



THE FEDERAL OMBUDSMAN - SUMMARY OF THE 2023 ANNUAL REPORT

Strengthening trust



the federal
Ombudsman

Strengthening trust

Rebuilding and strengthening trust by examining citizen complaints with respect to federal public services and by seeking solutions with the civil service. This has been mission entrusted to our institution since its creation in 1995. A mission that was widened in 2013 when we were also tasked with contributing to verifying the integrity of federal agencies. At the beginning of 2023, our jurisdiction concerning whistleblowers was extended and we now act as federal coordinator for the handling, by the relevant authorities, of legal violations in the private sector.

Already during the coronavirus crisis, the number of complaints we received had increased sharply and this trend continued in 2023 with a record number of more than 10,000 complaints and requests for information. That clearly shows that citizens are having difficulties exercising their rights and that they risk losing trust in public service.



*Jérôme Aass,
Federal Ombudsman*



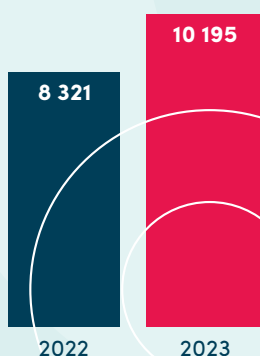
*David Baele,
Federal Ombudsman*

“Public services must be able to keep promises that have been made. We can understand that public service administrations are working in difficult and urgent situations as a result of successive crises. But citizens must not be made the victims of this.”

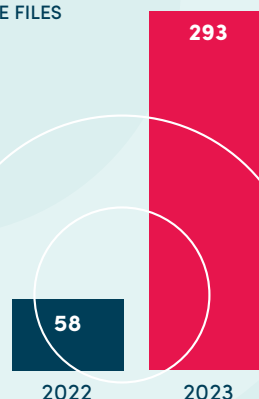
“What we have also observed in the complaints from 2023 is that citizens have a real need for clear and correct information. Access to such information plays an important role in the trust that citizens have in public service administrations.”

“Citizens must have the assurance that public service administrations are acting with integrity and that fraud, violations and irregularities are dealt with firmly”

NUMBER OF CASE FILES
(COMPLAINTS AND REQUESTS FOR
INFORMATION)



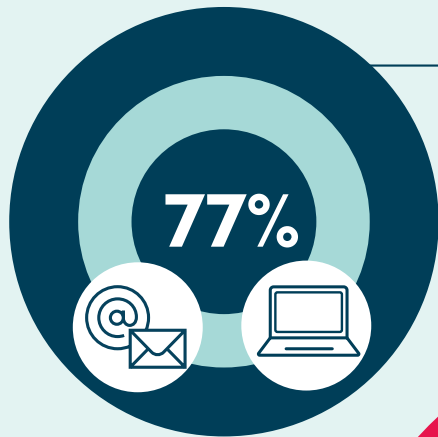
NUMBER OF INTEGRITY CENTRE
CASE FILES



An upward trend in terms of complaints and whistleblowing

2023 was a “record” year: the Federal Ombudsman recorded over 10,000 complaints and requests for information. Its Integrity Centre has also seen a sharp increase in the number of case files, which have quadrupled compared to 2022.

The key figures



77% of citizens contact us
online (email + online forms)

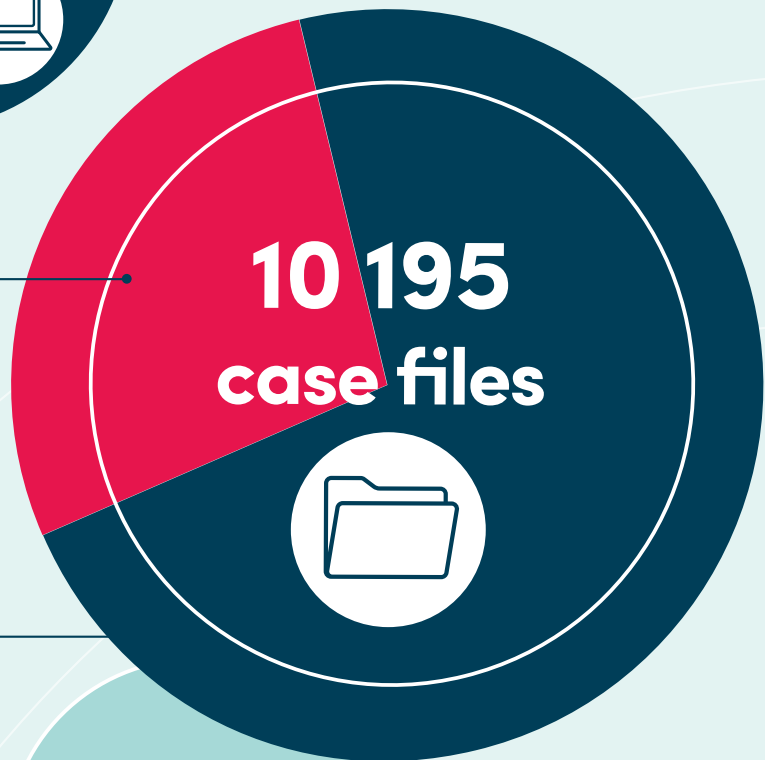


2812
Requests for
information



7383
Complaints

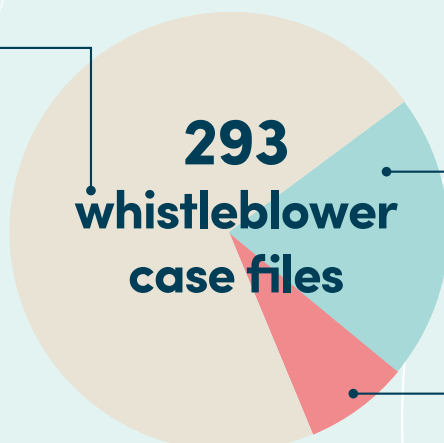
Positive result
in 75% of cases



75%



209
Private sector



62
Public sector

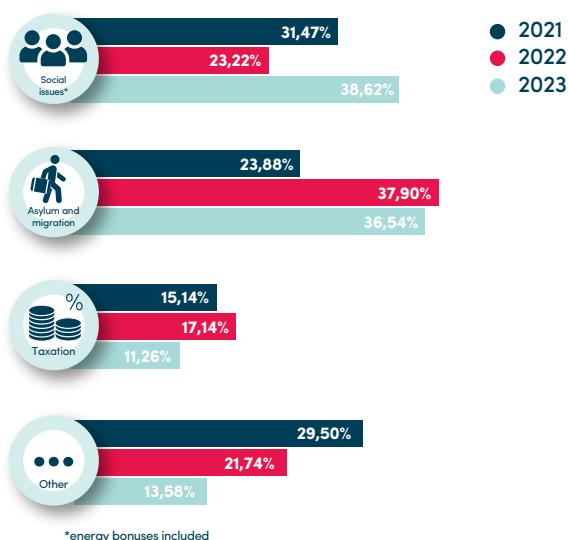


22
Protection case files



What are the complaints and reports that we receive about?

The number of admissible complaints received per sector

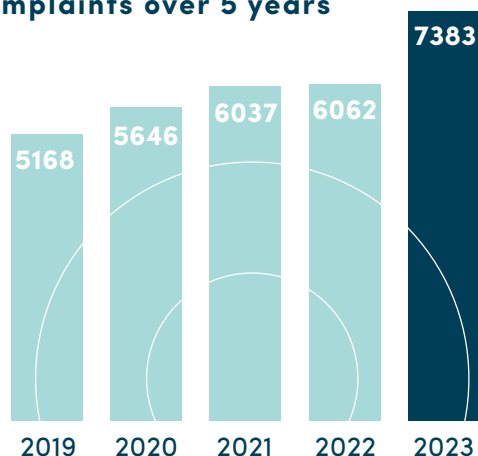


The Federal Ombudsman handles complaints pertaining to federal civil services. They concern different subjects, which can be divided into several broad categories: **social issues** (unemployment, disability, energy bonuses, etc.), **asylum and migration** (residence permits, etc.), **taxation** (taxes, etc.) and other (such as justice, mobility, defence, etc.).

In 5 years, the number of complaints made to the Federal Ombudsman has increased by nearly 45%.

The increase in the number of complaints is certainly connected to the different crises our country has experienced in recent years.

Increase in the number of complaints over 5 years



- **The coronavirus crisis** led to a substantial increase in **unemployment**, resulting in a number of problems for the civil services involved (National Employment Office, the Auxiliary Unemployment Benefits Fund and the unions). Fortunately, the number of complaints on this subject has diminished but are still relatively numerous.
- **The energy crisis** led to a substantial increase in complaints with respect to the Federal Public Service (FPS) Economy, which was responsible for handing out energy bonuses.
- **Finally, the problematic situation of the public services responsible for asylum and migration**, such as the Long-Stay Service of the Immigration Office, continues to lead to an increase in complaints with respect to the Federal Public Service of the Interior and the Federal Public Service of Foreign Affairs.

Whistleblower reports

The Federal Ombudsman's Integrity Centre examines whistleblower reports and ensures the protection of whistleblowers, both in the public and private sectors. Since the new legislation on whistleblowers came into effect in 2023, whistleblowers can also contact us anonymously.



62 case files
from whistleblowers in
the public sector



209 case files
from whistleblowers in
the private sector



74 of these reports were
made anonymously



11 complaints
for reprisals

The Federal Ombudsman provides support

Leo had a problem as result of an IT bug

Leo's gas furnace exploded. A third of his house was destroyed. So that his insurance could cover damages, he had to produce a mortgage certificate, specifying that his house was not mortgaged. Leo requested the certificate digitally from SPF Finance via his MyMinfin account but still had not received a response after three weeks. He paid the fees for the delivery of the certificate but, due to an IT bug, the payment was still not visibly connected to the other data required for the automatic delivery of the certificate. Leo got in touch with the Federal Ombudsman, who intervened. Leo received his certificate, through the post and on his MyMinfin account. His insurer then had all the documents necessary to reimburse him.



Roxane ticked the wrong box on an application form

Roxane wanted to come live near her father in Belgium. He is recognised as a refugee. As she is a major, she cannot benefit from family reunification in the strict sense of the law. She had to thus make a request for a humanitarian visa. She paid the fee required for this type of visa request. She also explained the humanitarian reasons for her request in an explanatory letter. But on the application form she ticked the box for family reunification. The Immigration Office (IO) rejected her visa request because Roxane did not meet the conditions for family reunification. The IO did not want to consider the request under a humanitarian angle because Roxane's explanatory letter and the proof of payment of her fee were not in her file. The IO thus believed that it was a family reunification visa request. The Federal Public Service of Foreign Affairs confirmed that the young woman's explanatory letter and the proof of payment for a humanitarian visa were, in fact, in her file. On this basis, the IO accepted to re-examine her file under a humanitarian angle and her visa was able to be granted.



In 2023, the Federal Ombudsman obtained a positive result in **75%** of the complaints it intervened in.

What are the complaints that we do not handle?

There can be various reasons why the Federal Ombudsman does not handle a complaint:

- In 6 out of 10 complaints that we do not handle, **the citizen did not contact the public service in question ahead of making a complaint.** In fact, a public service must have the possibility of being aware of a problem and of resolving it itself. This is an essential element to help restore the **trust of citizens in the public service.**
- In 4 out of 10 complaints that we do not handle, **the Federal Ombudsman does not have jurisdiction.** If another Belgian ombudsman mediation service has **jurisdiction** to handle the complaint, the complaint is transferred to this service. If no other mediation service has jurisdiction, the citizen is directed to the most appropriate person/service.



The Federal Ombudsman recommends

Energy Bonuses Report

The Federal Ombudsman has provided **a report to Parliament on the difficulties that a number of citizens have had in receiving their energy bonus and on what lessons the federal government can learn from this.**

So that, during any future crises, no citizen is the victim of unclear legislation or of organisational problems of a public service administration and to ensure that each citizen is able to obtain that to which they have a right. The Federal Ombudsman made **two recommendations to Parliament** in order that citizens not be deprived of an energy bonus they have a right to for reasons out of their control. It sent **a third recommendation to FPS Economy** concerning the right to an energy bonus in the framework of the social rate for energy.



Whistleblower investigations



9 investigations closed in the public sector

- 1 presumed violation of minor significance
- 3 non-violations
- 5 violations

Investigation and recommendations to the FPS Interior

The Federal Ombudsman investigated on an report concerning irregularities in the awarding of public contracts, of the unauthorised use of credit cards and of an inappropriate combination of salary benefits by members of the personnel of the FPS Interior. Breaches of integrity were confirmed and the Federal Ombudsman formulated four recommendations. In response, the FPS Interior has taken a certain number of measures that have allowed it to meet these recommendations.

Registration Duties Report

Following a number of complaints received, the Federal Ombudsman carried out an investigation and published a report on the way in which certain people had to reimburse the **tax benefit** or pay a fine to the FPS Finance. This is a tax benefit that these persons had received on the registration duties due upon purchase of a house or an apartment in Brussels or Wallonia. In its report, it makes **9 recommendations to the FPS Finance** with the aim of improving the information that is provided to citizens as well as the procedures for cases of reimbursement plans and a uniform application of the levying of fines.



Other 2023 recommendations

Case filing fees

Recommendation to FPS Finance with the aim of accepting requests for the cancellation of fines pertaining to case filing fees made by citizens:

- Who claim to have not received payment notifications and who have no “negative history” in terms of meeting their tax obligations;
- Or who have requested a payment plan and followed it.

Nationality

Recommendation to the Immigration Office to end the practice by which the Office requests municipal authorities to modify the nationality in the National Register of a child born in Belgium to a parent or parents of Palestinian origin.

Find all of our publications and recommendations on our website
<https://www.federalombudsman.be>, under the “publications” section

How the Federal Ombudsman can help you

Are you having a problem with a federal public service?

We can help you, if:

- ✓ Your complaint concerns a federal public service
- ✓ You have already reported this public service of the problem

Examples of federal public services:

- ✓ The Federal Public Service Finance for your taxes
- ✓ The National Employment Office, the Auxiliary Unemployment Benefits Fund or your union for your unemployment benefits
- ✓ The Federal Public Service Social Security for your disability benefits
- ✓ The Federal Public Service Mobility and Transport for your car's licence plate
- ✓ The National Institute of Social Security for the Self-Employed if you are self-employed
- ✓ The Immigration Office for your visa or residence permit

We will examine your problem by taking all viewpoints into account. We are not a lawyer or a judge. We attempt to find solutions through mediation and dialogue.

What should you do if your complaint does not concern a federal public service? There are other mediators who can help you. Go to the www.ombudsman.be site and you will be directed to the right mediator.



Do you wish to make a report on a breach of integrity or a violation of the law?

- ✓ Your report must deal with events that occurred within a business or a federal public service and of which you became aware in a professional context.
- ✓ We are subject to professional secrecy, your personal data and your report are strictly confidential. We will never reveal your identity.
- ✓ You can make your report in several different ways.
- ✓ It is possible to do so anonymously.

All information can be found on <https://www.federalombudsman.be/en/whistleblowers/>

The Federal Ombudsman at your service



© Inge Verhelst

The Federal Ombudsman helps citizens who address a complaint to them concerning a federal public service, as well as whistleblowers who file a report. Its involvement is

- ✓ **free**
- ✓ **independent and impartial:** it is not a part of the government
- ✓ **confidential:** employees are subject to professional secrecy
- ✓ **professional:** employees examine your file with rigour and expertise.

April 2024

Publishers:
J. Aass and D. Baele

Graphic design and layout:
Central printer of the Chamber of Representatives

All names in the examples of complaints are imaginary and the accompanying photos come from stock photo databases. The stories describe complaints that the Federal Ombudsman handled.



**the federal
Ombudsman**

<https://www.federalombudsman.be>

This document is a summary of the 2023 Federal Ombudsman's annual report. The full annual report is available in French at <https://www.mediateurfederal.be>