

# **Analytical Report on Education**

## **National Focal Point for BELGIUM**

Centre pour l'égalité des chances et la lutte contre le racisme/Centrum voor gelijkheid van kansen voor racismebestrijding/Centre for Equal Opportunities and Opposition to Racism (CEOOR), Brussels

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# 1. Executive Summary

Education in Belgium falls under the competency of the different communities and their Ministers of Education. In this report we focus on the position of migrants, newcomers (including refugees and asylum seekers), and other minority groups at the different levels of education in the Flemish and French communities.

An overview of the educational policy regarding to minority groups in Flanders shows the change of the education priority policy (1993-2001) into the policy of equal chances in education. The new decree on equal chances in education (28 June 2002) aims to create optimal learning and development opportunities for all pupils and wants to promote social cohesion by countering processes of exclusion, segregation and discrimination. The decree is based on three principles: the right to enrol in schools of the own choice, responsibility at the local level through the establishment of local consultation platforms and a supplementary support of schools hosting a large number of pupils with backward social position. A number of initiatives that were started before the realisation of the decree on equal education chances still continue. We mention four initiatives: education in the own language and culture, reception education for newcomers who are non-native speakers, extra teaching hours for schools in language border municipalities or suburbs, and education priority policy in special education. As the result of some incidents in the city of Gent (end of 2002) a circular concerning police actions towards children without legal documents in schools was signed and spread around.

In the French community the decree of 30 June 1998 is the main policy instrument to ensure equal opportunities for social emancipation for all pupils of primary and secondary schools through positive discriminations. The decree of 14 June 2001 regulates a specific reception policy for children of newcomers. Despite all the efforts done by the French community, the main factors which indicate educational problems by foreign pupils remain unchanged.

In this report we discuss three main issues which are rather specific and situated on different levels of education. Reception education is situated at the level of primary and secondary education. After the Flemish community, the French community has also started to organise education specifically directed to newcomers. The aim of reception education is to prepare newly arrived youngsters who are non-native speakers to their inflow in normal education.

There is a difference between the criteria for access used by the French and the Flemish community. An evaluation of the reception policy in the French community points out the limits of the decree.

A second issue in this report is the equivalency of diplomas. The procedure is quite complicated and is partly organised according to European regulations and partly according to regulations of the community. In Belgium people can go to NARIC Flanders or NARIC of the French speaking community to start a procedure to equate their diploma. They have the option to ask for the acknowledgement of the level of studies or for the academic recognition. The procedures between the two NARIC's differ. OCIV (Consultation Centre for the integration of refugees) started a project on this issue, mainly

because of the different obstacles during the procedure, especially for people who are in possession of a diploma from a country which does not belong to the European Union.

A third issue is the possibility to take classes in vocational training for migrants, refugees and asylum seekers. Two types of vocational training are offered. One type is the training provided by the different employment services, VDAB in Flanders, BGDA-ORBEM in Brussels and FOREM in the Walloon region. This vocational training is only offered to unemployed people and people who have sufficient knowledge of one or two official languages. The second type of vocational training is organised by the Flemish and French community, the so-called “social promotion programmes”. “Bonte was”, a basic course of Dutch for adults (non-native speakers) is the most recent initiative of the Flemish community.

The opportunities to adequate education are crucial in the integration process. The Flemish and the French communities in Belgium develop their own policy and initiatives to generate and foster equal learning and developing opportunities for foreigners. Despite many initiatives of positive discrimination and support, many problems with respect to the provision of adequate education opportunities remain.

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### 3. Glossary of terms and concepts used

According to the different regions and policies towards minorities in Belgium, different terms are used to define the target groups of the minority policy. For Flanders the new decree on Minorities of 28 April 1998 defines the following relevant terms.<sup>1</sup>

- Allochthonous persons: individuals who stay legally in Belgium, irrespective of their nationality, and who fulfil at the same time two conditions: 1. Minimum one of their parents or grandparents is born in another country than Belgium, 2. The persons find themselves in a position of deprivation caused by their ethnic origin or their weak social-economic situation.
- Refugees: individuals who are in Belgium fulfilling one of the following conditions: 1. Belgium recognises them as refugees on the basis of the International Geneva Convention 2. The individuals asked for asylum in Belgium and their request was not definitely refused.
- Caravan dwellers: individuals with a nomadic lifestyle, they are legally in Belgium and they live or lived in a caravan, special attention goes to autochthonous travellers and gypsies, and to those people who are relatives in the first remove or who live together with travellers or gypsies.
- Ethnic-cultural minorities: the total group of allochthonous people, refugees and caravan dwellers and other foreigners who stay in Belgium without legal documents and who ask for assistance because of their emergency situation.

In the Dutch-speaking part of Belgium, until recently, the term ‘migrant’ was used to refer to the non-EU migrants, mostly Moroccans and Turks. Since a few years the term ‘migrant’ has increasingly been usurped by the term of ‘allochthonous people’, denoting generally the same group of people. Since the Minorities Decree of 28 April 1998, the term ‘ethnic-cultural minorities’ is used in official documents, and also increasingly in the media and the general discourse. The usage of the term ‘newcomer’ is quite new, it is added to denote a specific group of people.

Newcomers have to fulfil the following conditions: 1. Recent arrival, 2. Adult age, 3. They speak another language than the official languages of Belgium, 4. They are socially and economically in a disadvantaged position. Moreover, they have to belong to one of the following categories: 1. Those who arrive to form a family or for reunification purposes, 2. Recognised refugees, 3. Asylum seekers, whose request has been positively assessed, 4. People who obtained the right to stay in the country after a regularisation procedure.

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

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<sup>1</sup> Minority decree of the Flemish community, 28 April 1998. Chapter 1 : General definitions

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

Just as for Flanders, the French-speaking community the term 'primo-arrivant' (newcomer) has recently emerged to refer to a specific group of people (see definition newcomer).

The term 'discrimination' which we use in this report, is defined in a federal act 'on the punishment of certain acts motivated by racism or xenophobia'. Discrimination means 'any form of distinction, exclusion, restriction or preference, whose purpose or whose result is or could be to destroy, comprise or limit the equal recognition, enjoyment or exercise of human rights and the fundamental freedoms on a political, economic, social or cultural level, or in any other area of social life.'<sup>2</sup>

A difference is made between direct and indirect forms of discrimination.' Direct discrimination occurs if a difference in treatment that is not objectively or reasonably justified, is directly based on sex, a so-called race, colour, descent, national or ethnic origin, sexual orientation, marital status, birth, fortune, age, religion or belief, current and future state of health, a disability or physical characteristic.'<sup>3</sup> 'Indirect discrimination occurs when a seemingly neutral provision, measure or practice has harmful repercussions on persons on which one of the grounds for discrimination set out in the definition of direct discrimination applies, unless said provision, measure or practice is objectively and reasonably justified.'<sup>4</sup>

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<sup>2</sup> Article 1, first section, of the Act of 30 July 1981 on the punishment of certain acts motivated by racism or xenophobia (last amendment 12 February 2003)

<sup>3</sup> Article 2, first section, of the Act of February 25, 2003 pertaining to the combat of discrimination

<sup>4</sup> Article 2, second section, of the Act of February 25, 2003 pertaining to the combat of discrimination

## 4. Introduction

In Belgium, education falls under the competency of three communities, namely the Flemish, the French and the German community. Not less than five Ministers of education (1 for the Flemish, 1 for the German and 3 for the French community) shape the Belgian educational system. Given the relative high representation of immigrants in the Flemish and French communities, the legal framework, policy, main problem areas and initiatives to redress these problems and/or good practices in these two communities are discussed.

After giving an overview of the past ten years of education policy in Flanders and in the French community, we focus on the different legal instruments for regulating the current educational systems in the different communities. We do not only focus on the position of migrants and newcomers (including refugees and asylum seekers), but also on the position of other minority groups in Flanders such as caravan dwellers.

Special attention is given to specific initiatives and problems related to the different levels of education. For the level of primary and secondary education, we report on the organisation of reception education for newly arrived youngsters. This type of education existed first in Flanders and is also recently organised by the French community. For the level of higher education, we discuss the procedure, problems, initiatives related to diploma equivalency. The equivalence of a diploma is for a lot of migrants and newcomers, especially for those who are highly educated, a very important issue. Again, the Flemish and the French community developed an own way of organising the procedure of equivalency within the framework of the European rules. A third issue we want to discuss is the organisation of vocational training in both communities.

Our choice to report on specific initiatives and not on general issues is related to different facts. First of all it is difficult to trace migrants and newcomers in higher education. There is a lack of research in this field. In the official statistics only two categories are used, Belgian pupils (only nationality is a criteria and not origin) and foreign pupils (including migrants, newcomers, foreign students who only come to study in Belgium or who take part in European exchange programmes). Second we notice a change in legislation and policy concerning higher education because of the implementation of European instructions.

## **5. Legislation and policies in the area of Education of relevance for migrants and minorities.**

The education policy in the Flemish and French Community towards migrants and newcomers has not fundamentally changed during the last years. Assessing the education policy in Flanders over the last 10 years reveals the importance of the signing of the non-discrimination declaration in 1993. This declaration has to be considered within the context of the education priority policy (1993-2000) which is recently (school year 2002-2003) substituted by the policy of equal chances in education (fully implemented in September 2003). The main policy instrument in the French Community to ensure the equal opportunities in education is the decree of 30 June 1998. An additional decree (14 June 2001) specifically focuses on the situation of newly arrived youngsters in education.

In this report we also want to pay special attention to the position of refugees in the educational system and more specifically to the problems they face with respect to the recognition of their diplomas in the Flemish as well as in the French community.

In Belgium every youngster between 6 and 18 years old is obliged to attend school. 60 days after their registration with the local authorities, children of refugees have access to Belgian primary and secondary education without any discrimination. The French and Flemish community justify the enrolment of pupils without legal residence permit and they guarantee them the confidence of information (for example towards the office of foreigners). Both communities consider the right to education, which is a basic right for every pupil, as prior to the residence statute of a child. Still two problems arise. First of all, the school is obliged to give a name list of pupils who go on an international school trip to the office of foreigners. By doing this, the board of the school can be sure that every pupil can enter Belgium again. Evidently, this registration system excludes pupils without a legal residence permit from going on an international school trip. It is possible that, because of their non-participation, these pupils become stigmatised and excluded by the other pupils in the class group. A second problem concerns the police arrests of pupils without legal residence permit during the hours of the school, while they are taking classes. This experience is certainly traumatising.

### **5.1. NON-DISCRIMINATION POLICY WITH RESPECT TO EDUCATION IN THE FLEMISH COMMUNITY (1993-2003)<sup>5</sup>**

In July 1993 the main actors of the Flemish educational system, namely the Minister of Education, the ARGO (community education) and representative groups of the governing bodies of schools (provincial, municipal, and Catholic education) signed a non-discrimination declaration for education in the Flemish Community. The above mentioned actors agreed to work on a non-discriminating study environment for every pupil and to help avoiding segregation in education. The aims of the non-discrimination declaration are twofold. On the one side there is the stimulation of a more equal

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<sup>5</sup> Centre for equal chances and opposition to racism, bilan 1993-2003

representation of target group pupils in schools especially those in municipalities with a lot of foreign pupils. On the other hand, the declaration aims to stimulate teachers and pupils to consciously try to prevent and fight acts of discrimination.

Every school board has to develop a non-discrimination code, which has consequences for the orientation of foreign pupils, the curricula, the school culture, the formal organisation of the school, the personnel management, the working of PMS (Psycho-Medical and Social support, substituted by the CLB, Centre for Pupils support in 2000). Besides the actors who signed the declaration, also the education unions and the parents' association (members of the VLOR, Flemish Educational Council) extend explicitly support to the realisation and effect of the non-discrimination policy mentioned above. In primary education, 614 schools in 28 municipalities execute the declaration (in a local agreement). For secondary education there were apparently less schools engaged, but in almost as much municipalities as for primary education.

Within the framework of the non-discrimination declaration a commission for evaluation and mediation was installed. Each year, this commission dealt with an average of 30 complaints. These are complaints about racism or about not respecting the local agreements between schools.

From 1993 to 2000, the non-discrimination declaration was part of the educational priority policy of the Flemish community. The educational priority policy aimed to prevent or to counter educational deprivation, it also included strategies for intercultural education, an elaborated reception policy and a focus on education in the own language and culture. The non-discrimination declaration supported the educational priority policy, but added one extra aim namely the promotion of the access of foreign pupils to a school of their own choice. Since the school year 2002-2003, the non-discrimination policy is substituted by the policy of equal chances in education, which will be fully implemented in September 2003.

The educational priority policy was two times evaluated. The last evaluation of the implementation (April 2002) was done by the focal point of intercultural education (ICO). First of all in the education priority policy is a lack of standards which have to be reached. It is clear that the aim of the policy is to reduce educational deprivation of foreign pupils, but it is nowhere formulated in what sense (reduction of drop-out, promotion of flow through or the reduction of the educational deprivation in comparison with average pupils). Second, there is the problem with the definition of the target group. Information which schools have to collect to be able to receive additional funding is perceived as being stigmatizing for the target group. There is also the danger that the problems related to ethnic background are reduced to language problems. One of the main critics towards the education priority policy is the way in which the government deals with the action plans of the schools. The action plans, originally meant to help the schools to deal in a more conscience and a more systematic way with the problems in the school, ask a lot of time investment and paperwork. Moreover a difference is noted between what schools write down in their action plans and what they do in reality. In the new policy schools will have the chance to make their own priorities in a sense that they will be no longer obliged to write action plans for the four areas of the education priority policy. The improvement of education can best be reached

via the integration of the different action areas in the school curricula and via the support of all the teachers of a school and not only by the additional teacher responsible for the implementation of the policy in a school.<sup>6</sup>

### **5.1.1. The Decree of 28 June 2002 on Equal Chances in Education<sup>7</sup>**

The intention of the new decree of equal chances in education is reflected in a quotation of the explanatory memorandum.

“Children with a foreign background and children from deprived families run more than other children, the risk to be confronted with problems at school such as school deprivation, repeating and drop out. Very often children with a foreign background and children from deprived families do not start their school career with the same social and cultural capital as other children. They often do not succeed to fulfil the expectations of the school. Especially because of the lack of fulfilling the expectations of the school, they run the risk that the school does not fully recognises their possibilities.”

The new decree of equal chances in education of 28 June 2002 will be fully implemented on 1 September 2003 (school year 2003-2004). The decree aims to create optimal learning conditions and opportunities for all pupils and to promote social cohesion by countering processes of exclusion, segregation and discrimination. The decree is based on three main principles: 1) the right to enrol in schools of the own choice, 2) responsibility at the local level through the establishment of local consultation platforms and 3) a supplementary support of schools hosting a large number of pupils with backward social position.

Central in this policy is the fact that every pupil has the right to enrol in the school of the parents' choice. When the pupil has reached the age of 12 years, the choice of the school is made in consultation with the pupil (art. III.1, §1). Preceding the first enrolment, the board of the school has to explain the pedagogical project of the school and the school regulations. The enrolment is taken after the agreement of the parents with the project and the regulations (art. III. 1, §2). Only exceptionally a school can refuse the enrolment or refer the pupil to another school. The board of the school can only withhold an enrolment when there are safety problems related to material circumstances and when the pupil was definitively expelled from school. The board of a school can refer the pupil to another school when (s)he has special educational needs. The school also has the right to refer certain pupils (who do not have Dutch as their home-language) to another school when the language- heterogeneous character of the school is endangered. The withholding of an enrolment or the referring of a pupil are strictly supervised by the Commission of the rights of pupils. The Flemish government meticulously oversees the procedure of inscriptions. Refusals and referrals need to be justified in written form, and need to be based on factual and judicial arguments. The proof of burden lies with the board of the schools. In case of referral local consultation platforms are entitled to mediate in the interest of the referred pupil. In case of unjust refusal or referral sanctions are imposed. These stipulations are based on the European directive concerning ‘the application of the

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<sup>6</sup> Schryvers, E. and Hillewaere, K. Evaluation research of the education priority policy, summary and recommendations, KU Leuven and HIVA, April 2002, p. 31-39.

<sup>7</sup> Centre for equal chances and opposition to racism, year report 2002,

principle of equal treatment regardless of sex or ethnic descent' and constitute a further step in the implementation of article 5 and 6 of the 'International Convention on the Elimination of All Forms of Racial Discrimination'.

Local consultation platforms are established at the local level. These local consultation platforms substitute the former non-discrimination platforms. The new consultation platforms have additional responsibilities including the writing of an environment analysis concerning unequal education opportunities, making arrangements in order to successfully implement the objectives of the decree concerning equal opportunities in education, co-ordination of the education of non-Dutch speaking newcomers, quantitative assessment of the share of pupils who fall under certain indicators of unequal opportunities, co-ordination of the mediation modalities and the support of children, who are refused or referred to another school.

The local consultation platforms consist of local education participants, notably directors, centres for support of pupils, parent's associations, representatives of labour unions, PTAs, pupil councils, social and cultural organisations, economic partners, immigrant and disadvantaged native population, the local integration sector and reception offices (for newcomers). Due to the diverse composition of the platform links can be made with other policy areas including housing and mobility.

Schools receive additional funding if they host a relatively high number of pupils (minimum 10% of the pupils in primary education and minimum 25% of the pupils in secondary education), whose profile corresponds with the indicators of unequal opportunities. These factors include living on a subsistence wage; homelessness; belonging to the group of travellers; having a mother with low educational attainment; the usage of another language at home than Dutch. There is a consensus that if children reveal one or more of these factors, they tend to perform less effectively and less successfully in school in comparison to their peer group, to which these factors are not relevant. Therefore schools are ranked according to the level of hosted children/youngsters exhibiting one or more of these indicators. These indicators determine the additional financial means accorded to these schools. On the basis of the environmental analysis the school will determine the specific objectives they want to attain with the additional funding, as well as the methodology and the way of assessment.

The objectives can be chosen from the following key actions: prevention and improvement of development and learning problems, improvement of language skills, intercultural education, going on and orientation, social-emotional development, pupil and parents participation. External evaluations such as assessment of the level of the pupils through a sample survey and through the evaluation by the educational inspection allow the policy maker to determine whether the aimed objectives have been met and whether these schools will be reselected for another three years of additional funding. The policy maker also provides supplementary pedagogical tools to support these schools in implementing the decree.

### **5.1.2. Other Regulations taken before the Realisation of the Decree on Equal Education Chances which Remain Good.**

Four regulations were taken before the realisation of the new Decree: Education in the own language and culture (OETC – *Onderwijs in Eigen Taal en Cultuur*), reception education for newcomers who are non-native speakers (primary and secondary education), extra teaching hours for schools in language border municipalities or suburbs (situation in Brussels) and Education priority policy (still only in special education).

In 27 schools of primary education and 2 schools of secondary education it is possible to take classes in the own language and culture. Teachers are coming from the same countries of origin as the pupils. The Flemish government negotiates with different embassies about a partnership on education. The embassies recruit teachers for OETC, they pay and control them. The teachers stay maximum 5 years in Belgium. The co-operation between the OETC-teacher and the other teachers of the schools is not always easy. There are communication problems (very often the OETC-teacher does not speak Dutch), the OETC-teacher is orientated to his/her country of origin and not to Belgium, the OETC-teachers do not know the Belgian society values. They are also not in touch with the foreign pupils in Belgium even when they share the same ethnic background. To try to solve these problems, the OETC teacher has his/her own translator in the school. These translators help to make agreements between OETC-teachers and Belgian teachers about the curricula and they try to explain habits, opinions of Belgiums regarding to certain topics. Embassies who cooperate in OETC are asked to recruit now foreign teachers in Belgium.

Reception education is in fact education for newcomers who are non-native speakers. The aim of this type of education is to acquire knowledge of the Dutch language and to stimulate social integration. The decree on primary education of 25 February 1997 (art. 138,3°) is the legal basis for the reception policy in Belgium regarding to primary education. Reception education for newcomers who are non-native speakers in secondary schools is regulated by the decree of the Flemish government of 24 May 2002.

### **5.1.3. Circular concerning Police Actions towards Children without Legal Documents in Schools.**

As the result of some incidents in Gent (at the end of 2002), where the police went to schools to look for children from parents without documents, the Minister of Education had a consultation with the Minister of Internal Affairs. On 29 April 2003 the Minister of Internal Affairs signed a circular which is sent to all the police services to bring to attention the agreement of 1994 which stated that police services can not enter schools within the scope of a procedure of expulsion. The circular only clearly mentions that it is forbidden to arrest children during school time. The circular also 'recommend' police services not to wait for children at the school gates, this action is permitted when the parents of the children are already arrested and therefore not able anymore to come for their children. The circular also mentions the fact that families with school going children, who receive an expulsion order in the period from the beginning of the Easter holiday until the end of the school year, can ask for a postponement of the expulsion until the end of the school year (or the end of the re-examination). The Minister of education

substituted the circular concerning 'the right of education for children without legal residence statute' of 14 June 1999 by a new circular signed on 24 March 2003 which includes the decree on equal chances.

#### **5.1.4. Decree concerning the Regulations of Access to Higher Education for Refugees, Homeless People and People who are not yet recognised as a Refugee and who are not in Possession of the Necessary Documents of Previous Education in their Country of Origin.**

On 20 April 2001 the Flemish government ratified and promulgated the decree concerning the adaptation of the regulations for higher education. Especially articles 26ter and 40bis of the decree are interesting because they treat the situation of 'refugees, homeless people and people who are not yet recognised as a refugee and who are not in possession of the necessary documents to prove previous education in their country of origin.' Both articles, one related to the college of higher education (26ter) and another one related to the university (40bis), stress that the respective boards can permit (in deviation with the preparatory training rules mentioned in articles 21, 22 and 26) the above mentioned people access to education in their institutions if these people succeed in the specially organised examination of competence or entrance examination.

In reality these articles do not solve the problems of access to higher education for the target group because colleges of higher education and the university are not obliged to organise the entrance examination or the examination of competence. Also the procedure is not centralised and so if examinations are organised, the type of exams differs in the different faculties. There is clearly a lack of framework for this important process.

## **5.2. NON-DISCRIMINATION POLICY WITH RESPECT TO EDUCATION IN THE FRENCH COMMUNITY<sup>8</sup>**

In the French Community, more than one out of five pupils has a foreign background. As a consequence, schools are often presented as very interesting places to stimulate integration. Reality, however, shows a different picture: Despite considerable efforts during the last years (positive political innovations and special means), the main factors (repeating, school delay, absenteeism, drop out, overrepresentation in special and vocational training) indicating educational problems of foreign pupils remain unchanged. The main causes of the difficulties in education faced by foreign pupils are known: socio-economic problems, specific problems of foreign pupils (cultural background of parents, French language, identity problems), but also the difficulties of schools to take the socio-cultural diversity of the population in consideration. Related to the last cause we refer to the main actors in education, the lack of infrastructure, the means and the policy.

The main policy instrument of the French Community to ensure the equal opportunities for social emancipation for all pupils of primary and secondary

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<sup>8</sup> Centre for equal chances and opposition to racism, year report 2002

schools through positive discriminations is the decree of 30 June 1998. Seven points of action are formulated. The target group of the ordinance consists of minors with foreign nationality, of foreign descent and finally those, who are undocumented but accompanied. Two structures were set up, the Commission for Positive discriminations (general supervising organ) and the Mediation Council. Another decree (14 June 2001) is specifically related to education of newly arrived youngsters in compulsory education. The decree provides a formal definition of ‘newly arrived pupils’ and aims to improve the integration of newly arrived pupils in the education organised and financed by the French Community.

Related to the Policy of the French Community to ensure equal opportunities in education, we elaborate on three regulations : the decree of 30 June 1998, the decree of 14 June 2001 concerning newly arrived youngsters and the regulation concerning the recognition of foreign diplomas in higher education.

### **5.2.1. The Decree of 30 June 1998**

The main objective of the decree of 30 June 1998 is to ensure the equal opportunities for social emancipation for all pupils of primary and secondary schools through positive discriminations. This ordinance has seven action points:

- to indicate the educational institutions, where actions of positive discriminations are to be installed
- to grant these educational institutions supplementary means for the installation of actions of positive discriminations
- to promote the pedagogical actions, enhancing the equal opportunities of social emancipation of the pupils
- to ensure co-ordination of the means provided by different public establishments
- to prevent dropping out and absenteeism
- to prevent violence, with specific attention for certain institutions
- to organise schooling for minors, residing illegally in the territory accompanied by parents or legal guardian

The target group of this ordinance consists of minors with foreign nationality, of foreign descent and finally those, who are undocumented but accompanied. Positive distinction is defined as a distinction, benefiting educational institutions offering primary and secondary schooling, on the basis of social, economic, cultural and pedagogical criteria. In order to organise actions of positive discriminations, supplementary means are granted to the selected educational institutions. These means consists of human and material means.

Two structures were set up to ensure that all pupils have equal access to social emancipation through the specific actions of positive discriminations. The first structure is the Commission for Positive discriminations, which is the general supervising organ between the French community and the field. On the one hand, it has to provide advice

and expertise concerning positive discriminations. On the other hand, it co-ordinates the implementation of the programme in the field, while linking these actions to other organisations or actions at other levels such as the European level. The mediation council has the main task to prevent violence and early dropping out of school of pupils attending vulnerable secondary schools. From a more constructive perspective, the mediation council aspires to establish a climate of confidence in the relations between pupil, his/her parents or legal guardians. Structurally, this council falls under the authority of the Commission for Positive discriminations.

### **5.2.2. Decree of 14 June 2001 concerning Newly Arrived Youngsters**

In the area of education, the decree of 14 June 2001 regulates a specific reception policy for children of newcomers.

The definition for a newly arrived pupil is:

- S/he falls between the age group of 2,5 and 19 years old. To put it differently s/he is at least 2,5 years old and not older than 18.
- S/he has been in the country for at least one year.
- S/he has introduced a request for asylum or stateless person or whose request has been formally recognised or a minor of an adult accompanying person, who has introduced an request for asylum or stateless person or a subject of a developing country or a transit country (according to the OECD definition).

Newly arrived pupils have the right to attend special classes for the duration of one week to six months, which offer a certain number of French (as a second) language classes. In spite of these additional French lessons, they are entitled to follow the entire or partial package of the ordinary secondary school programme. The decree also specifies the schools, which are entitled to organise these additional language classes. In the Brussels Capital Region 12 of such schools have this right. In Wallonia, the criterion is based on the proximity to a reception centre for asylum seekers. To note, children of asylum seekers and minor asylum seekers are subject to the same law of mandatory education for minors (defined as those under the age of 18 and older than 2,5 years old).

Another initiative relating to this target group is the right of access to secondary school even without the formal documents of the country of origin, proving the level of attained education. This task is performed by an integration council under the co-ordination of a representative of the Jury of the French Community. The latter has the decisive power whether one is granted access. In addition, this rule does not apply to the last two years of secondary school.

### **5.2.3. Recognition of Foreign Diplomas in Higher Education**

At this level it is necessary to take into consideration the final objective of this recognition. If one desires to continue university or other studies in the French Community, then the university administration or that of the university-level institutions are competent for the recognition. The educational instances are exclusively responsible for the recognition without the consent of a third partner.

However, in case of recognition for professional purposes, the Minister of Education is responsible, supported by an ad hoc management board of the same Ministry. A distinction is made between an EU and a non-EU migrant. The EU aiming to promote the free movement of its citizens within the EU space has not completely abolished the traditional barriers in the professional movement of its citizens. These barriers include: entry, sojourn, nationality conditions for performing certain professional activities and national requirement concerning qualifications.

Since 1995 Europe has implemented a so-called recognition in terms of sectors, based on the harmonisation of a joint education for the seven professional target groups, including medical and paramedical professionals and architects. The net result is that a EU citizen with a national diploma in one of these seven professions may start to work in the concerned profession in any EU country after a quick scan of the diploma. Starting from 1988 the provision has been extended to a general system of recognition of diplomas. Holders of diplomas obtained within the EU space, which demonstrate three years of higher studies allowing the access to a regulated profession in their own country, may perform this profession in any EU member state. However, the reality is more bleak and there are more obstacles at the grass root level. First, there is still a wide range of non-regulated professions. Second, most of the requests comes from non-EU migrants, from the so called third countries such as Africa, Eastern Europe and Albania, to whom the above mentioned provision does not apply.

Whether one is an EU migrant or not, a wide range of people are requesting the service of the General Secretariat of Higher Education for a recognition of their diplomas. Between the strict application of the rules and the granting of recognition in individual specific cases, there are many complex files. One of the greatest challenges is that the general rule is sometimes too strict and demanding as in the case of recognised refugees, who often did not bring along any documents. Another problem arises in individual cases, which have treated as an exception the general rule. In the latter case there is a lack of transparency in the procedure, which against all odds are being granted recognition, while other files are being declared invalid.

There is a clear need to make the procedure more transparent, effective and open because of the complexity of this phenomenon and the high expertise involved in this procedure. Besides know-how and expertise, financial means and manpower are missing in order to adequately deal with this issue. The procedure needs to be improved especially vis-à-vis the third nationals. Besides the mere academic recognition of the diplomas it would be worthwhile to reflect on the establishment of entry modalities in certain professions. This would benefit the third nationals in their search for a job in the labour market.

## **6. Description and Analysis of Existing and Non-Existing Data and Sources**

Two methods of data collection and analysis were used for this report. First a literature search was done. We looked into annual reports of different policy institutions. We analysed the annual statistical reports on education for each community. We explored the different regulations of the Flemish and French community relating to education and specifically to the issues of reception education, equivalency of diplomas and vocational training. We analysed research reports on the issue of education. Secondly, experts on the field of education and integration were contacted and interviewed in order to obtain information about initiatives, which are taken to implement the educational policy in the different communities and also about activities of certain NGO's. Due to the fact that many initiatives mentioned in the report are quite new, they have not yet been subjected to evaluation procedures.

After giving a rough sketch of the current demographic context related to education, we provide some general data on pupils and students in the Flemish and French community. Special attention goes to the three main issues, which we discuss in this report. First we discuss initiatives taken by the Flemish and French community on the level of primary and secondary education: reception education (Flemish and French community), educational priority policy and the situation of caravan dwellers (Flemish community). Second we report on the issue of diploma equivalency (level of higher education) in Flanders and the Walloons. Also the access to higher education in both communities is discussed. Third we have special attention for the organisation of vocational training for migrants, refugees and asylum seekers in the Flemish and French community. For each issue we provide related data.

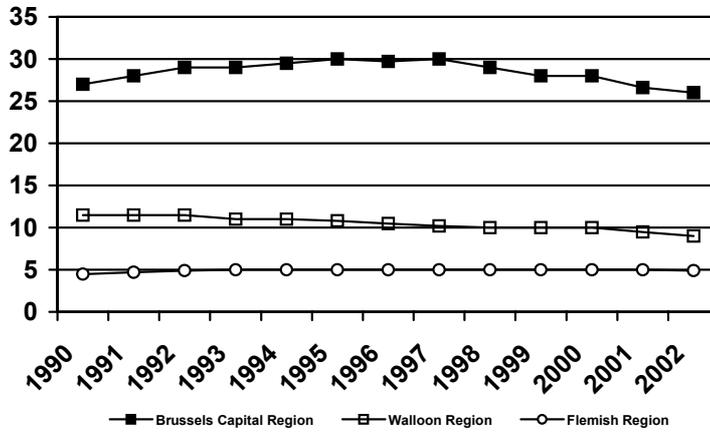
### **6.1. DEMOGRAPHIC CONTEXT RELATED TO EDUCATION<sup>9</sup>**

In January 2002 the total Belgian population comprises of 10.309.725 people, with a majority of women. 57,9 % lives in the Flemish region (5.972.781). The foreign population in Belgium has decreased from 861.685 in 2001 to 846.734 in 2002. Nevertheless, the number of migrations almost doubled during the same period (from 12.137 in 2000 to 24.887 in 2002). This means that the number of foreigners remains unchanged in Belgium, they only changed more often their own nationality into the Belgian one. During the year 2001, 62.982 foreigners became Belgian, in 2000 there were 61.980 foreigners who changed their nationality. The rapid-Belgian-law, which is constituted since May 2000, makes it easier for certain categories of foreigners to obtain the Belgian nationality.

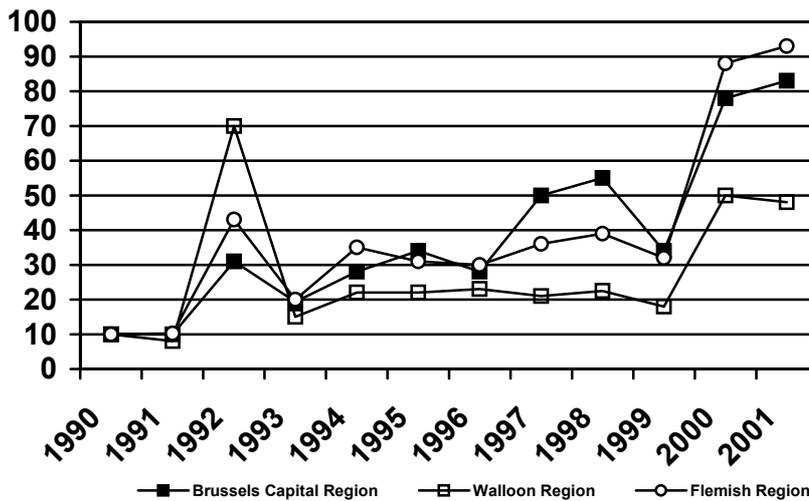
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<sup>9</sup> NIS, statistics of the population

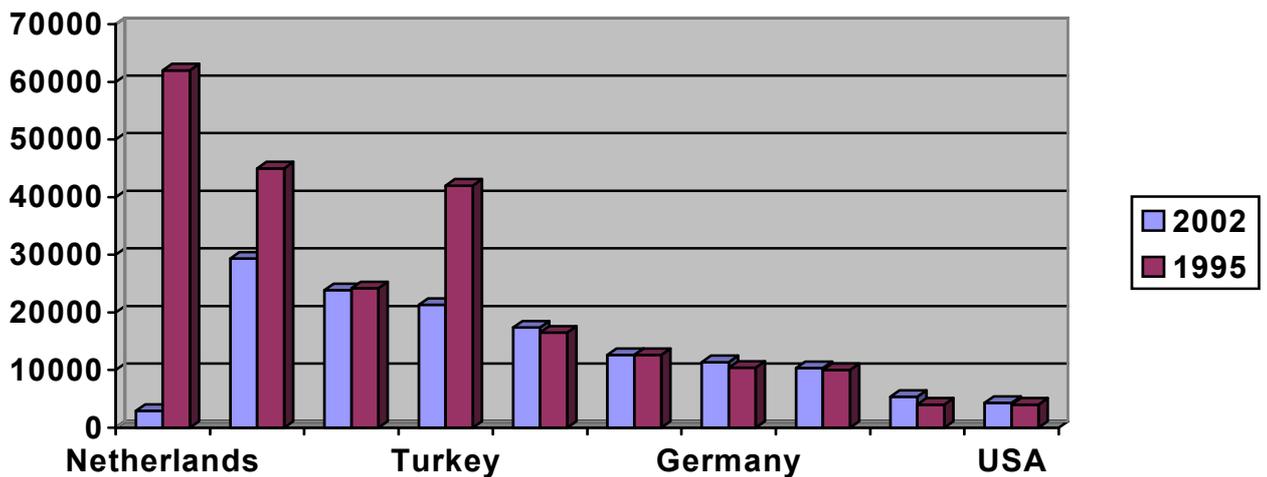
**Table 1: Foreign Population by region (1990-2002)**



**Table 2: Evolution of naturalisation per region (1990-2001)**



**Table 3: Foreign nationalities in the Flemish region in 1995 and 2002**



*Top-ten of foreign nationalities in the Flemish Region, by country of origin on 1/1/1995 and 1/1/2002.*

*Source : NIS, National Register*

The largest group of foreigners is the Italian group, followed by the French, Moroccan, Dutch and Turkish groups. 6% of the foreign population in Belgium comprises the age group 0 to 17 years old. We can find most of the foreigners in the age groups 25 to 29 years old (12,1%), 30 to 34 years old (12,4%) and 35 to 39 years old (11,2%). The largest group of foreign youngsters lives in the Brussels Capital Region (21,7% of the foreign population is younger than 18). 4% of the foreign population in Flanders belongs to the youngest age group (0-17), for the Walloon region it is 4,9%.

## **6.2. GENERAL DATA ON EDUCATION IN BELGIUM**

During the school year 2001-2002, 1.260.019 pupils and students take classes in nursery, primary, secondary, or higher education (colleges of higher education and universities) in the Flemish community. The Flemish and the French communities provide statistics on the number of pupils / students with a foreign nationality in the different education systems. However, due to use of the criterion 'nationality', these numbers should be considered as an underestimation of the total amount of persons with foreign origins because pupils who do have the Belgian nationality but who have foreign origins are not registered as foreigners.

6,28% of the pupils in ordinary nursery education in the Flemish community have a foreign nationality. It is interesting to point out that about the same proportion of foreigners (5,81%) is found in special education. On the basis of these statistics, there does not seem to be an over-representation of foreigners in special education, as far as nursery education is involved.

In primary education 6,39% and in secondary education 4,28% of the pupils do not have the Belgian nationality. With respect to special primary and secondary education, the table below shows that respectively 7,07% and 9,38% of the pupils have a foreign nationality. The substantially higher representation of pupils with foreign nationality in secondary education is very striking! In the total secondary school population about 3,9% (i.e.16.084 out of 414.079) is in the special education system, whereas about 8,5% (i.e.1.508 out of 19.236) of pupils with non-Belgian nationality is in the special educational system. Taking into account the stipulated under-estimation of these data, these figures are alarming.

Most of the pupils with a foreign nationality who take classes in nursery, primary or secondary education organised by the Flemish community, are coming from the Netherlands, Morocco and Turkey. In case of higher education, the group of foreign students does not only include migrants (with a foreign nationality), refugees, asylum seekers, but also students who only come to Belgium to study or who participate in a European exchange program.

**Table 4: School population (total and foreign) in Flanders in terms of type of education (school year 2001-2002)**

	Total school population		Foreign school population			
	Ordinary education	Special education	Ordinary education*		Special Education**	
Nursery Education	237 818	1686	14 936	6%	98	6%
Primary education	407 526	26 794	26 047	6%	1 893	7%
Secondary education	414 079	16 084	17 728	4%	1 508	9%
Colleges of higher education	99 339		1 997	2%		
University	56 693		3 876	7%		
<b>Total</b>	<b>1 260 019</b>		<b>68 083 (5%)</b>			

\* Besides the absolute figures, proportions of foreigners in relation to the total population in ordinary education are presented. \*\* Besides the absolute figures, proportions of foreigners in relation to the total population in special education are presented.

Source : *Statistical Yearbook of Flemish education (2001-2002)*

The school population in the French community comprises of 974.653 pupils and students. 6% of the total school population in nursery education does not have the Belgian nationality. In special education the proportion of non-Belgians amounts to 17% in the French community! It is clear that non-Belgians are largely over-represented in this part of the special education system. A similar trend with respect to primary and secondary education is found. About 17% of the pupils in special primary education have a foreign nationality, whereas the proportion of non-Belgians in ordinary primary education is 12%. The proportion of non-Belgians in special secondary education even comprises 20%, whereas the proportion of non-Belgians in ordinary secondary education is 12%.

In the classes of nursery, primary and secondary education organised by the French community we find a lot of French, Italian, Moroccan and Turkish pupils.

**Table 5: School population (total and foreign) in the French community in terms of type of education (school year 2001-2002)**

	Total school population		Foreign school population			
	Ordinary education	Special education	Ordinary education*		Special Education**	
Nursery Education	157 770	926	17 251	6%	159	17%
Primary education	312 460	14 701	37 139	12%	2 451	17%
Secondary education	335 103	28 878	41 685	12%	5659	20%
Colleges of higher education	78 831		13 584	17%		
University	61 611		11797	19%		
<b>Total</b>	<b>974 653</b>		<b>127 115 (13%)</b>			

\* Besides the absolute figures, proportions of foreigners in relation to the total population in ordinary education are presented. \*\* Besides the absolute figures, proportions of foreigners in relation to the total population in special education are presented.

Source : Ministère de la Communauté Française

## **6.3. PRIMARY AND SECONDARY EDUCATION**

### **6.3.1. Reception Education for Newly Arrived Youngsters in the Flemish Community**

The aim of organising reception education is to develop language skills (Dutch language) and to improve social integration of newly arrived youngsters who are non-native speakers. Reception education is organised in primary and secondary education. The legal basis of this special type of education are the decree on primary education of the 25th of February 1997 (article 138, 3°) and the Decree of the 24th of May 2002 (publicised on 11/09/2002).

Reception education is seen as a way to prepare newly arrived youngsters who are non-native speakers to their inflow in normal education. This inflow normally takes place the school year after the period of reception. The great challenge of reception education is to make newly arrived non-native speaking pupils ready to function in an efficient way (as individual student and as member of a group) in a class group with other Flemish pupils of their age.

There are different criteria to define the target groups of reception education in primary and secondary education. For primary education newly arrived pupils who are non-native speakers are pupils who fulfil on the date of enrolment the following five conditions:

- they are 5 year or older
- they do not have Dutch as mother tongue
- they do not have sufficient language skills to take classes in the language of education (Dutch)
- they do not have the Belgian or Dutch nationality
- they did not take classes (during one school year) in a school where Dutch is the language of education.

For the last two conditions a deviation of the rules can be sustained.

The right to take classes in reception education in secondary education is reserved for pupils who fulfil the following conditions.

- pupils who do not have the Belgian or Dutch nationality
- pupils who do not have Dutch as mother tongue
- pupils who did not take classes (during one school year) in a school where Dutch is the language of education
- pupils who are not able to take classes in Dutch because they do not have sufficient knowledge of this language.
- Pupils who are at least 12 years old and who are not yet 18 years old on the 31st of December following the start of the school year.

In secondary education reception education is most visible in data. During the school year 2001-2002 the 'reception year' comprises of 1810 (999 boys and 811 girls) newly arrived

non-native speaking pupils who fulfil the above mentioned conditions. This means an increase of 213 pupils in comparison with the school year before.

Schools who organise education for newly arrived youngsters can have support via pedagogical guidance, the office Dutch as a Second Language and the office of Intercultural Education.

### **6.3.2. Flemish Educational Priority Policy in Primary and Secondary School (school year 2001-2002)**

Schools can apply for additional teaching hours when they fulfil a number of conditions. A school needs to demonstrate that it is able to receive the target group and to present a plan, describing how they implement the four action areas: education of language skills, intercultural education, prevention and improvement of learning and development problems and involvement of parents. For the action area of 'involvement of parents' the school needs to conclude a contract with a recognised welfare or social and cultural association or with a recognised regional or local integration centre. Moreover, the school needs to co-operate with the centres supporting pupils and with those offering pedagogical support together with an after school support system.

The number of granted teaching hours in the common primary education for the school year 2001-2002 was the highest in Antwerp (4.388 hours), followed by Limburg (3.103) and Brussels Capital Region (2.478). The total of additional teaching hours for the 6 provinces accounted for 12.466, while a total of 28.986 pupils were reached in this program. In terms of full time jobs, 519,2 full time jobs were created within this program. In the special primary school targeting pupils with learning problems the total of additional hours for the same period was 824 hours, targeting a total 1,765 pupils

The same system applies for secondary school whereby schools can obtain supplementary hours and teachers if they fulfil the conditions. The four action areas at this level include Dutch as a Second Language, Dutch as Language of Instruction, Intercultural Education, support of pupils and increasing the involvement of pupils and education in the own language and culture. For the special secondary school system the action areas are those of the primary school.

Participating schools are entitled to additional support. There is a team of 20 or so experts, who support the schools in improving the quality of the offer to immigrant pupils. Two subsidised focal points, namely Dutch as a second language and Intercultural education are responsible for research, training and development of didactic materials.

In Brussels the NGO 'Working group immigration' received a subsidy to further develop the 'Bicultural Model of Education in the Own Language and Culture'.

Since 2000 the NGO 'Educational Priority Policy Brussels' carries out a project, which aims to strengthen the professional skills of teachers, directors and teams of schools to overcome the backwardness of learning and development by pupils through intensive support and to harmonise the co-operation of all the involved educational participants and to increase the co-ordinating capacity of the schools. Every school invests in four working areas: education for the developing of language skills, diversity (intercultural

education) and differentiation, co-operation with parents, co-operation and co-ordination with other educational participants.

This project is implemented in 37 schools in Brussels.

Intercultural education is an offshoot of the educational priority policy. The intercultural perspective is integrated in the existing norms and development objectives. The same applies

to the new decree on equal opportunities, where the intercultural aspect is firmly embedded. At the current moment half of the primary schools in Flanders is active in offering intercultural education, while 10% of the secondary schools subscribes to it. Intercultural education refers to learning about diversity. Participants of intercultural education learn how to efficiently deal with cultural and social diversity. The development of the intercultural education is based on practice. Diversity in school is a reality and represents more or less the diversity of different groups in society. Diversity is mainstream and not marginal. Intercultural education does not solely focus on differences but gives a rather large definition to diversity. Genuine intercultural education enables us to deal with 'difference' in a realistic, non-categorical and non-moralising way. Difference is no longer abnormal but a mainstream given. The grounds of the difference are multiple. At first sight racial/ethnic difference comes to our mind but there are other grounds of difference including handicap, age, sexual preference, etc.

### **6.3.3. Situation of other minority groups in Flanders related to education<sup>10</sup>**

The environment analysis of the 'strategic plan on minority policy' refers to a survey (done in 2001) of the Flemish Minority Centre on the situation of caravan dwellers concerning education. The caravan dwellers population in Belgium comprises of three main groups, the original group of Belgian caravan dwellers, the Manoesj (Indian origin) and the Rom (coming from Central- and Eastern Europe). In the Flemish and Brussels Capital Region live at a rough estimate 6000 caravan dwellers, approximately 1200 of them are Manoesj and approximately 600 are Rom. Most of the caravan dwellers who live on a permanent basis in the Flemish region, have the Belgian nationality. More and more caravan dwellers opt for a normal house as a place of living. At a rough estimate 750 families (2000 adults and children) still live in a caravan. Caravan dwellers are not registered as a separate group by the Flemish government.

The limited survey on the situation of caravan dwellers in education took place in three Flemish provinces, Antwerp, Limburg and East-Flanders. In total 627 caravan dwellers participated in the survey, 291 people (47%) are younger than 19 years old, 295 people are between 19 and 60 years old and only 35 people (6%) are older than 61 years old. Concerning the school participation of minor caravan dwellers, we notice that 45% of the children do not attend school even when they normally have to take classes in compulsory education. Remarkable is the fact that 12% of the children and youngsters who attend school, take classes in special education. Only two pupils take classes in general secondary education (ASO).

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<sup>10</sup> ICEM (2002) Strategic plan minority policy. Environment analysis : oriënterende nota, p.8

### 6.3.4. Newly Arrived Youngsters and Education in the French Community

The definition for a newly arrived pupil used by the French community is:

- S/he falls between the age group of 2,5 and 19 years old. To put it differently s/he is at least 2,5 years old and not older than 18.
- S/he has been in the country for at least one year.
- S/he has introduced a request for asylum or stateless person or whose request has been formally recognised or a minor of an adult accompanying person, who has introduced an request for asylum or stateless person or a subject of a developing country or a transit country (according to the OECD definition).

As a result of the decree of 14 June 2001 regarding to the involvement of newly arrived children in education organised or subsidised by the French community, two actions are taken. On the one hand, new regulations solve earlier problems with documents and the access to different levels of secondary education. On the other hand, special education is organised for newly arrived youngsters, the so-called ‘classe-passerelle’. In the ‘classe-passerelle’ newly arrived youngsters can learn French and take certain classes which can make it possible for them to return to the class of their age group.

In every school where a ‘classe-passerelle’ is organised, also an integration council is installed. This integration council works under the control of a jury of the French community. The integration council takes the previous school career of a newly arrived pupil in consideration while deciding upon the year, form and orientation of education which is best for a certain pupil. During the school year 2001-2002, the different integration councils dealt already with 439 files of newly arrived youngsters.

But, the new decree has its limits and also some new problems appear. One of the limits of the decree is the fact that some newly arrived pupils do not get access to the ‘classe-passerelle’ because they do not fulfil the conditions. Only refugees and asylum seekers can take classes in the ‘classe-passerelle’. Other groups of newly arrived youngsters as there are illegal people, or people who come to Belgium via family reunion are not allowed. Just as youngsters who do not come from a country in transition or a developing country. Problems are especially visible in Brussels and the Walloon Region. In these regions there are ‘classe-passerelles’ created or reception centres. We also notice that the ‘classe-passerelle’ are not prepared to work with illiterate children or children who never went to school (for example Afghan girls who were not allowed to go to school during the Taliban-period in Afghanistan).

We find three problems which are not solved by the new decree. First we notice that there is a large and rapid turn over of pupils in the ‘classe-passerelles’. This turn over is caused by the fact that refugees or asylum seekers sometimes have to move to another reception centre. A second problem is the pupil’s knowledge of Germanic languages. Especially in Brussels where the teaching of a second language is compulsory starting from the third year of primary school. Pupils in the ‘classe-passerelle’ do not learn a second language, this means that when they return to the year of their age group they have problems with the Dutch language classes.

A third problem is the switch from a 'classe-passerelle' to a 'normal class'. Most of the newly arrived pupils can communicate in French, but they do have a problem with French grammar (which is already a problem for French-speaking children) and writing in French. We also notice a lack of knowledge in intercultural pedagogy by teachers.

## 6.4. RECOGNITION OF DIPLOMAS

Recent migration trends notice that more and more highly educated people come to Belgium via family reunion, studies, marriage or as refugee and asylum seeker. Because of a lack on registration of the level of schooling of foreign people, it is impossible to say how many highly educated foreign people live in Belgium. Also the data of employment services is insufficient because people are only registered as highly educated when their diploma is recognised in Belgium. The only available data about the number of highly educated non-Europeans in Flanders, is coming from the integration services. In the evaluation report of the integration policy of 2000 seems that a lot of highly educated people (53% of all participants are highly educated and 8% finished university studies) took part in the 'inburgeringstrajecten' (integration courses).<sup>11</sup>

The recognition of a diploma is a quite complicated procedure. This recognition is especially complicated for those people who took a certificate in a country which does not belong to the European Economic Space (European Union, Iceland, Liechtenstein, Norway). These diplomas first have to be equated. Different choices have to be made for the equivalence of the diploma. First of all people have to decide where they want to ask for recognition of their diploma. They can go to the Flemish or to the French community. Respectively NARIC-Flanders and NARIC of the French-speaking community (NARIC = National Academic and Professional Recognition Information Centre), which are set up in the framework of the EU, are responsible for the recognition procedures in Belgium. Both NARIC's are working independently from each other. We can notice some difference between the two NARIC centres.

- NARIC Flanders only asks the payment of file costs. NARIC of the French-speaking community asks 150 Euro per file.
- NARIC Flanders guarantees that a final decision on academic recognition can be taken within 4 months (when the file is complete). In the French community the waiting period can run up to one year.
- NARIC Flanders accepts files in four languages: Dutch, French, English and German. NARIC of the French-speaking community only accepts files in French.

The first two differences are not coincidental. NARIC of the French-speaking community receives much more applications than NARIC Flanders because of the many French speaking immigrants who easier go to the French-speaking offices. When a certificate is recognised in Flanders, it is also accepted in the French community and vice versa. Remarkable is the fact that people have two chances to obtain the equivalence of their diploma. When the NARIC Flanders does not recognise a certain certificate, people can

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<sup>11</sup> Pang, C.L. en Sarens, E. (2002) K@ns. Actieonderzoek (hoog)geschoolde allochtonen op de arbeidsmarkt, KU Leuven, p. 5

go to NARIC of the French community. When this last one recognises the diploma, the certificate is also accepted in Flanders and vice versa.

A second decision people have to make is related to the kind of recognition they want to obtain. Two kinds of recognition are possible: the acknowledgement of the level of studies and the academic recognition. The acknowledgement of the level of studies means that a level of attainment is given to the studies done in the country of origin. In this way a meaningful comparison with Belgian qualifications is possible. The procedure is the same in Flanders and in the French community. The advantage of this procedure is the fact that it does not take long (one month in Flanders, a little bit longer in the French community) and that not too many documents are required. Only a certified copy of the original diploma and a certified copy of the translation are necessary. The academic recognition is the official confirmation that two certificates (the Belgian and the foreign one) are equivalent. There are two types of academic recognition, the full recognition and the partial equivalence of diplomas. In this area of academic recognition we need to distinguish between NARIC Flanders and NARIC of the French speaking community since their procedures differ.

#### **6.4.1. Flemish Community**

The procedure for academic recognition of a diploma is quite complicated. NARIC Flanders is the authority for recognition of diplomas. The applicant must submit all the required documents to NARIC. The complete file is sent out to at least two (most of the time three) Flemish institutions of higher education. They give motivated advice just as NARIC Flanders does. It is the head of the university or colleges of higher education department within the Flemish Ministry of Education who takes the final decision. Criteria used for academic recognition are: the characteristics and structure of the foreign educational system, the level of quality of the institute, the level of quality of the educational training, relevant professional experience and essential subjects of the educational training such as practical training, papers and the dissertation, the study load. When the motivated advises are mainly positive, full recognition can be granted. If the decision is negative, the applicant can contact him/herself an institution for higher education and can submit a request for partial equivalence. The institutional authority may, in this case, exempt a person from particular courses, thereby enabling him/her to obtain a degree of higher education. When the applicant is not in possession of certain documents it is, in theory, possible to obtain a letter from NARIC recommending the university to carry out an interview with the applicant, but in practice these kinds of interviews rarely happens.

OCIV (*Overlegcentrum voor de integratie van vluchtelingen* – Centre of consultation for the integration of refugees) takes care of many aspects concerning the process of recognition of qualifications, especially for refugees and asylum seekers. They follow up individual cases, organise public campaigns towards educational institutions and do a follow-up on the legislative structure. OCIV did intakes for refugees who need recognition of their qualifications in two Flemish cities, Gent and Antwerp. On a total of 366 intakes, 320 cases are examined by NARIC. 231 cases received a positive answer, 31 a negative answer and 57 did not yet receive an answer. We can divide the positive cases according to the different categories of application.

- 76% have received an acknowledgement of the level of studies
- 14,7% have received recognition of their secondary degree
- 7,3% have received an academic recognition
- 1,7% have received a partial recognition

Asking for a recognition of a military training or asking for the recognition of a degree from an unrecognised institution abroad are two of the reasons behind a negative answer.<sup>12</sup>

#### **6.4.2. French Community<sup>13</sup>**

In the French community NARIC has a consultative and informative role concerning the issue of recognition of diplomas. But it also can intervene directly in the process of decision-making also in the partial recognition of studies at non-university level.

The academic equivalence of diplomas means for the applicant the collection of many documents and for the evaluators a lot of comparing work (different teaching programmes, timetables, number of years of study, ...) For some diplomas restrictions are made regarding nationality and language. The complete file together with the request for full academic recognition of a certificate from a university or a college of higher education has to be addressed to the Minister of the French community. The decision on full or partial recognition is taken after compulsory consultation with the appropriate departments of the Ministry of the French community, universities and appropriate schools. It is finally the decision the Minister of Higher education of the French community who takes the final decision. At the level of higher non-university education the Minister of the French community takes the decision in requests for partial recognition of a diploma. The applicant receives the advice to contact an appropriate school which will decide on the number of additional courses the person needs to attend to obtain a degree. At university level the applicant him/herself has to contact directly the university to specifically ask for partial recognition of a certificate and for postgraduate studies.

#### **6.5. ACCESS TO HIGHER EDUCATION<sup>14</sup>**

According to the access to higher education in Belgium, we notice again some differences between the Flemish and the French speaking community. In the French speaking community the requirements are more strictly in the sense that they ask more documents, applicants have to succeed in an entrance (like in Flanders) and a language exam and have to be able to pay the tuition fees immediately.

The Flemish universities demand for the following documents:

- documents concerning previous education

<sup>12</sup> OCIV,(2002) Refugee Contribution to Europe, p.14-15

<sup>13</sup> OCIV (2002) Refugee Contribution to Europe, p. 16

<sup>14</sup> OCIV (2002) Refugee Contribution to Europe, p.17

- documents concerning the status of the applicant
- documents concerning health insurance
- documents concerning financial support. An applicant needs to prove that they can financially support his/herself. An undergraduate and graduate student needs a minimum of around 500 Euro per month. A PhD student needs an income of 1250 Euro per month in order to get access to the programme.

## 6.6. VOCATIONAL TRAINING<sup>15</sup>

Migrants, refugees and asylum seekers have two possibilities to take vocational training. The first possibility are the different employment services, VDAB in Flanders, BGDA-ORBEM in Brussels and FOREM in the Walloon region, which offer vocational/professional training to unemployed people. Refugees in the first phase of the procedure can not fulfil this criterion. They can not register as unemployed because they are not entitled to work in Belgium. Another condition to receive the training is having sufficient knowledge of one of the two official languages depending on where the applicants are resident. VDAB organises specific language courses in different topics such as Dutch for administration. VDAB provides a language test called TOBA, which is a requirement for enrolling for training. The test concentrates on a basic knowledge of Dutch, which has already been provided by the reception centres.

A second type of vocational training which is organised in the Flemish and the French community are the so-called “social promotion programmes”. In Flanders these ‘social promotion programmes’ consist of professional education programmes and language courses. We find a great diversity in the offered programmes. Besides the second chance education programme (only for applicants who want to obtain a degree of secondary education) the centres offer different types of professional training programmes. The training programmes are accessible to everybody, but there are certain conditions that have to be filled. For example, there is an age limit in order to prevent applicants who have school attendance obligations from applying for a training programme. Also in order to attend certain programmes the applicants need to be in possession of a diploma of secondary education. This type of vocational training is free of charge for recognised refugees who are entitled to financial support and asylum seekers whose applications are still being processed.

In the French speaking community, the programmes for “social promotion” are characterised by an approach which is based on the capacities of the applicants, a modular system of education, a way of valorisation of knowledge and of personal and professional experiences. It is possible to take classes (during weekends, during the day, during evenings) on two levels of education: the secondary and third level of education. People who are older than 16 years old (if they are younger, they have to prove that they succeeded in the first two years of secondary school), who reached the level of education which is necessary to start with a specific study and who pay the tuition (depends on the level of education and the number of periods of taking classes) can enrol. An exception is made for unemployed people, beneficiaries of minimex, persons with a handicap,

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<sup>15</sup> OCIV (2002) Refugee Contribution to Europe, p. 12

students younger than 18 and persons who enrol because they are asked by a public authority do not have to pay the tuition.

The “social promotion programmes” exists of different sections which correspond with a general profile of a certain profession. Every section is composed of different units. These units can stand on itself, can be taken in chronological order or can be taken in a more complex order. It is only possible to enrol for a certain unit when the applicant has the right qualifications. After completing a unit, the applicant obtains a certificate. When the applicant finished all the units than he can obtain the diploma of the chosen studies. The applicant receives the same diploma as those who took classes at the secondary school or in higher education.<sup>16</sup>

During the school year 2001-2002 there were, in Flanders, 32 806 enrolments of people with a foreign nationality for social promotion programmes on the level of secondary education and 181 enrolments for social promotion programmes on the level of higher education. It is important to notice that these numbers do not say how many people enrol, but how many enrolments are made. One person can enrol different times.

## **7. Analysis of direct and indirect discrimination**

The general anti-discrimination law of 25 February 2003 is the first Belgian legal text that differentiates between direct and indirect discrimination. Art. 2. §1: ‘One speaks of direct discrimination when a difference in treatment that is not objectively or rationally justified is directly based on gender, a so-called race, skin colour, origin or national or ethnic origin, sexual orientation, civil status, birth, wealth, age, religion or philosophy of life, present or future state of health, disability or physical characteristic.’ Art. 2. §2: ‘One speaks of indirect discrimination when an apparently neutral definition, criterion or behaviour has damaging repercussions on persons on which one of the discrimination grounds mentioned in §1 is applicable, unless this definition, criterion or behaviour is objectively or rationally justified.’

### **7.1. COMPLAINTS ON EDUCATION<sup>17</sup>**

In 2002, the centre for equal chances and opposition to racism opened 1316 complaint-files. 94 complaints were related to education, this means 11 more files in comparison with the year 2001. Most complaints were directed against public services (185 complaints) followed by complaints related to employment (148 complaints), society (132 complaints), the body of officials responsible for order (101 complaints) and education. The top-five of 2001 remained unchanged.

The complaints related to education are most often complaints about enrolment (24 complaints), about harassment and quarrels (9 complaints), expulsion (6 complaints), insults (6 complaints) and examinations (6 complaints).

We give two examples by way of illustration.

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<sup>16</sup> Ministère de la communauté française, l’enseignement de promotion sociale

<sup>17</sup> Centre for equal chances and opposition to racism, year report 2002, p. 4-12.

- Seven years ago a Belgian women of Turkish background graduated as teacher. She has complaints about harassment and quarrels of colleagues of the school where she teaches. Some of her colleagues do not like her because of her different ethnic origin. They make remarks about her cloths, her food and some other habits like the refusal of drinking alcohol.

Especially when teachers meet each other after school time, you have to drink alcohol to belong to the group. The harassments are subtle, like withholding of information which is necessary for teaching. When the teacher contacted the board of the school they minimize the complaints and do not take any action to solve the problems. The teacher only sees one solution for her problems, namely resign as teacher in that particular school.

- During a computer course in the framework of education for social promotion, one teacher compared the waste-paperbasket of the computer with the gas chambers. To empty the waste-paperbasket of the computer means that all documents are definitively gone, that is comparable with the Jewish people in the gas chambers, he said. One of the students in the classroom was Jewish. She contacted the centre for equal chances and opposition to racism. The centre interpellated the board of the school and mediated between the board of the school, the teacher and the student. A solution was found. The board of the school made a clear statement that this kind of remarks are unacceptable. The teacher wrote his apologizes to the student. The teacher apologized in public to the students of the class.

Most of the 1316 complaints the centre received, are related to facts which happened in a municipality. Other complaints are situated on the federal level (252 files), the community (40files) or regional level (39 files), on the level of the provinces (19 files) or on another level (97 files, 50 of them are related to internet).

**Table 4 : Complaints related to education on the level of municipalities, split up per region and province**

	complaints related to education
Brussels capital region	37
<i>Flemish region</i>	
Antwerp	13
Flemish-Brabant	5
East-Flanders	9
West-Flanders	0
Limburg	2
<i>Walloon region</i>	
Hainaut	5
Liège	3
Namur	2
Luxembourg	2
Walloon Brabant	1
Total number of complaints	79

. Source : Centre for equal chances and opposition to racism, year report 2002

It is clear that most of the complaints related to education are situated on the very local level, the level of the municipalities (79 out of 94 complaints).

In the list of most charged services, primary education is situated on the 14<sup>th</sup> place (23 complaints) and secondary education on the 16<sup>th</sup> place (20 complaints). On top of the list are complaints related to a particular person (219 complaints).

In 34% of all the complaints, 'origin' is the cause of discrimination. For education 43 complaints are related to discrimination on the basis of 'origin'. In 7,5% of all the complaints 'religion' is mentioned as a cause of discrimination. Especially in complaints related to education (14 complaints) is explicitly referred to Islam (for example the headscarf).

Discrimination according to article 2 of the act on anti-racism, namely the refusal of a good or service or the joy of it, especially occurs in the employment sector (30 times), housing (20 times) and education (19 times).

53% of the people who made complaints have the Belgian nationality. The largest group of complainers who are not Belgians come from black Africa (17%) followed by people from North-Africa (12%), Europe (8%), Asia (7%), USA (2%). 1% of the complaints is done by organisations.

## **8. Strategies, Initiatives and Good Practices for Reducing Racial/Ethnic/Religious/Cultural discrimination in Education and Supporting Diversity.**

### **8.1. RECOGNITION OF DIPLOMAS**

There are differing opinions about the importance and necessity of having an academic recognition of a foreign diploma. For a lot of employers in the private sector the acknowledgement of the level of studies is sufficient. But for others, like the official employment services, a person is only registered as well educated when his/her diploma has an academic equivalency. Also the highly educated people themselves prefer to have an academic equivalence. In this part we shortly present the results of a research in which the experiences of highly educated people related to the issue of diploma equivalency are questioned. We also describe a project, organised in Flanders by OCIV, which specially focuses on the situation of refugees and asylum seekers regarding the procedure of equivalence of diplomas.

#### **8.1.1. Analysis<sup>18</sup>**

##### **8.1.1.1. Flemish Community**

In a recent (2002) scientific research about the needs of highly educated non-European people on the Belgian labour market, attention was given to the system of equivalency of foreign diplomas. In total 136 people (45% men and 55% women) filled out a questionnaire and 57 people were interviewed. The research took place in Antwerp, Brussels, Gent and Limburg.

76% of the people who filled out a questionnaire knew that it was possible to ask for equivalency of a diploma. Most of the people (48%) received information about this issue via friends, 29% received information via a public service, 15% via a reception centre.

Highly educated foreign people are confronted with four main problems. First problem is the collection of the necessary documents. Asking for academic recognition of a diploma means that the applicant has to make a file of all required documents (certificate, reports, list of curricula, overview of stages, a short description of the courses, the dissertation, a summary (2 or 3 pages) of the dissertation). It costs a lot of effort especially time and money to collect all the information and to let it translate in one of the required languages. Some of the people, if they are able to, travel to the country where they studied in order to collect the necessary documents. A second problem is related to the procedure of equivalency. Very often people bring in their documents and receive after a couple of months a positive or negative answer. Nowhere during the whole procedure they can give

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<sup>18</sup> Pang, C.L. en Sarens, E. (2002) K@ns Actieonderzoek naar (hoog)geschoolde allochtonen op de arbeidsmarkt, KU Leuven p. 30-34

an explanation on certain courses or stages. Exceptional people are invited by professors of a certain university to be heard. A third problem is the difficult language of the official letter in which the result of the procedure of equivalency is explained. Most of the time the applicants do not know what the result means and what possibilities they have. They often do not know the content of the Belgian diploma for which they received equivalency. A fourth problem they face when they receive a partial equivalence of a diploma and a permission to start studies in a certain field, but they cannot pay the tuition fee.

#### **8.1.1.2. French speaking community**

The requests for the recognition in order to enrol in higher education are the most numerous. Besides the already mentioned obstacles, there is also the problem of the time pressure. The time to introduce these requests is strictly speaking between November 15 and July 15 prior to the academic year, which starts in September. For instance, if one wishes to enrol for the academic year 2001-2002 one has to do so before July 15 2001. Despite the limited possibility of an extension of this date and even of an exception, the time constraint remains a great problem in most cases. On the other hand in contrast to the deadline of July 15 there is no fixed period for the administration assessing the validity of the documents.

One can also obtain a temporary/partial recognition while the assessment procedure is ongoing. In such a case one can enrol and start taking classes like ordinary students. However, in case of a final non-recognition of the diploma one's enrolment and obtained results are then declared invalid. This means that the entire period of study does not count for anything.

For certain nationalities there are additional obstacles. For the countries of Congo, Guinea Conakry and Rwanda, the procedure is even more strictly on the basis of potential forgeries of the documents.

#### **8.1.2. Project equivalency of diplomas<sup>19</sup>**

Two years ago OCIV (*Overlegcentrum voor de integratie van vluchtelingen* – centre of consultation for the integration of refugees) started with a project on the equivalency of diplomas. Via a research in which refugees and asylum seekers are guided throughout the different aspects (administration education, contacts with colleges of higher education or with universities, administrative services, ...) of the equivalency of their diplomas, OCIV tries to fulfil the following aims of the pilot project :

- to increase the accessibility of the administration, which is responsible for the equivalency of diplomas, for refugees and asylum seekers.
- To find out the needs and conditions of guidance which contribute to a successful equivalency of diplomas
- To investigate the structural and legal sticking points in this matter
- To sensitise colleges of higher education and universities related to this issue

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<sup>19</sup> OCIV (2002) Refugee Contribution to Europe

In the regions of Antwerp and Gent two staff members of OCIV are involved in services which reach refugees and asylum seekers in the framework of vocational training, social guidance or integration. These employees are responsible for the realisation of the project. They give support to refugees and asylum seekers who want to equate their diploma and guide them throughout the whole procedure of equivalency. They also organise, if necessary, information sessions for refugees, asylum seekers and guides. In the first phase the target group of the project is limited to highly educated refugees and asylum seekers, in the second phase also people with lower diplomas can receive guidance.

## **8.2. VOCATIONAL TRAINING**

### **8.2.1. Analysis**

A lot of newcomers are well educated and they want to take extra education to be able to use their qualifications and knowledge also in Belgium. Notwithstanding the great diversity in the offered programmes, it is obvious that the vocational training which is offered by the employment services is specifically directed to lower educated people. The study on the needs of well educated people on the Flemish labour market (2002) reports on only three possible courses which are appropriate for well educated people: computer science (entrance examination is difficult and there is a waiting list), bookkeeping and a training to become employee. Newcomers experience difficulties to find appropriate language courses (on their level of education) and to find their way into the complicated systems of education (social promotion, employment services, universities, ...) Most of the time it takes years before well educated foreigners find the appropriate institutions for study (language as well as professional education).

### **8.2.2. 'Bonte was', multimedia Dutch language course**

In the framework of the integration policy many initiatives were developed in order to make it easier for newcomers and foreigners to adapt to the Belgium society. In Flanders a new initiative was promoted, it is called 'Bonte was' and is in fact a basic course of Dutch for adults (non-native speakers). Special on the course is the usage of multimedia. This new initiative is the result of a co-operation between the Flemish government, the Flemish Community Commission of Brussels, the provinces of Limburg and Vlaams-Brabant, office for Dutch as a second language and the Centre for language and migration of the Catholic University of Leuven. Via this initiative, non-native speakers can learn Dutch on their own tempo, via the computer and with the support of coaches. It is interesting that the package of multimedia is used in combination with activities in a class group and that language classes are combined with social orientation. 'Bonte was' will be offered in the Flemish employment service (VDAB), in the different centres of adult education and in the centres for basic education. The supply of Dutch language course, which was very limited and insufficient, will expand.

### **8.3. SOME OTHER INITIATIVES IN FLANDERS**

Within the Flemish Educational Council the concrete content of the education in the own language and culture is continued. A framework curriculum is developed and has led to the working plan 'Encouragement of Immigrant Language and Identity Development' (and more specifically for the languages of Italian and Turkish). Four schools participated in this programme. The co-ordinator of this project works intensively with these four schools and he also integrates this programme in the general policy of these schools.

Several projects at the university level were carried out in order to facilitate the entry of immigrant students and to foster a successful trajectory during their study.

Some projects are financed by the Ministry of Education. One project focuses on the professionalisation of higher education with relation to the existing educational priority education and the promotion of the entrance and successful trajectory of the target group pupils to higher education. In the project 8 high schools are participating.

The Erasmus school of higher studies is organising a training for teachers of the Islam religion. Other projects are financed by the department Equal Opportunities. They focus mostly on facilitating the entry into schools and to guarantee a successful trajectory.

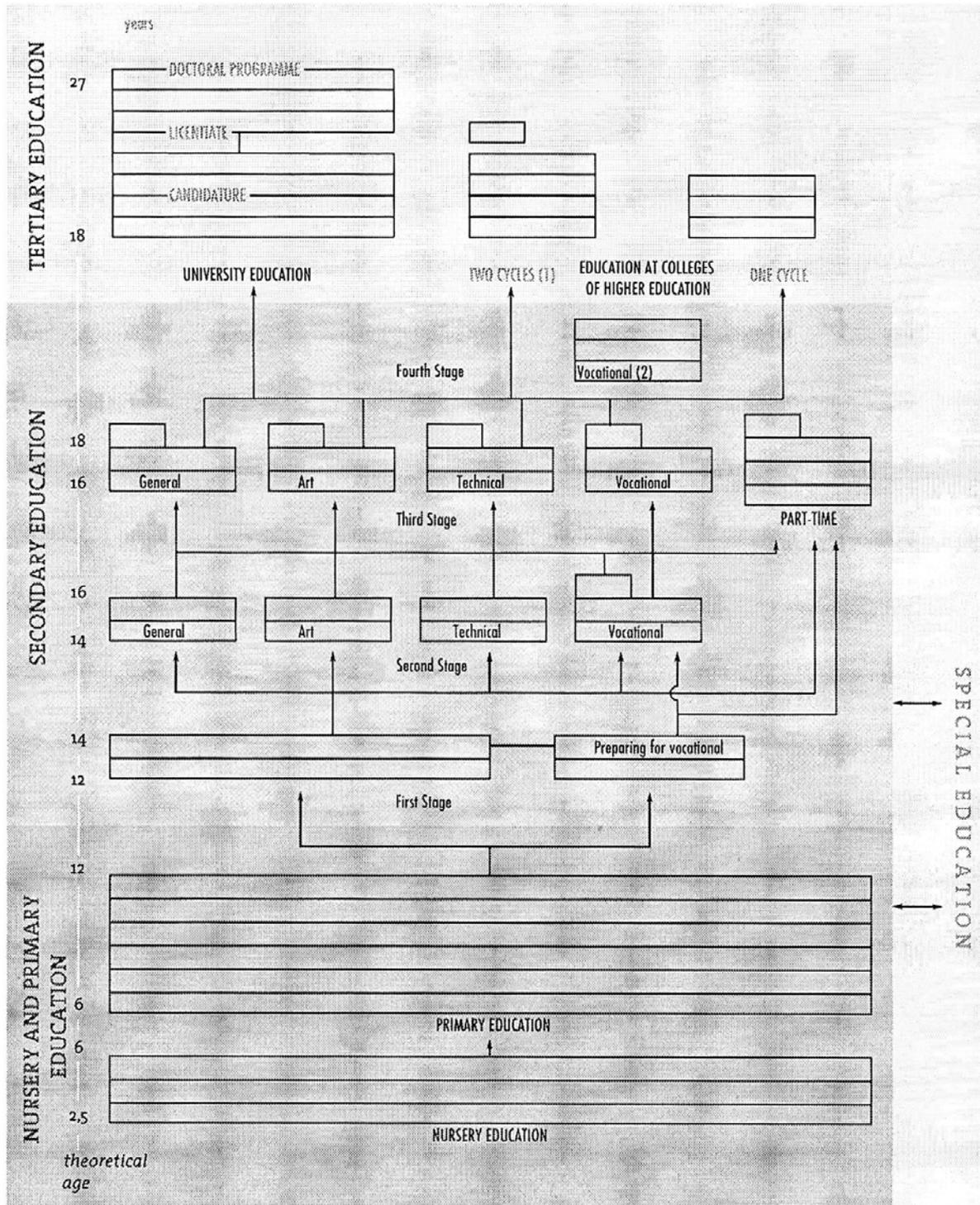
## 9. Summary and Conclusions

After giving an overview of the change in educational regulations during the past ten years and a description of the different regulations regarding to relevant aspects of education, we focus on three main issues related to the different levels of education. These issues are reception education for newly arrived youngsters who are non-native speakers, the recognition of diplomas and vocational training. Every community shapes his own structures, rules, procedures to deal with the above mentioned issues and every community is also confronted with the limits of the decrees and regulations.

Differences between the systems of education within the different communities are sometimes a great obstacle for a general policy on certain issues such as financial aid for students. In some cases, especially those regarding to refugees and asylum seekers, there is a great need for a national initiative that would work across the language barriers.

Notwithstanding the many efforts done by both communities to create equal chances in education for all pupils and students, many problems remain and the limits of certain initiatives become more and more clear. A recurrent problem is the lack of reliable statistical data so that the scope of the problems can not be accurately measured and assessed. To conclude, the coming years new efforts have to be taken to optimise the current initiatives and to develop new ones in order to fulfil the needs of migrants and newcomers in education.

# 10. Annex 1: Educational system of the Flemish Community<sup>20</sup>



<sup>20</sup> DE GROOF, J. en VAN HAVER, T. (coörd.) De school op rapport. Het Vlaams onderwijs in internationale context, 1993,p.21

# 11. Annex 2: Educational system in the French speaking and German speaking communities

## BELGIUM

### Education in the French-speaking and German-speaking Communities

