



the federal
Ombudsman



THE FEDERAL OMBUDSMAN - SUMMARY OF THE ANNUAL REPORT 2020

Giving support in uncertain times

The Federal Ombudsman gives support in uncertain times

During 2020, the coronavirus crisis was omnipresent, also in public service. Physical contact was impossible, the government took several measures to support citizens and businesses and procedures were automated at a rapid pace to ensure that all these measures could be rigorously implemented... Digitalisation in public service expanded enormously.

While the coronavirus crisis presents the administration with many **challenges**, it also offers **opportunities**. With the cooperation of the various administrations, the Federal Ombudsman set to work on the many queries and complaints he received. And in spite of the coronavirus crisis, the Federal Ombudsman's level of service was maintained. He was able to help citizens quickly and to provide lasting solutions. In this way he managed to offer citizens and the administrations something to hold on to.



An accessible and humane service

Citizens have to be able to contact the public administration in several ways. Administrations have to facilitate humane and personal contact.



Digital inclusion

In every aspect of its service provision, the public administration has to be mindful that certain citizens experience problems in their contacts with the digital public administration.



Consideration for vulnerable groups

Administrations have to be mindful of citizens who, for whatever reason, are struggling and have to ensure that they get the appropriate support and help.



Respect for human rights

The public administration has to see to it that human and children's rights become a daily reality.

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Now, more than ever, citizens turn to the public administration. They expect that this administration is citizen-centred and conducts itself with integrity, is fair and efficient. Together with the public administration, the Federal Ombudsman has tried to give them support in these uncertain times.

Jérôme Aass, Federal Ombudsman since 1 March 2021



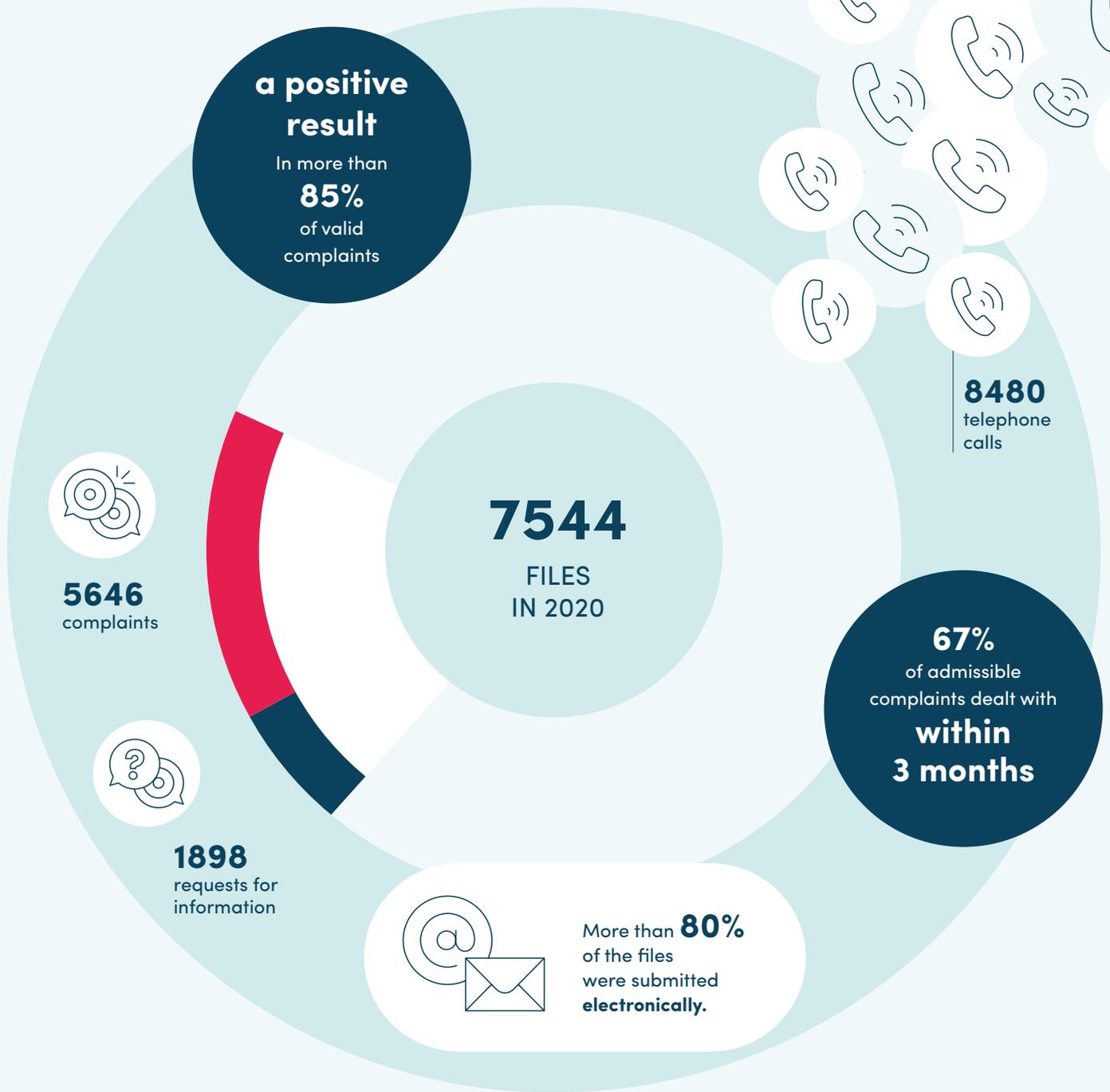
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The coronavirus crisis reinforced a number of pre-existing problems in the functioning of the various administrations. We need to draw lessons from what went wrong and generalise good practices. As partner of the public administration, the Federal Ombudsman has an important role to play in that, precisely because he has such broad powers and is able to operate transversally.

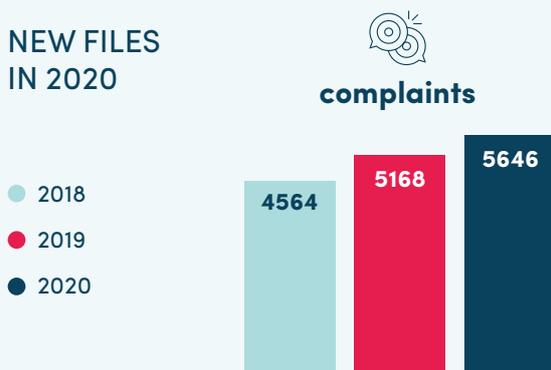
David Baele, Federal Ombudsman since 7 July 2020



The work of the Federal Ombudsman in figures

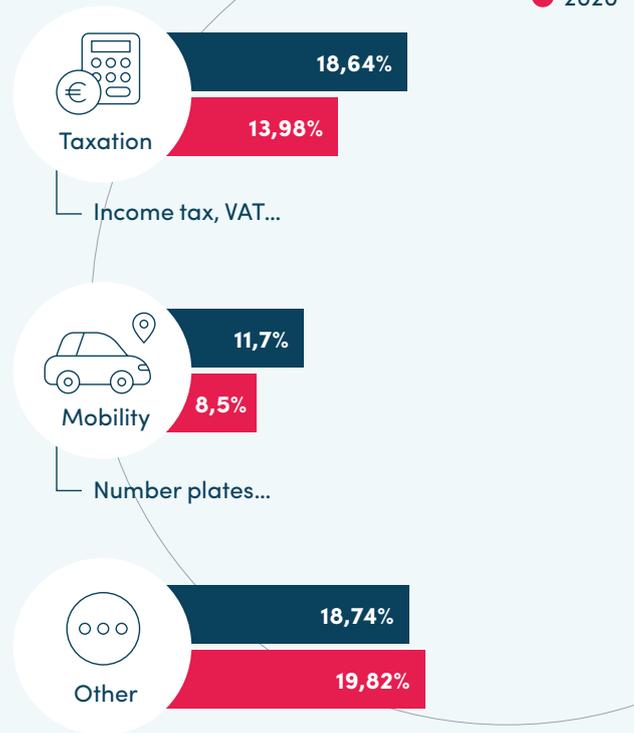
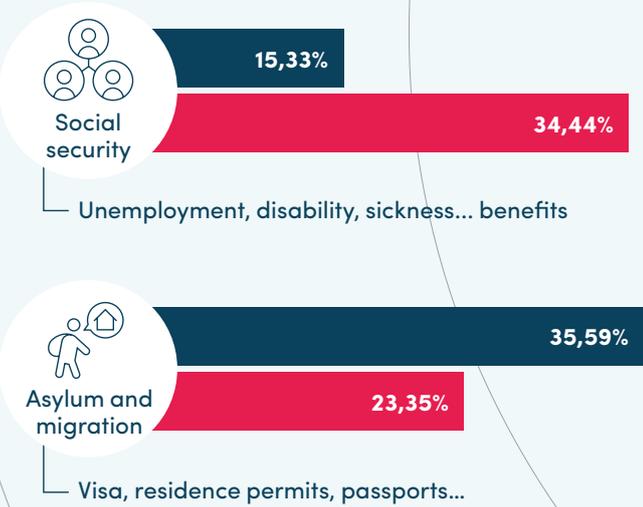


NEW FILES IN 2020



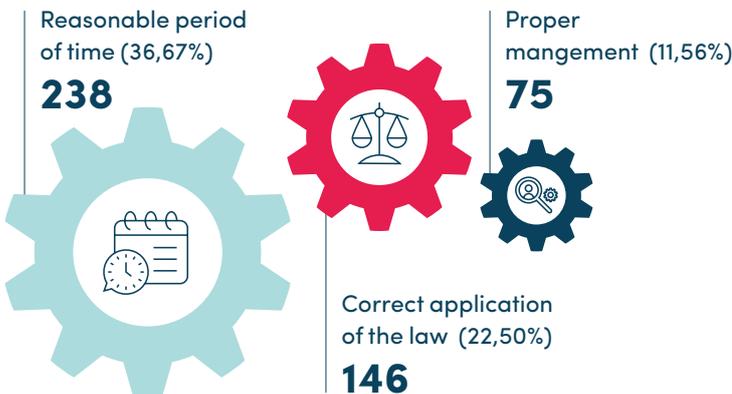
NUMBER OF ADMISSIBLE COMPLAINTS BY TOPIC

The complaints the Federal Ombudsman receives involve a variety of topics. Because of the coronavirus crisis, some public administrations had fewer applications and files to process, other public administrations far more. As a result, also the number of complaints and calls about certain sectors the Federal Ombudsman received fell or rose accordingly.



CITIZENS' CONCERNS IN 2020

Citizens must be able to rely on a qualitative service from the public administration. The Federal Ombudsman cross-checks all complaints against a list of standards: the **ombudsman standards**. (see www.federalombudsman.be)



INVESTIGATIONS AND RECOMMENDATIONS

Simplified declaration proposals

Many citizens who receive a simplified tax declaration proposal need help to establish whether the pre-completed details are accurate. The Federal Ombudsman's investigation into the system of simplified declaration proposals has shown that the FPS Finance does not adequately inform citizens, and does not explicitly lend a helping hand either. As a result, citizens end up losing out on significant tax advantages.

Student visas

In the report on visa applications of students from Cameroon who wish to study in Belgium, the Federal Ombudsman conducted an analysis of how the Immigration Office (IO) and the Belgian Embassy in Cameroon process student visa applications. It calls on the public administration to enhance the manner in which these visa applications are processed.

Record number of complaints about unemployment benefits

The coronavirus crisis had a major impact on employment. The government responded to this by relaxing the temporary unemployment rules. Many employers and workers had to resort to the scheme for the very first time. Little wonder so that the benefit payment bodies (the “Auxiliary Fund for the Payment of Unemployment Benefits” (CAPAC) and the trade unions) were swamped with an unprecedented influx of applications, queries and telephone calls.

Especially the CAPAC soon became overburdened because, proportionally, more citizens who temporarily lost their job because of the COVID-19 crisis contacted the HVW. Subsequently, there were also problems at trade union level and the complaints were no longer confined to temporary unemployment but also related to benefits for full unemployment.

Often despondent and frustrated by the numerous unsuccessful attempts to contact the CAPAC or their trade union, citizens came knocking at the Federal Ombudsman’s door. The majority of the complaints he received related to problems with the payment of benefits, the lengthy processing times and the lack of accessibility (telephone lines consistently engaged, unanswered emails and closed offices).

Given the exceptional situation, the strain on the departments and the often precarious financial situation of the people who had lost their job, the Federal Ombudsman tried to re-open the line of communication between citizens and the payment bodies as quickly as possible.

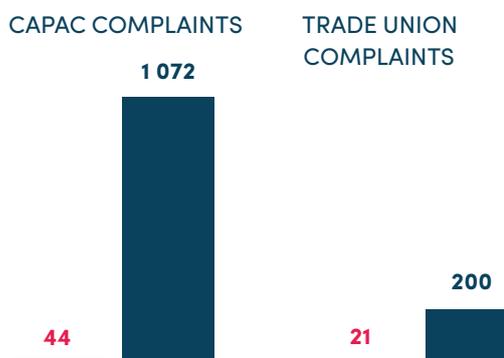
Thanks to the excellent collaboration with the payment bodies and the National Employment Office (NEO), the Federal Ombudsman was able to contribute to a relatively swift resolution of many citizens’ problems.

Within a very short period of time, the payment bodies and the NEO had to adapt to an exceptional and unforeseen situation and develop new procedures. The Federal Ombudsman is well aware of that and understands their plight. But citizens cannot fall victim to this situation. **The Federal Ombudsman advocates that, if a public administration takes measures to support citizens in an exceptional crisis, it must provide the departments that have to implement these measures with the necessary resources.**



Number of unemployment-related complaints

● 2019 ● 2020



Focus on a complaint

Mr Durand contacted the Federal Ombudsman because he still hadn’t received his temporary unemployment benefit and couldn’t get in touch with the CAPAC. Enquiries with the CAPAC brought to light that Mr Durand’s employer had made a mistake in the number of days of unemployment in his original declaration. He did submit an amended declaration, but because the file now contained two different declarations for that same period, the payment program blocked. Following the intervention of the Federal Ombudsman, the CAPAC immediately did what was necessary and a few days later Mr Durand received his benefit.

The impact of the coronavirus crisis on travel from and to Belgium: uncertainty abounds

The Federal Ombudsman received many and various complaints about the travel restrictions that were imposed in the fight against the spread of the coronavirus.

For one, “non-essential travel” from and to Belgium was temporarily banned. As this was an all-time first, problems abounded – which, in turn, led to complaints to the Federal Ombudsman. Often, it involved situations where people’s fundamental rights were potentially being violated.

Citizens who wanted to travel abroad did not have access to information about their right to travel for essential purposes that was sufficiently clear, comprehensive and easy to find. In actual fact, no single legal provision contained a definition of the concept ‘essential travel’. Also the information about situations that must automatically be qualified as essential travel was not unequivocal and was difficult to find on the official websites.

The Federal Ombudsman is concerned about the manner in which the public administration imposes and applies these restrictions. In his mind, a travel ban is only warranted if it is essential and proportional, whether it involves travel from or to Belgium. There has to be a reasonable balance between safeguarding the public interest and respect for individual rights, such as the right to a family life. When investigating any complaints, the Federal Ombudsman puts great store by that. **After all, ensuring that the public authorities respect citizens’ rights forms an integral part of an ombudsman’s tasks.**

Focus on a complaint

Mrs Stevens wanted to visit her partner, who lives in Spain. At that point in time, Spain, as country with a high infection rate, was in a “red zone” and Belgium had imposed a ban on non-essential travel to countries in a red zone. To Mrs Stevens the trip was essential but she wanted to make sure that the public administration took the same view before she booked her flight. She contacted the FPS Interior, the FPS Foreign Affairs, the call centre of the national crisis centre and the federal police. However, none of these bodies were able to give her a conclusive answer. Quite the opposite in fact: she was given different and sometimes contradicting interpretations of the scope of the travel ban. At her wits’ end, she contacted the Federal Ombudsman. But right at that moment, the travel ban was revoked and Mrs Stevens was able to head to Spain without any problems. But, to the ombudsman, her complaint was a sign that the public administration had to address the situation. It should not be allowed to repeat itself. He advocates that a body be appointed that is able to officially confirm to citizens who wish to travel from Belgium whether their trip qualifies as essential or not, so that there can be no further dispute and that people no longer run the risk of having to cancel their travel plans.



The Federal Ombudsman contributes to a public authority that conducts itself with integrity

The Federal Ombudsman's Integrity Centre investigates reports about irregularities, abuse or fraud within the federal public services and protects civil servants-whistle-blowers. Not all reports lead to an investigation. The Integrity Centre also provides information and advice on the notification procedure.

Aside from integrity violations, the investigations also bring the possible causes to light. On the basis of the outcome of the investigations, the Federal Ombudsman makes recommendations. He addresses these to the senior officials of the federal administrations concerned or, where necessary, to the competent minister.

Every member of staff of any federal public service can report irregularities to the Integrity Centre in complete confidence. The Federal Ombudsman ensures that the identity of the whistle-blower is never revealed. Offering a better protection to whistle-blowers is also the objective of European Directive 2019/1937 which needs to be transposed to Belgian law by 17 December 2021. It is an opportunity to enhance the federal integrity policy. As expert, the Federal Ombudsman contributes to the working groups that prepare this transposition at federal government level.



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Monitoring the integrity of the public administrations helps to maintain citizens' confidence in these administrations.

David Baele,
Federal Ombudsman

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To combat fraud effectively, greater focus should be placed on prevention. We call for the integrity policy within the federal public services to be developed further.



Jérôme Aass,
Federal Ombudsman



Requests for information



Requests for preliminary advice



Notifications transmitted by the integrity officers



Protection files

● 2019 ● 2020

Integrity Centre

In 2020, the Integrity Centre received roughly the same number of files as in 2019. The integrity officers within the federal administrations however received fewer requests. They are the contact point civil servants can turn to for information and advice on their reports and on the notification procedure. That drop is probably due to the fact that fewer civil servants were actually physically present in the workplace as a result of the work-from-home order that was introduced as a preventive measure in the fight against COVID-19.

The Federal Ombudsman helps

THE FEDERAL OMBUDSMAN NEAR YOU



Make an appointment at
www.federalombudsman.be !

The Federal Ombudsman listens and helps citizens with their complaints. He works:

- **free of charge:** citizens don't pay anything for his intervention
- **independently and impartially:** he does not form part of the public administration
- **confidentially:** our staff are bound by professional secrecy
- **professionally:** our staff are experts in their field and manage all files with the utmost care.

If the complaint does not relate to the federal administration the Federal Ombudsman refers the complaint to the correct ombudsman office or refers citizens to the service that can help them.

April 2021

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All the names in the sections "Focus on a complaint" are fictitious and the photographs with the names come from image databases. The complaints are complaints the Federal Ombudsman dealt with.



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