Furthermore, every member of staff of a regional authority can also lodge a complaint to the Office when they suspect that an integrity violation was committed in their organisation. An integrity violation is defined as a serious negligence, abuse, offence or any matter which can constitute a threat to the public interest. The Office is therefore competent to investigate such complaints and reports and establish any cases affecting the rights of Brussels' citizens (access to public services, access to documents, equality before the law, fair treatment, etc.) or affecting the integrity of the Brussels public service.

Réponse Médiateur fédéral : The Belgian Federal Ombudsman is an independent institution, collateral to the Belgian Federal Parliament.

The independence of the Federal Ombudsman is established by the law of 22 March 1995 establishing federal ombudsmen, both as regards the ombudsmen themselves (articles 3, 5 and 7) and as regards his staff (article 19).

The "Principles on the Protection and Promotion of the Institution of Ombudsman", adopted by the Venice Commission during its session of 15-16 March 2019 and the UN Resolution "The Role of Ombudsman Institutions in the Promotion and Protection of Human Rights, Good Governance and the Rule of Law" invite the Belgian State to assess and strengthen the organic legislation of the different parliamentary ombudsmen in the country in order to bring them in line with these instruments, and in particular to establish independent and autonomous ombudsmen at the different levels of power, to provide the ombudsmen with the necessary constitutional and legislative framework so that they benefit from a broad mandate that covers all public services, to provide sufficient means and financial resources for their operation and to protect the ombudsmen against pressure, reprisals and threats. The legal remit of the federal Ombudsman of Belgium relevant here is the following:

- examine complaints concerning the acts or the functioning of the federal administrative authorities
- lead investigations at the request of the House of representatives
- issue recommendations to ministers and/or to the House of representatives
- submit reports to the House of representatives (annual, intermediate, after investigations)

The competence of the federal Ombudsman extends to all domains as long as the complaint is lodged against a federal administration, which has no own ombudsman. Although our competence is general, it does not cover other than federal administrations (Regions and Communities e.g.) nor federal administrations having their own ombudsman or similar institution (e.g. pensions).

The main federal administrations concerned by complaints are tax authorities, migration and asylum authorities and social security institutions.

The competence of the federal Ombudsman extends to all fundamental rights listed in the Charter; these occur most often in files related to asylum and migration.

For example, explicit reference to the Charter was made in the report following our investigation on closed detention centers for asylum seekers and other categories of foreigners (2009). This was a structural investigation (audit) at the request of the House of representatives of those centers. The Charter was raised by the investigation team as a source of (at the time) soft law (together with Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers). The report issued contains over 180 general and specific recommendations.

Our investigation report refers to the following Articles of the Charter:

- Articles 7 (respect of private and family life) and 24 (the rights of the child) in Part II, Chapter 3, on material reception conditions in the centers. Issues here were the space available per person detained, the state of the housing infrastructure, showers (were minors could be in the presence of adults who were not their own parents nor adult relatives responsible for them), families having no privacy in common bedrooms (dormitories), etc.

The federal Ombudsman recommended to close 2 of the centers concerned. Before our report was published, the plans to build a new center replacing the two old and inadequate centers were activated. Also, when our report became public, families with children were not staying in the two concerned centers anymore (unless as a last resort); in the new center, families with children have a separate room and/or separate rooms for parents and children.

- Article 10(1) (freedom of thought, conscience and religion) and Article 14 (right to education) in Part II, Chapter 5, on activities, paid chores, education and religious freedom; and

- Article 47 (the right to an effective remedy and to a fair trial) in Part II, Chapter 9, on social and legal aid.

Those Articles of the Charter were taken into account to check whether the centers concerned fulfilled their obligations under soft law.

More recently, in 2022, the Federal Ombudsman referred to the Charter of Fundamental Rights of the European Union in his recommendation concerning the status of parents of children recognized as refugees. We recommend that a specific and adequate status be provided for parents accompanying minor children who are beneficiaries of international protection and that they be issued a residence document pending the outcome of their application. Article 24.3 of the Charter provides for the right of the child to maintain personal relations and direct contact with both parents on a regular basis (unless it is contrary to the child's interests).

Réponse Avocats.be : In accordance with Article 495 of the Judicial Code, AVOCATS.BE is competent to defend the interests of lawyers and litigants.

In the context of legal actions brought on this basis, it regularly invokes the EU Charter of Fundamental Rights. For example, AVOCATS.BE recently brought an action against the Belgian State for not having provided for an effective remedy in the event of a refusal of student visas. This appeal is based on article 47 of the Charter (effective remedy).

Réponse IEFH : The mission of the Institute for the Equality of Women and Men (IEFH), an equality body, is to guarantee and promote the equality of women and men and to combat any form of discrimination or inequality based on sex or gender. As a body for the promotion of equality between women and men, it carries out these missions by :

- assisting victims of discrimination based on sex (sexual harassment and harassment based on sex), maternity, pregnancy, childbirth, sex change, gender identity and expression, and since 2020 also paternity, co-maternity, breastfeeding, adoption, medically assisted reproduction and sexual characteristics, providing legal assistance and raising awareness on issues of discrimination based on sex.

- Conducting studies and research;

- issuing opinions and recommendations.

Through its work, it contributes to making the rights enshrined in the Charter concrete in articles 20 (equality), 21 (non-discrimination), 23 (equality between men and women) and 33 (family and professional life). It invokes the Charter in the opinions it issues.

As an example, IEFH is very active in the fight against sexism, harassment and more recently revenge porn. Since 2014, sexism has been criminally condemned in Belgium. The Institute promoted this legislation by distributing a leaflet explaining what the legislation covers and how victims can take action. It intervened before the Constitutional Court to defend the law, which had been the subject of an annulment appeal. It has also dealt with numerous complaints about sexism. It has analyzed these reports in each of its annual reports and has publicized a few cases relating to sexism/harassment in order to raise awareness of this issue. Since July 1, 2020, the IEFH has been competent to assist victims

of non-consensual distribution of nude or sexual images (so-called "revenge porn"). In 2021, it updated its webpage, published a manual for victims and launched a survey to establish an overview of the problem. The IEFH has also worked in recent years on discrimination related to pregnancy and maternity. It informs victims and makes it easy to file complaints. It has conducted several court cases obtaining convictions of employers who discriminated on the basis of this prohibited ground. It has also conducted a study on the experiences of pregnant women with their colleagues, bosses, employees, customers, suppliers, ... in order to better understand the extent of discrimination they are still victims despite the protection offered by the law. At the end of 2017, it launched a major campaign "Mom stays on board". The objective of the campaign was to raise awareness among pregnant women, during or after maternity leave, that they should not be discriminated against, rejected or harassed, because of their pregnancy or maternity. It has published an information brochure for workers undergoing in vitro fertilization treatment to inform them of their rights and duties and the protective measures that cover them during their treatment. From 2019 to 2021, it coordinated the European "Parents@Work" project, which aimed at the exchange and dissemination of good practices to promote work-life balance for women and men. By informing employers and workers about their rights and obligations, the project aimed to improve protection and combat discrimination against pregnant workers, mothers and fathers in the workplace. A website was designed and a guide was published. The annual state of play on gender discrimination published by the IEFH shows that in the area of pregnancy and maternity discrimination, the number of reports remains very high.

4. In which areas do right defenders contribute the most to the protection of fundamental rights?

Réponse IEFH : Fight against discrimination (cfr 3 non-discrimination legislation).

B – The work of the Member States to protect CSOs and rights defenders

5. How do you ensure that CSOs and rights defenders work in a safe and enabling environment?

Réponse Région Bruxelles-Capitale : The mandate of the Brussels Ombudsoffice, already described under question 3, gives it the competence to investigate complaints made by CSOs or other rights defenders regarding any malfunctioning or unfair decision taken by a regional authority with the undue objective to curtail their functioning and prevent them from fulfilling their mission. The incoming transposition in Belgian law and at the Brussels level of the EU directive 2019/1937 on the protection of persons who report breaches of Union law will also presumably extend the mandate and jurisdiction of the Brussels Ombudsoffice and will allow any person - including legal persons, such as CSOs and rights defenders - who has obtained information on suspected integrity violations (e.g. serious negligence, fraud, abuse) in a professional context to report to the Office and benefit from protection against retaliation measures taken by authorities, possibly affecting their functioning (e.g. deprivation of funding, debarment, abusive legal proceedings, etc.)

Acting as a rights defender itself, the independence and the budget of the Ombudsoffice are guaranteed by law (art. 7 décret et ordonnance conjoints du 16 mai 2019 relatif au médiateur bruxellois) and the Ombudsperson can freely choose its own staff members. Such guarantees create a sound environment for the Office to operate properly and fulfil its mandate.

An association [helpdesk](https://www.visit.brussels/) is also made available by visit.brussels to help new associations setting themselves up in the city with free resources and services addressed to their specific needs and to help them establish, manage and develop in Brussels.

6. Please explain the main features of the legal framework applicable to CSOs (for example, rules on declaration/registration/dissolution, rules governing the exercise of their activities, court decisions relating to the application of this legal framework, etc.). Please add relevant references to such rules.

Réponse SPF Justice : Civil society organizations can take different legal forms:

1) The non-profit association (Association Sans But Lucratif => ASBL), which is a group of natural or legal persons who pursue a disinterested goal. The ASBL consists of at least two persons. The members of an ASBL cannot receive any patrimonial benefit from it. As soon as a common project has been defined, the statutes of the ASBL must be drawn up. The statutes represent the basic principles of the organization of the ASBL. It has its own legal personality, independent of that of its members. This means that it has its own rights and obligations. The members have limited liability and do not tie their own assets to the fate of the ASBL. The ASBL differs from other types of association (such as the de facto association and the AISBL), the foundation and the company. Unlike other legal forms (SA, etc.), it is not necessary to provide a starting capital to constitute an ASBL. However, a certain number of accounting obligations must be met. The ASBL must have at least two members. They can be natural or legal persons. The nationality of the members is not important. The law distinguishes two categories of members: effective members and adherent members. The law defines the rights and obligations of full members. In any case, they have the most extensive rights in the ASBL (e.g. the right to vote). The rights and obligations of the full members are determined by the articles of association (not by internal regulations). The statutes are published in the Belgian Official Gazette. Candidate members can therefore know very clearly what is expected of them. A member is someone who meets the conditions defined in the statutes. Only the general assembly can exclude a member. This requires a two-thirds majority of the votes of the members present or represented. The administrative body can never refuse the resignation of a member. However, it can require that certain formalities be respected. These formalities cannot be an obstacle to the resignation (e.g. a two-year notice period). A member who does not pay his dues must resign. The statutes are the fundamental rules of the association. They describe the rights and obligations of the members and the governing body. They structure the association. They also determine who can become a member of the ASBL and of the administrative body. The founding members can draw up the articles of association of their ASBL in a very free manner. The articles of association must be in writing. It can be a simple private deed, i.e. in the presence of the founders only, or an authenticated deed drawn up by a notary. According to the law, the articles of association must be drawn up in at least two copies. The text must contain various mandatory mentions. Once the founders have drafted and signed the articles of association of the ASBL, they must complete certain formalities before the articles of association can be published in the Belgian Official Gazette. An ASBL obtains legal personality on the day it files its articles of association and the acts relating to the appointment of directors with the clerk's office of the company's court. From that date, the ASBL exists as a legal entity in its own right. The articles of association may be amended at a later date. The following information must be included in the articles of incorporation:

- The words "association sans but lucratif" or the acronym "ASBL".
- The name of the ASBL. The choice of name is free. However, no other association or foundation may bear the same name. To verify this, it is sufficient to consult the database of the Belgian Official Gazette.
- The indication of the Region in which the registered office of the ASBL is established. The registered office of a Belgian ASBL must be located in Belgium, which does not mean that an association cannot act abroad.
- The disinterested purpose that the ASBL pursues and the activities that constitute its object.
- The conditions and formalities for admission and withdrawal of members.
- The rights and obligations of an adherent member.
- The powers and the method of convening the general assembly as well as the manner in which its resolutions are made known to the members and third parties.
- Rules concerning the appointment and termination of directors. Rules concerning the duration of their mandate are also mandatory.
- Provisions concerning the possibility for certain persons to represent the ASBL and/or to ensure the day-to-day management.
- The minimum number of members.
- The maximum amount of the contribution of the persons who wish to join the ASBL.
- The disinterested purpose to which the ASBL must allocate its assets in case of dissolution.
- The duration of the ASBL when it is not unlimited.

According to the law, the nullity of the ASBL can be pronounced when the following mentions are not found in the statutes:

- the name and the Region in which the registered office of the association is established ;
- the precise description of the disinterested goal that the ASBL pursues and the activities that serve to achieve this goal.

The ASBL can also be dissolved by legal action.

As soon as the articles of association of the ASBL have been drawn up and signed by the founding members, they must be deposited at the clerk's office of the commercial court of the place where the registered office of the ASBL is located. The deeds concerning the appointment of the directors must also be deposited there. This is also the case for acts concerning the appointment of persons delegated to the daily management, persons authorized to represent the ASBL and commissioners. Since February 2012, the filing of the constitutive act can be done electronically by means of an electronic identity card reader via the following website: www.egreffe.be

All of the documents listed above must be published in the Belgian Official Gazette.

The articles of association must be filed at the clerk's office of the company's court within thirty days of their signature. However, as long as the articles of association have not been filed with the company court, the association has no legal personality. It is considered an "association in formation" until the filing. An ASBL obtains legal personality on the day it files its articles of association and the acts relating to the appointment of directors with the clerk of the company court. From that date, the ASBL exists as a legal entity in its own right. A certain amount of time may elapse between the moment the ASBL is incorporated and the moment it obtains legal personality. During this period, the ASBL can already perform a limited number of acts (purchase equipment, rent a building, open a bank account, hire personnel). The clerk's office of the company court gives a company number to each newly formed ASBL.

Only the general assembly can modify the statutes. The administrative body must convene the members to the general meeting at least fifteen days before the date of the meeting. The agenda and the proposed amendments must be formally indicated in the notice of meeting. In this case, the indication "amendment of the articles of association" is not sufficient. A General Meeting can only validly decide on an amendment to the articles of association if at least two thirds of the full members are present or represented (quorum). The articles of association may provide for a stricter quorum. If this quorum is not reached, a second general meeting can be convened. The latter may deliberate and take decisions, regardless of the number of members present or represented. At least 15 days must elapse between the two meetings.

An amendment to the Articles of Association requires at least two-thirds of the votes cast. If the amendment concerns the object or the disinterested purpose of the ASBL, the quorum of votes to be reached is four fifths of the votes cast. This quorum is the same for the liquidation of the ASBL. Here too, the articles of association may provide for a stricter quorum. Once the general meeting has adopted the amendments to the articles of association, it must file them, together with a coordinated text of the articles of association, with the clerk of the company's court. The clerk's office of the company court forwards the amendments to the articles of association to the Belgian Official Gazette for publication.

The law establishes two categories of ASBL, each of which must comply with specific accounting requirements. The ASBL that meet two of the following four criteria must keep accounts comparable to those of a company (double accounting):

- five employees;
- 334,500 euros of non-recurring income;
- 1,337,000 euros in assets;
- 1,337,000 euros in debts.

The other ASBL keep "debit-credit" type accounts based on a simplified model. For advice on the interpretation of accounting regulations, an ASBL may apply to the Accounting Standards Commission. The administrative body must present the annual accounts to the general assembly, which approves them. They must be presented annually, and no later than six months after the closing date of the financial year.

The board of directors must also have the budget for the following year approved by the general meeting. Each year, ASBL that do not exceed more than one of the above criteria must file their accounts with the clerk of the company's court. If an ASBL fails to do so, it may be dissolved. ASBL that meet two of the above criteria must file their approved accounts with the National Bank of Belgium within thirty days.

2) The AISBL, which differs from the ASBL because it pursues an international objective and is subject to different regulations. For example, the AISBL must be constituted by an authenticated deed, whereas a private deed is sufficient for the ASBL.

3) The de facto association, which is an association born of an agreement between natural persons. It has no legal personality and is not subject to any specific legal regulation. The members invest their own capital and can be held personally liable, which is not possible in an ASBL, unless fraud is established.

4) The foundation, which is often formed by one or a few people and has its own assets. It is not necessary to have any initial assets to set up an ASBL. Moreover, the foundation has an administrative body but no general assembly of members, whereas the ASBL has both. The foundation is obligatorily constituted by an authentic act. For the ASBL, a private deed is sufficient.

References: The law governing ASBL is the Code of Companies and Associations, introduced by the law of March 23, 2019, replacing the law of June 27, 1921, amended by the law of May 2, 2002. The implementing Royal Decree was published on April 29, 2019.

The law of 23 MARCH 2019.- Law introducing the Code of Companies and Associations and carrying various provisions is available at: https://www.ejustice.just.fgov.be/mopdf/2019/04/04_1.pdf#Page53

An informal coordination of company law for associations and foundations is available at: https://justice.belgium.be/sites/default/files/ondernemingsrecht_fr.pdf

Royal Decree of 29 APRIL 2019. - Royal Decree implementing the Companies and Associations Code is available at: http://www.ejustice.just.fgov.be/mopdf/2019/04/30_2.pdf#Page2

7. Do you have in place a system for reporting and monitoring threats or attacks (including physical attacks) on CSOs activists and rights defenders? If yes, how does it work?

Réponse : la Belgique contribue à la mise en œuvre des lignes directrices de l'UE sur les défenseurs des droits humains. Ces orientations rassemblent des recommandations pratiques visant à rationaliser l'action de l'UE en faveur des défenseurs des droits humains dans les pays tiers. Elles fournissent également des conseils concrets sur la manière dont les ambassades de l'UE et des États membres de l'UE dans les pays tiers peuvent protéger les défenseurs des droits humains et soutenir leur travail.

Au sein des Nations Unies, l'Assemblée générale a adopté par consensus en 1998 la Déclaration sur les défenseurs des droits de l'homme. Cette déclaration reconnaît le droit des individus de rechercher et de promouvoir, sur les plans national et international, la protection et la réalisation des droits humains et des libertés fondamentales.

Au sein du Conseil des Droits de l'Homme et de la Troisième Commission de l'Assemblée générale, la Belgique soutient les initiatives qui favorisent la sécurité et le travail des défenseurs des droits humains.

La Belgique soutient également le mandat de la Rapporteuse spéciale sur la situation des défenseurs des droits humains, notamment en participant à des dialogues interactifs avec cette experte indépendant.

Les personnes qui participent ou souhaitent contribuer aux mécanismes des droits humains des Nations Unies sont également de plus en plus souvent victimes d'intimidation et de représailles. Le Secrétaire général adjoint aux droits de l'homme peut compter sur le soutien de la Belgique dans la mise en œuvre de son mandat de prévention et de répression de tels actes.

8. Do you provide for, support, or finance an alert mechanism and/or supporting services in case of physical and on-line attacks to CSOs activists and rights defenders?

9. Are you part of the Open Government Partnership (OGP)? If yes, could you share the link to your latest OGP action plan?

Réponse SPF Justice : No.

10. Do you assess how CSOs are impacted by legislative proposals in the legislative preparatory work? If yes, please briefly describe the process/mechanism.

11. Do you consider it necessary to improve the cooperation between Member States and the EU to strengthen the level of protection of CSOs and rights defenders working to protect fundamental rights? How?

Réponse IEFH : The Commission is currently preparing a draft directive that aims to establish minimum standards for equality bodies. This text could contain certain guarantees (e.g. functional immunity from threats, pressure or coercion for people in managerial or supervisory positions for acts related to the exercise of their mandate).

C – The work of the Member States to support CSOs and rights defenders

12. Please indicate which public authorities are competent to disburse public funding and the main programmes of funding available at national and local level for CSOs working to protect and promote fundamental rights.

Réponse Région flamande : Multiple instances in the Flemish government can disburse public funding. One of the main actors is the Agency for Home Affairs (team Equal Opportunities, as well as team Civic Integration).

Réponse Région Bruxelles-Capitale : equal.brussels works for equal opportunities for all people living, working or visiting the Brussels Region, notably by supporting civil society actors. Thus, associations can apply for funding for projects that aim to promote equal opportunities and fight against discrimination.

(a) How do authorities select the CSOs, and what are the main conditions they have to fulfil?

Réponse Région flamande : Withing the Agency for Home Affairs, two forms of funding are available for CSO's working on gender, sexual diversity, disability, accessibility and discrimination: project funding and structural financing.

CSO's considered for project funding can apply twice per year in line with the conditions set out in the subsidy guide. As it regards facultative subsidisation the final decision is made – after financial inspection – by the competent minister.

Organizations receiving structural funding (10 CSO's in 2022 for about €2.7mio) must submit an annual proposal of commitments, which are approved after consultation/negotiation. These structurally funded organizations contribute to the implementation of the equality policy, as stipulated in the Flemish policy brief. The Equal Opportunities team structurally finances 10 civil society organisations. Other structurally financed organisations fall outside of the scope of CSO (equality body, advisory board,...).

Réponse Région Bruxelles-Capitale : To be admissible, the application must meet the following conditions:

- The applicant is a legal person or a de facto association that is not for profit and whose activities are mainly aimed at the Brussels-Capital Region
- The file is complete
- The applicant demonstrates by a clear and concrete motivation why the project is in line with the regional equal opportunities and the framework of the call for projects.
- The application does not mainly relate to activities that are part of the usual functioning of an association.
- The duration of the project cannot exceed one year (a grant is not recurrent).

Eligible applications are analyzed in more detail, on a qualitative level. We try to evaluate the applications as objectively as possible by applying fixed criteria. These criteria relate to :

- The quality of the project content
- Relevance of the objectives, results and expected impact, in relation to the initial problem
- Sustainability of the project
- Relevance of the target audience (and accessibility)
- Knowledge and experience of the association and its partners
- Innovative aspect of the project
- Mainstreaming of equal opportunities and intersectionality
- Complementarity, opposition or redundancy with regional policies (plans, services to the population...)
- Quality and feasibility of the planning
- Quality of the budget

(b) How do authorities ensure a fair distribution of funds among CSOs?

Réponse Région flamande : Withing the Agency for Home Affairs, project funds are allocated based on project proposals, and their alignment to the policy objectives set out in the policy agreement and subsequently the conditions set out in the subsidy guidelines.

Structural cooperation with equal opportunities CSO's has grown deliberately over the years. The nature and activities of the organizations differ according to the target group or theme around which they work. Since its inception, the Flemish equality policy has recognized the crucial role of these organizations. This recognition is not only expressed in financial support, but also in the way in which the policy lines are drawn up in consultation with the organizations and – vice versa – in the way in which they help to implement the policy. With this participative approach, the Flemish GKB has been putting a principle into practice for

more than two decades, the importance of which is also strongly emphasized by public administration experts.

Réponse Région Bruxelles-Capitale : The annual budget is distributed among the different equal opportunity themes, in proportion to the requests. All projects are then analyzed in the most neutral and objective way possible, taking into account the opinion of the project managers and equal.brussels experts of each theme.

(c) Is there public funding available for organisations' core costs for administrative expenditures and infrastructure?

(d) Is there public funding available for human rights advocacy?

13. Do you have a system in place to get an overview or to coordinate the funding opportunities available at the different levels? By whom is it coordinated, and how does it work?

14. Has any process to simplify and speed up access to funding been considered/adopted/implemented?

Réponse Région Bruxelles-Capitale : Several avenues are currently being explored to simplify the process of granting and managing subsidies:

- Digitization of subsidy requests
- Digitization of the administrative follow-up
- The possibility of granting multi-annual subsidies for recurring projects (instead of annual requests)

15. Does your taxation system provide for a tax exception/relief/incentive in case of donations to CSOs?

Réponse SPF Finances : Our taxation system provides for a tax relief for donations for a broad range of organisations. These organisations are summed up in the law or have to be recognised as a benefited organisation following an administrative acceptance procedure. Civil Society Organisations, as such, aren't a specific category defining the eligibility for - tax relief. Civil society organisations however, do receive recognition as a cultural organisation by our tax administration. This recognition makes tax relief for donations made to the organisation possible.

16. What is the legal framework applicable to donations for other EU countries or third countries to CSOs?

Réponse Région Bruxelles-Capitale : Development cooperation grants from the Brussels-Capital Region are regulated by the [ordinance](#)¹ of 27 July 2017 establishing a framework for the Brussels-Capital Regions' development cooperation, complemented by five decrees ("arrêtés d'exécution").

D – The work of the Member States to empower CSOs and rights defenders

17. Is there a structured dialogue policy between CSOs and public authorities at local, regional and national level? Is there a body representing the interest of CSOs? How is it composed and which are its competences?

Réponse IEFH : In terms of equality between women and men at the federal level, consultations with civil society are planned in the context of the development of various plans (national plan to combat gender-based violence, National Action Plan 'Women, Peace and Security', federal 'gender mainstreaming' plan). The Advisory Councils on Equality between Women and Men are also consulted and give advice to the authorities. A Gender and Development Advisory Council was created in April 2014 to provide expertise, debate and advice on gender mainstreaming in development

¹ Belgium is a federal state where regions have legislative powers. An ordinance is a regional law adopted by the regional parliament.

cooperation.

Belgium has ratified most of the UN human rights conventions and reports periodically on the implementation of these conventions. Since 2015, it has set up a mechanism to follow up on the recommendations of the UN treaty bodies and the Universal Periodic Review (UPR) within its permanent coordination structure "Coormulti", which is based at the Federal Public Service Foreign Affairs and is composed of all levels of power (political and administrative levels). Civil society organizations are systematically consulted in the preparation of reports to the United Nations.

Réponse Région flamande : The Flemish Parliament Act on a revised youth and children's rights policy of 2012 stipulates in its article 3, §2 on the participation within the **framework of the Flemish Youth and Children's Rights Policy Plan**:

“§ 2. The Government of Flanders shall adopt the Youth and Children's Rights Policy Plan following the participation of youth, involving at least the following actors:
1° the youth sector,
2° other non-profit organizations, for or by children and young people, who have relevance for the Flemish Community due to their scale, purpose or content,
3° youth experts,
4° representatives from local and provincial authorities and the Flemish Community Commission.”

In the framework of the Flemish youth and children's rights policy the organization “**De ambassade**” represents the Flemish youth work.

The Flemish Parliament Act on a revised youth and children's rights policy of 2012 in its article 8, §1 states:

“§ 1. The Government of Flanders shall subsidise an association that carries out the following tasks:
1° practice development, practice support and the provision of information to and about the youth sector,
2° the provision of support to the Youth Council referred to in Article 7,
3° the provision of information to children and young people.
The Government of Flanders shall be authorised to join this association. The method of participation by the Flemish Community shall be laid down in the articles of association of the association. These articles of association, as well as any subsequent modifications, shall be communicated to the Flemish Parliament as soon as they have been approved.”

The executive decree on youth and children's rights policy of 7 September 2008 foresees the consultation of the youth and children's rights CSO's and on a horizontal/ transversal/ cross-sectoral level and on a vertical/ sectoral level. This decree establishes the **Youth and Children's Rights Policy Reflection Group** for the horizontal consultation under the presidency of the Department for Culture, Youth and Media, competent for the coordination of the Flemish youth and children's rights policy and **a vertical consultation on youth and children's rights policy** on the invitation of the individual members of the Flemish government.

This decree stipulates:

“Art. 5. The Youth and Children's Rights Policy Reflection Group organizes horizontal consultations on Flemish youth and children's rights policy. It consists of the contact points for youth and children's rights policy mentioned in Article 5 of the Flemish Parliament Act of 20 January 2012.

They are also invited to participate in the Youth and Children's Rights Policy Reflection Group:

- 1° the Flemish Community Commission and VRT;
- 2° the organisations referred to in Articles 7 and 8 of the aforementioned Flemish Parliament Act
- 3° the Children's Rights Committee
- 4° the Youth Research Platform
- 5° the National Commission for the Rights of the Child
- 6° UNICEF.

The Youth and Children's Rights Policy Reflection Group has the following tasks:

1° to contribute to the preparation of the Plan by participating in the context analysis and the selection of priority objectives referred to in Article 2, and in the elaboration of the project plans referred to in Article 3

2° monitoring the progress of the implementation of the plan and of the Convention on the Rights of the Child, and formulating proposals for its adjustment

3° to estimate the effects of the Flemish policy on children and young persons and their rights;

4° to take note of the results of the vertical consultation on youth and children's rights policy as referred to in Article 6.

Art. 6. In addition to cooperating on the priority objectives of the plan as referred to in Article 3, each Flemish minister shall organize a vertical consultation on youth and children's rights policy every year for his or her own jurisdiction in preparation of the policy memorandum and the annual policy letters. In doing so, he or she shall ask at least the Children's Rights Commission, the Flemish Youth Council, and the competent contact points for youth and children's rights policy to take part in this consultation.

The vertical consultation, as referred to in the first paragraph, assesses the specific policy initiatives on their effects on children and young people and their rights and provides input for the policy letter.”

Article 7 of the above mentioned Act establishes the **Flemish youth council**:

“ § 1. The Government of Flanders shall provide for the establishment of a Youth Council.

The aim of this Youth Council shall be to give advice on all youth-related issues, at its own discretion or at the request of the Government of Flanders or the Flemish Parliament, and to represent youth. The Government of Flanders shall request advice on draft Flemish Parliament Acts and regulatory draft Flemish Government Decrees implementing the Flemish Youth Policy Plan.

The advisory opinions shall as a rule be given within a period of thirty days following the date of receipt of the request for advice. In case of an emergency, which is substantiated with reasons, the Government of Flanders or the Flemish Parliament can reduce this period, but it shall still be at least ten working days. If this period expires without any advice having been issued, the body requesting the advice shall no longer have to wait.

The Youth Council shall approve the advisory opinions with a two-third majority of the attendees. The meeting at which the advisory opinions are voted shall be attended by at least half of the members. If this quorum is not reached, the Youth Council shall decide on the postponed items during the next meeting, irrespective of the number of attendees. The advisory opinions shall also reflect the views of the minority, if so requested by several members.

The advisory opinions shall not be binding.

The Government of Flanders shall explain its decision on the advisory opinions relating to its competences to the Youth Council.

§ 2. The Youth Council shall be composed of at least 16 and at most 24 members, at least one third of whom shall be younger than 25 at the start of the mandate. Maximum two thirds of the members shall be of the same gender.

Membership in the Youth Council shall be incompatible with a mandate in the European Parliament, the House of Representatives, the Senate, the Flemish Parliament and the Council of the Brussels Capital Region, with the office of Minister, Secretary of State and member of the Minister's office, with the job of staff member of the Flemish administration and of staff member of the association referred to in Article 8, §1, or with the membership in advisory committees that have been established in implementation of this Flemish Parliament Act.

The Youth Council shall be elected every three years. To this end the association referred to in Article 8, §1 shall organise a public call for applications. At least 50 and at most 60 percent of the members shall be elected from the candidates who have been nominated by the associations referred to in Articles 9, 10, 11 and 15. Moreover, the Youth Council may co-opt members.

§ 3. The Youth Council shall submit to the Government of Flanders a proposal with regard to the way in which the Youth Council is elected and how it operates. The Government of Flanders shall decide on the basis of this proposal.

In derogation of the first paragraph the Youth Council that has been composed by virtue of the Flemish Parliament Act of 18 July 2008 on the implementation of a Flemish youth and children's rights policy shall be maintained upon entry into effect of the present Flemish Parliament Act until the end of its current mandate.

§ 4. The Government of Flanders shall provide the Youth Council, at its request, with any information it requires to fulfil its remit.”

The SARC is the **Strategic Advisory Board for the Culture, Youth, Sports and Media Policy Area** and is organizationally part of the Culture, Youth and Media Department. Representatives from civil society and independent experts consult each other in the General Council or in one of the four sector councils on the cultural, youth, sports and media policy in the broad sense of the word. The advice and studies resulting from this consultation are submitted to the Flemish Government and the Flemish Parliament.

18. What is the process of consultation of CSOs regarding legislative proposals having an impact on civil society and civic space?

Réponse Région flamande : In Flanders the so called ‘strategic advisory councils’ play an important role in the process of consultation. For example the “Minaraad” is a strategic advisory council of the policy domain Environment of the Flemish Government. It gives advice, on its own initiative or at the request of the Flemish Government, on environmental policy or the environmental component of sustainable development. The Flemish Government has the obligation to ask for advice on: draft proposals of decrees regarding environmental policy; draft proposals of decrees from other policy domains but which may have a significant impact on the environment; and draft proposals of decisions of the Flemish Government which relate to environmental policy and are of strategic importance. Furthermore, the Minaraad can give advice on a number of other instruments, at Flemish, federal, EU or international level. The Minaraad is composed of 24 members, 8 of which represent environmental organisations, 6 represent socio-economic organisations, 2 for cities/ communes and 4 independent experts.

With regards to the rights of children and youth The above mentioned Act of 2012 introduced the child and youth impact report, which already exists since 2008 and was preceded by the child impact report since 1997. Article 4 of the Act of 2012 states in this regard:

“To each draft Flemish Parliament Act that is submitted to the Flemish Parliament a «kind- en jongereneffectrapport» (child and youth impact report), abbreviated as JoKER, shall be appended when the intended decision directly affects the interests of people under the age of 25.

The JoKER is a public document which shall at least contain the following information:
1° a description of the impact of the intended decision on the situation of the child or young person,
2° a description of the impact on the situation of the child or young person without the intended decision,
3° alternatives to the proposed decision, in particular a description of the measures intended to avoid, limit or possibly remedy major negative consequences of the decision for the situation of the child or young person.

The Government of Flanders shall further specify the rules for designing this report.”

19. Do you have an easily accessible one-stop-shop online platform in place, which regroups all consultations with CSOs and the public?

Réponse Région flamande : With regards to the topic of the rights of children and youth, all information can be found on the public website <https://www.vlaanderen.be/cjm/nl/jeugd/vlaams-jeugd-en-kinderrechtenbeleid/coordinatie-en-overleg>

20. Do you have any guidelines or standards on public participation?

Réponse Région flamande : With regards to the topic of the rights of children and youth, The manual on the Flemish child and youth impact report contains guidelines on the consultation of CSO and of children as well.

21. Are CSOs or, where relevant, NHRIs included in the committees set up to monitoring the implementation of EU funded programmes under the Common Provisions Regulation (CPR) and are they involved in the arrangements set up under the horizontal enabling condition to ensure compliance with the Charter? If so, what is their role in this context?