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Non-recours aux droits et précarisations en Région bruxelloise

Niet-gebruik van rechten en bestaansonzekerheid in het Brussels Gewest

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- 1 The “non-take-up of rights and services”, also known as “non-take-up”, is a situation in which an eligible person does not benefit from one or more rights which he or she is entitled to [Warin, 2010]. In 2017, the Observatoire de la Santé et du Social published a first in-depth study¹ on the subject. The report *Aperçus du non-recours aux droits sociaux et de la sous-protection sociale en Région bruxelloise* revealed that the phenomenon was very common among people in a situation of precariousness or poverty as regards several fundamental social rights.
- 2 The Brussels Region in particular is confronted with the issue of the non-take-up of rights. This can be explained by the combined realities of the administrative, institutional and budgetary contexts and the many rights and services regimes in force, as well as by a “hyper-vulnerable”² population which is already in a precarious situation. This context exacerbates the risk of the non-take-up of rights and the precariousness of people’s situations.
- 3 The findings of the Observatoire de la Santé et du Social which this article is based on show that legal changes (strengthening or temporary modifications) in the granting and retention of protective social rights,³ the increase in the number of criteria and procedures, conditions of access and the complexity of measures have caused some users to become discouraged. Some of the professionals involved no longer feel capable of analysing an individual situation or a request in order to verify a person's eligibility or to help people with the procedures. Another explanatory factor is the growing instability of statuses for people in precarious situations. Changes in social and

administrative statuses are becoming more and more frequent and lead to an increased risk of a non-take-up of rights and precariousness. Moreover, the high level of digitisation of the systems for granting and retaining rights reinforces the risk of non-take-up, generating a growing need for help from social services and a breakdown of trust between citizens and administrations.

- 4 All of these factors heighten the asymmetry in the administrative relationship between citizens and public services – the former being in a position in which they are “obliged” to prove and justify their eligibility to professionals at service counters who are in a dominant position, whether perceived or real [Dubois, 2010; Weller, 1999]. If they are unable to prove their eligibility, or if it is not validated, the people at risk of non-take-up become invisible in terms of rights (application, use, monitoring, granting, effectiveness, protection) and in terms of figures (accounting, statistical measurement and monitoring, changes). The results show that these situations make people whose circumstances are already precarious more vulnerable more quickly, and to a greater extent.
- 5 Far from providing an exhaustive overview of the issue of non-take-up, this article discusses the approach and methods used (1), non-take-up from the point of view of individual situations (2), the contribution of background analysis (3) and some of the issues related to the impact of the digitisation of public services on the (risk of) non-take-up of rights today and in future (4).

1. Definition of non-take-up of social rights and methods

- 6 While the “non-take-up of social benefits” [van Oorschot and Math, 1996] is most often seen as a “shared responsibility” [van Oorschot, 1996], the study by the Observatoire de la Santé et du Social [2017] highlights the complex interweaving of political, administrative, institutional and individual factors. The comprehensive and administrative approach used, based on the work of Odenore⁴ (Observatoire des non-recours aux droits et services), differs from approaches based on utilitarian models of the “cost-benefit” or behaviouralist type. The results show that studying “poverty through non-take-up of rights” [Warin, 2009] allows a better understanding of the links between the effectiveness of rights and the dynamics of precariousness. The analysis is based on a broad definition of “poverty” encompassing situations of precariousness [Duvoux and Rodriguez, 2016] in a multidimensional analysis of situations and protections [Castel, 2008].
- 7 Various qualitative materials and quantitative data have been used in this research. First, a review of the literature, 25 exploratory interviews⁵ and an initial analysis of data from the Banque Carrefour de la sécurité sociale (BCSS) data warehouse were carried out. These data concerned three groups identified as being vulnerable⁶ with a view to analysing their socio-demographic characteristics and/or backgrounds. In a second phase, an extensive field survey was carried out based on interviews with 94 people⁷ (26 people in a situation of non-take-up and 68 professional agents⁸) analysed from several angles.

- 8 Several methods of collection and analysis have been implemented:
- presenting the respondents with a typology of non-take-up [based on Warin, 2010 and 2014] in four situations: non-awareness of a right, non-demand, non-receipt (or non-access) and non-offer (the case of “exclusion from a right”⁹ was added in order to analyse the links between non-coverage¹⁰ and non-take-up of rights);
 - testing within lived realities (by people and observed by professionals) and analytical application within the framework of several rights and services of a different nature (housing, education, employment, health and social assistance).
- 9 This material was supplemented by a body of legal texts, reports from public social security institutions and a large body of grey and scientific literature in order to compare actual situations with the regulations. Finally, administrative data¹¹ were also collected from various social protection bodies.

2. Approach to non-take-up of rights through individual situations

- 10 The typology of non-take-up developed for the survey was presented during each individual or group interview (with people in a situation of non-take-up or professionals involved). The situations experienced by people are illustrated in this section.

2.1 The case of “non-awareness”: being eligible but not knowing one’s rights

“Ignorance kills everything because in order to do something you have to know where to go, what to do, who to talk to.” (Person in a situation of non-take-up)

- 11 Lack of knowledge of the law affects a large proportion of the people interviewed.¹² This applies both to the conditions for granting and maintaining the right or service. People highlight the recurring problems regarding the validity of the information received or its lack of coherence from one desk to another. The objective of legal socialisation [Lejeune, 2014] or the distribution or availability of information alone is often not enough to combat the growing complexity of the conditions for granting and maintaining rights. Understanding information and procedures is an additional and indispensable condition for the effectiveness of the law.

2.2 The case of “non-demand”: being eligible and knowing one’s rights, but not requesting them

“Being aware of a right and not applying for it – especially when it comes to CPAS, which is the last resort, because there is a CPAS identity and a social attitude towards it – somehow does not mean that you are putting yourself in danger in terms of precariousness, but that you are reassuring yourself about your social position (...). It is resistance based on dignity. What is paradoxical is that it is a right and I should not think that way.” (Person in a situation of non-take-up)

- 12 Less visible and often hidden, the situation of non-demand for a right channels all of the reasons which explain why an eligible person does not request it *a priori* or *a posteriori*. Non-demand fundamentally questions the relevance of the offer and the

systems, and the way in which they have been designed and are organised and managed [Warin, 2014].

“I’m really on the edge and have decided not to ask for anything anymore. I don’t want to be told ‘no’ anymore.” (Person in a situation of non-take-up)

- 13 While non-demand may exist *a priori*, on principle, or following an initial contact, the results of our survey show that it may also be the result of non-access. It is the result of more or less long-standing relations with the public authorities, which leads to a maximum threshold of steps taken or to various episodes of institutional violence. The whole process leads to exhaustion, anger, humiliation and even episodes of depression, which explains the categorical refusal to take up one’s rights.
- 14 Many obstacles arise in the individual process of applying for a right or a service. Certain factors come into consideration even before the request is formulated: a person’s perception of the institution, their situation, their physical/psychological state, uncertainty, denial, the costs involved, the procedure, and the many different stakeholders and addresses. In a situation of non-demand, people do not receive any benefits and are often forced to live in a form of “dependency” on interim solutions and informal networks. If it is prolonged, this situation often leads to a deterioration in the material situation and state of health. Non-demand is sometimes temporary, sometimes permanent.

2.3 The case of “non-receipt” or “non-access”: being eligible, requesting a right, but not accessing it

“There is a chain of events, when people ask for their rights and then they see that things are not going well, so at a certain point they no longer have the energy and their rights keep decreasing.” (Professional agent)

“People come to the agencies, but in the front line we haven’t checked access to social rights or haven’t checked enough. And so we realise that they don’t have access to the status which they are entitled to, etc. Now, in the front line at CPAS, we have a quarter of an hour per person and we can’t do it anymore...” (Professional agent)

“Everything is always by post: ‘send us such and such a document again’. There’s always a list of documents, which I’ve already provided (...). We don’t feel like it anymore, we say to ourselves ‘we’re going in circles and not making any progress’. It doesn’t make sense that they ask us to send the same documents three or four times.” (Person in a situation of non-take-up)

- 15 For most of the rights studied¹³ in the survey, non-access is the most frequently experienced situation of non-take-up. This can be explained by a multitude of administrative and institutional factors: loss of time when taking steps to find out about and meet the conditions, automatic redirections from one agency/organisation to another, lack of understanding of the procedure and the roles of each, communication problems, blocking of files, lack of follow-up of an application or file by the agent, exceeding the legal time limits for receiving a decision, lack of knowledge of the possibilities for legal remedies, etc.
- 16 It should be noted that before the beginning of the Covid-19 pandemic (which had the effect of temporarily relaxing the conditions), the conditions for accessing and

maintaining most of the social rights studied had been modified and had become more restricted:

- in terms of their nature (types of conditions and proof required: documents, expected behaviour, steps, invitations, attendance rate, etc.);
 - in terms of their frequency (periodicity of the renewal of the proof/application, multiple invitations, etc.);
 - in terms of volume (cumulative conditions);
 - in terms of the way they are sent (post, registered mail, email, SMS, phone call, etc.).
- 17 These situations of non-access wear people out gradually and in some cases lead to non-demand, with many situations also being experienced as discriminatory due to treatment which is deemed unequal and linked to ethnic origin, language skills, social origin, gender, nationality, etc. For several rights, the periods of non-access tend to be longer, sometimes leading to ineligibility as the time limits for accessing or maintaining a right have been exceeded (time limits which were often shortened in the regulations before the beginning of the pandemic).
- 18 Finally, if a person receives an unjustified negative response, he or she often does not know about legal remedies (usually not proposed, according to the interviewees) or does not request them (exhausted by the procedures), and the deadlines for these are often also exceeded.

2.4 The case of “non-offer”: being eligible for a right, but not being offered it

“People don't propose it to you so you think: ‘Maybe at my CPAS I can't.’” (Person in a situation of non-take-up)

“For example, some of my colleagues are too lazy to make a report because it annoys them, it's a Friday afternoon, so they tell the person: ‘Well no, you're not allowed to have that’. So it's really whether the social worker truly wants to help the person or not.” (Professional agent)

- 19 Less often cited by professionals, the non-offer of rights shifts the explanatory focus to the actions of workers in public social security institutions and social services providing assistance and care. It questions their responsibility in the take-up of rights and services directly. All types of social protection agent¹⁴ or private agent¹⁵ were mentioned by the respondents who had not been informed properly about their eligibility at least once. Yet these people rely on professional workers to inform them of the rights which they are entitled to.¹⁶ The relationship of trust is sometimes broken if people realise afterwards that information has been omitted. There are many reasons for non-offer: lack of time, turnover, failure to follow up on a file, internal procedures, quotas and budgetary balances, poor relationship between the person and the professional agent, the desire not to “rush” the person or make them afraid of the many steps required to reactivate or activate their rights, etc.
- 20 According to some, non-offer more often concerns derived rights or supplementary aid (increased family benefits, supplementary aid for the disabled, social aid from CPAS, housing aid, services linked to mutual health insurance, etc.) or supplementary rights not automatically granted and linked to another status/right.¹⁷

2.5 The case of “exclusion from a right” : between non-coverage and the creation of non-take-up

- 21 Strictly speaking, the exclusion from a right, if provided for in the law, goes beyond the scope of non-take-up. This is not a form of non-take-up. Exclusion is many-sided. It can be a case of non-coverage by the right, situations “not referred to by the right” [Lochack, 2006] because the person is not eligible, or has lost eligibility. It is established either *a priori* by situations of “non-entitlement”, or *a posteriori* if the conditions are no longer met. For example, if a legislative change modifies the conditions, some people are legally excluded from the eligibility conditions.¹⁸
- 22 Nevertheless, we put this scenario to the test in real-life situations. The hypothesis was that links could exist between non-coverage and non-take-up of rights.
- 23 Our survey shows that in a number of cases, the exclusion from rights can generate borderline situations between eligibility and non-eligibility. These include, for example, a refusal to submit an application when a person goes to an agency, misinformation, unjustified withdrawal of the right (non-payment, requests for procedures from people unable to carry them out, etc.), or disproportionate expectations for the maintenance of a right (erroneous, restrictive or abusive interpretation by an agent, leading to a temporary or permanent sanction).
- 24 Analysing non-take-up of rights in isolation, without the case of exclusion (whether legal or not), does not allow us to observe variations in social protection coverage (toughening or relaxing). The case of exclusion makes it possible to identify the toughening of conditions via invisibilisation mechanisms (contract content, margins of interpretation, evaluation of individuals, sanctions, (un)justified exclusions, termination of rights, inaccessible procedures, etc.). However, these conditions induce a change in status, lead to the removal or deletion of people from administrative data and thus encourage (the risk of) non-take-up.

3. Approach to non-take-up through background analysis

- 25 The study of social and administrative backgrounds makes it possible to grasp certain specificities of the processes of precariousness and to consider precariousness and poverty as a continuum [Carpentier, 2016: 117] which is neither restricted to a conventional statistical standard nor to a reified approach. Precariousness and poverty are multiple, diverse and elusive [Duvoux and Rodriguez, 2016], and a dynamic analysis of their evolution is necessary.

3.1 Qualitative analysis of backgrounds: making chronic instability visible

- 26 Chronic instability is a factor in precariousness and increases uncertainty [Castel, 2009]. The qualitative survey showed that people in precarious situations experience increasingly frequent and regular changes in status in their lives and social and administrative backgrounds, which is conducive to the development of the non-take-up of rights.

- 27 In concrete terms, the acceleration of these changes [Rosa, 2010] is linked to social risks¹⁹ or life events²⁰ which modify the status, socio-economic position, marital status and type of household. The pathways and backgrounds expected by institutions and activation mechanisms also prompt changes in status, in order to make certain rights available.
- 28 These changes forge and consolidate “areas of precariousness” [Noël and Luyten, 2016]. [Noël and Luyten, 2016]. People who experience these changes remain “stuck” in the gaps between two statuses for increasingly longer periods and are unable to regularise their administrative situations.
- 29 The increasing frequency of these changes leads to periods of being “in between statuses” which eventually render people invisible to statistics or administrative data. As a result, the socio-economic position or status in the e-Government data system may be momentarily wrong and people may fall into statistical categories such as “unknown to social security”²¹ or “other”. They are no longer recognised by the standard conventional indicators.
- 30 Whether unavoidable, chosen, or imposed (as a counterpart to an allowance), these changes mean partial or even total loss of income for a period of time.

3.2 Quantitative analysis of backgrounds: status instability and potential non-take-up

3.2.1 Instability of statuses through BCSS data

- 31 The instability of statuses highlighted by the qualitative analysis of backgrounds was confirmed by two longitudinal quantitative analyses. The analysis of data from the BCSS Datawarehouse made it possible to carry out a quarterly examination of the socio-economic positions (or socio-administrative statuses) of two samples, over a two-year period.²²
- 32 In the group of Brussels residents who receive an integration income (or equivalent) (N = 31,831), 40 % maintain it, whereas 60 % change their status once or several times during the two-year period under study. Half of these people have at least two different statuses during this period. In addition to this instability, a particularly worrying development in terms of non-take-up concerns the 15 % who have an “unknown social security status” at the end of this two-year longitudinal analysis. These people were in a very precarious situation initially, as they were eligible for the integration income.²³
- 33 In the second group consisting of Brussels residents affected by unemployment benefit sanctions²⁴ (N = 2,304), more than 65 % have at least two different socio-administrative statuses in the two years following the sanction. During this period and in a stable proportion, approximately one fifth of these people (19 %) also have an unknown social security position.²⁵

3.2.2 Potential non-take-up in administrative data

- 34 Recording, accounting for and carefully monitoring citizens' initial contacts with or requests to the relevant organisations makes it possible to identify and avoid “pockets” of potential non-take-up. Recording the methods of contact between citizens and

organisations also sheds light on the administrative relationship at the heart of the dynamics of non-take-up.

- 35 Potential non-take-up is observable when a majority of applications result in a negative decision and when they are based mainly on administrative reasons such as “missing document”, “additional information not provided within 30 days” or “missed appointment”, due to a letter not received, fear, impossibility to go alone, etc. In the Brussels Region, this situation concerned 75 % of applications for disability benefits submitted between 2011 and 2015.²⁶
- 36 In one of its statistical bulletins, the SPP Intégration sociale analysed the profiles of “new” applicants for assistance. The previous socio-economic status or position (in the month before the integration income was granted) was examined for a period of 10 years (2004-2013) in Belgium. It appears that 49,5 % of the position of new integration income recipients was “other” or unknown before being granted the integration income [SPP Intégration sociale, 2016], thus showing a previous situation of potential non-take-up for part of them.
- 37 An analysis of the administrative data corroborates the difficulties described in applying for a right (or maintaining a right), the unstable nature of the backgrounds and the invisibilisation of people in a precarious situation. It also reveals the potentially significant risks of the non-take-up of rights.

3.3 Analyses of backgrounds: institutional dynamics and processes of invisibilisation

- 38 In the survey conducted by the Observatoire de la Santé et du Social [2017], other findings were identified, including the increasing influence of social security organisations and institutions on people's trajectories through different types of injunctions (invitations, forced action in return for a benefit) and instruments (contracts, backgrounds, procedures). Contrary to their objectives, these mechanisms contribute to the increase in non-take-up through the suggested or forced change of status.
- 39 The access and organisational arrangements of social security institutions have a significant impact on the risk of non-take-up. The interviews revealed that geographical accessibility, the number of offices (centralisation and long queues, decentralisation and fragmented information), the organisation (front desk, multiple internal services, external stakeholders, etc.), the compulsory means of communication (telephone, internet, etc.) for obtaining information or for procedures, the contact methods (by appointment, first come, first served, etc.), the restricted time slots, the lack of printed documents, etc., are factors which individualise the responsibilities of users, absolve administrations of their responsibilities and limit the follow-up of the procedure or file and the dialogue between users and institutions.
- 40 Paradoxically, while the channels of communication are blocked and some data are directly available, people must provide more and more proof of their eligibility²⁷ more frequently. Non-follow-up, redirections and misunderstandings of the procedures take place within the framework of a dilution of responsibilities whereby none of the social protection bodies are responsible for people applying for new rights, maintaining rights or who are “in-between rights”. The lengthening of this “in-between” period

generates losses of income essential to daily survival. This instability of rights and statuses places income poverty at the centre of the dynamics of precariousness and the invisibilisation of people.

41 Finally, there are administrative, financial, communication and coordination tensions between federal authorities and regional, municipal and cooperating stakeholders. The conditionalisation²⁸ of reimbursements through changes in methods (procedures, software, etc.) causes tensions between stakeholders and administrations at different levels of authority. This is accompanied by increasing budgetary pressure which has an impact on the effectiveness of rights.

42 The increasing complexity of several fundamental social rights also creates new difficulties for the social professionals themselves, who need to keep a permanent legal watch on legal and administrative changes and their interpretations.

“We should all have the same basic training so that we know who we should refer to, who we should give a document to, and when we do so, who takes over the document. (...) I have meetings with people who tell us: ‘no, it’s [regional service]’ and then they tell us: ‘no, it’s not [regional service]’. We send people here and there and they go round and round, and in the end they lose their rights.” (Professional agent)

43 Finally, despite the apparent modernisation of data processing and the development of e-Government (see following section), some of the effects of a heightened process of bureaucratisation lead to a slowing down of administrative actions and procedures [Hibou, 2012], a form of “social magistracy” [Weller, 1999], and a deterioration in the administrative relationship between the state and citizens [Dubois, 2010]. People’s time is confronted with institutional temporalities. On the one hand, there is an acceleration in the loss of rights, and on the other, there is an increase in the length of time it takes to process cases and situations of ‘being in-between’, non-take-up and the loss of rights.

4. Digitisation of services, administrative relations and non-take-up

44 A fundamental issue emerges from our analyses of access to social rights and services. It concerns the transformation of the administrative relationship between citizens and public services since the development of e-Government²⁹ through electronic public services and the implementation of digital platforms and applications. This has resulted in the digitisation of personal data and files, and the transfer and automation of certain data flows, allowing greater efficiency in terms of speed and volume in the processing of thousands of files, particularly between public social security bodies (through BCSS data flows), cooperating stakeholders (mutual health insurance organisations, unions) and private stakeholders (employers). However, these changes can also be the source of obstructions, termination of rights, additional delays and lack of follow-up which prevent people from exercising their rights, sometimes even beyond their power to act [Koubi, 2013]. For these citizens, the “administrative relationship” [Dubois, 2015] with public services has deteriorated.

4.1 Underestimation of the impact of the digitisation of information and procedures for beneficiaries

- 45 The many changes associated with the implementation of e-Government in several social protection bodies³⁰ lead to widespread digitisation which, in the name of greater efficiency, paradoxically generates non-take-up due to the impossibility of submitting an application, lack of proof of eligibility or discouragement. Digitisation involves paperless application procedures, documents and files, combined with the abolition of human agents and restricted access to offices. Furthermore, information systems shared between social security institutions can be the source of the transmission of erroneous information. For example, digitised information does not necessarily correspond to reality or to a person's current situation in a context of increasingly unstable pathways.
- 46 In addition, several elements are consistently underestimated in the implementation of digital services: the required skills to use the internet, the website interfaces of social security organisations or the knowledge required for the maintenance of hardware, computer systems and programmes, etc. The digital divide and the difficulties of use are underestimated. However, the EU-SILC survey [Statbel, 2020] estimates that 11 % of Brussels households (compared to 10 % of Belgian households) do not have an internet connection, and this proportion reaches 21 % for households with an income of less than 1500 euros per month. The costs of an internet connection and its maintenance are also major obstacles.³¹
- 47 A growing number of citizens are therefore affected by the negative consequences of this digitisation and are becoming discouraged, even distancing themselves, voluntarily or otherwise, from social protection institutions. Indeed, "the analysis of the digitisation process allows us to illustrate the transition from a logic of expertise which can create a true distance with people, to a logic of industrialised services, where the distance with people is not reduced, but also becomes complex." [Muñoz, 2015].

4.2 Deterioration of relations with administration, automation and increase in non-take-up

- 48 While the development of e-Government is intended to accelerate and multiply the potential for granting benefits and its automaticity, digitisation increases the (risk of) non-take-up and insecurity through a loss of control over the means of obtaining information, making applications, consulting, providing proof or changing an administrative situation. This also implies a very significant increase in the time required by local social services to provide support on demand, monitor a situation or settle an unjustified situation of exclusion or non-take-up (for example, an erroneous status, automatic termination of rights, an erroneous claim for undue payments or an erroneous report of social fraud).

"It transits through the Banque Carrefour via intermediaries; for example there were people who had been unemployed for a whole year (...) who were compensated, but there was a gap in the electronic transmission of information. In the end, when it reached the mutual health insurance organisation, they had an incomplete year of unemployment, so the reimbursement rights were stopped. The people went to their union with a paper certificate proving that they had received unemployment benefits for the whole year, but the mutual health insurance

organisation said ‘oh no, we don't work with paper certificates anymore, we need the electronic certificates. They have legal value.’ It took four months to release the case.” (Professional agent)

- 49 The supervision of all of these operations is seen as insufficient by some stakeholders, who point to a large number of errors and to the growing number of claims for undue sums. However, the claims for these undue sums are often disproportionate, in terms of the recovery methods, the sums claimed and the resulting costs. Most of the time, the people concerned have not noticed or understood the error in the calculation or the allocation.
- 50 In addition, there is a large amount of data collected, stored and exchanged via the BCSS and managed with the help of SMALS³² for all public social security institutions. These data are processed using various means: recordings, centralisation and transfers via flows, cross-referencing, analyses and structuring through data mining and data matching. These various processes are used to carry out projects (combating fraud, reorganisations, merging of administrations or services, etc.), simplify procedures and even to create applications³³ for citizens (which make it possible to consult one's eligibility for a right on the basis of these data) and stakeholders (applications).
- 51 However, the use of algorithms in the fight against social fraud presents a risk. Often considered as a “reality” perceived as an “objective”, algorithms carry a powerful normative force [Rouvoy, 2013]. The state of affairs presented by algorithms is so close to reality that it can be confused with it. It can still intimidate and “distort the risk of a contrary decision or interpretation”³⁴ for those who would be responsible for interpreting a decision or data otherwise. Other studies have shown the excesses of using algorithms in social policies through the automation of certain rights, benefits or ways of assessing family situations (monitoring, alerts, controls, etc.) and even of sanctioning them on these bases [Eubanks, 2018]. This can be explained in particular by a form of “actualisation of the virtual: what exists only in a virtual mode is made to exist in advance” [Rouvoy and Stiegler, 2015]. Yet, the examination, verification and qualification of real situations using digital data are fundamental issues for the effectiveness and true automation of rights³⁵ [Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, 2013].

Conclusion

- 52 Paradoxically, a high level of non-take-up is therefore observed among people in situations of precariousness and poverty for whom these social rights are essential. These situations of non-take-up are observed for several fundamental social rights (social assistance, unemployment, etc.) and are precarious in themselves. Each right, benefit, mechanism and service has specific types of non-take-up to varying degrees.
- 53 The approach to precariousness and poverty through non-take-up of rights is useful in order to better understand the links between the dynamics of precariousness, changes in social and administrative status and the risks of non-take-up. The analysis of non-take-up according to background also shows the interest in pursuing an analysis of “poverty” in its “many dimensions and by inscribing it in time” in order to trace the outlines of the “halo” of poverty [Azuret, 2020].
- 54 This research has made it possible to document several types of non-take-up and several federal social rights and regional benefits in a comprehensive, qualitative and

quantitative manner. Quantifying non-take-up is, however, complex³⁶ and delicate [Vial, 2010]. Many social security rights, benefits and services, assistance and personal support schemes should be analysed on a regular basis, both quantitatively and qualitatively, in order to understand their evolution.

- 55 In 2017, the worrying results pointed to the risks of rapidly growing precariousness for many Brussels residents who were already in a precarious or disadvantaged situation, due to the non-take-up of rights. The Covid-19 pandemic has since disrupted life situations and caused thousands of changes in status. Certain temporary regulations specific to this period have made it possible, for a time, to grant or maintain certain social rights and sometimes to relax procedures (considerably). Despite these precautions, many situations of non-take-up have been observed to date [Deprez *et al.*, 2020] and have been amplified by the partial or complete closure of services and administrations as well as by an acceleration of the digitisation of procedures since the first lockdown.
- 56 Putting the fight against the non-take-up of rights at all levels of government³⁷ on the political agenda goes hand in hand, paradoxically, with the increased development of e-Government. However, the acceleration of digitisation, the “digital principle by default” decreed by the federal government,³⁸ the changes in legislation and the changes in life situations are likely to have a considerable impact on the number of people who do not take advantage of their rights, as illustrated in this article.
- 57 Faced with the risk of the statistical and social “disappearance” or invisibilisation of citizens, federal, regional and municipal administrations and public services as well as front-line services and other private stakeholders such as employers, play a fundamental role in preventing the development of immediate and predictable situations of non-take-up which accelerate precariousness. In times of crisis, but not only, humane assistance provided to people [Deville, 2017], simplification, proactive measures and cooperation among all of these stakeholders are essential in order to move towards the effective granting and maintenance of social rights for people in situations of precariousness and poverty.

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NOTES

1. This research was carried out in the framework of the *Rapport bruxellois sur l'état de la pauvreté* and led to the publication of the thematic report: "Aperçus du non-recours aux droits sociaux et de la sous-protection sociale en Région bruxelloise" [<https://www.ccc-ggc.brussels/fr/observatbru/publications/2016-rapport-thematique-aperçus-du-non-recours-aux-droits-sociaux-et-de-la>].
2. In the Brussels Region, there are higher proportions of vulnerable populations: 61 % of Brussels residents are tenants, 33 % live on an income below the at-risk-of-poverty threshold, 12 % are single-parent families, 43 % live alone, 5,5 % receive an integration allowance (or equivalent financial aid), 11,6 % receive the GRAPA, 4,5 % receive disability benefits, and 28 % are beneficiaries of increased intervention for health care [Observatoire de la Santé et du Social, 2020].

3. For example, the right to unemployment insurance, the right to integration allowance or social assistance, the right to compulsory health care insurance and indemnities, etc.
4. <https://odenore.msh-alpes.fr/>
5. People from the academic world, the associative world, sector federations and Brussels, federal and European public bodies.
6. Brussels residents who are (1) unknown to social security, (2) prohibited from receiving unemployment benefits and who (3) receive the integration income.
7. Semi-structured interviews were conducted with 94 people over a six-month period, through 41 individual or group interviews.
8. The 94 interviewees covered a wide range of rights and areas of intervention: public social security management bodies, federal public services and public administrations in charge of the management and payment of social benefits, cooperating social security institutions (mutual health insurance organisations, trade unions, etc.), legal aid services, general social services (comprehensive social action centres, personal assistance centres, CAW, etc.), more specialised services (family planning, medical centres, etc.), employment and training support services (employment centres, Actiris offices, training organisations, etc.), housing support services, etc.
9. Exclusion refers to people who are not entitled to or have been excluded from a right in a legal manner, but there are also cases in which the exclusion is not justified or legal.
10. When a person is not covered by a right.
11. With Onem, DG Personnes Handicapées, SPP Intégration Sociale, etc.
12. Some rights (e.g. unemployment insurance, compulsory health care insurance, increased intervention) are more used or more known than others (e.g. the right to social assistance), but the conditions and procedures for obtaining or maintaining them are less known or even unknown.
13. Except for the right to increased intervention, which is the most protective of the rights studied.
14. Onem, Capac, Caami, CPAS, Service fédéral des pensions, DG Personnes handicapées, municipalities, SPF Finances.
15. Such as social funds, social secretariats, or employers who may fail to provide a document, or fill it in incorrectly. This also includes, for example, trade unions, mutual health insurance organisations or associations which may not inform the person of a main or derived right at some stage in the process.
16. See Charte de l'assuré social: "Art. 11: The social security institution which examines a claim shall collect on its own initiative all of the information which is lacking in order to assess the rights of the socially insured person. (http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1995041144&table_name=loi)"
17. For example, integration income, disabled status, sickness status, entitlement to unemployment insurance (entitlement to unemployment insurance on a part-time basis, income guarantee allowance, etc.), person who meets the income conditions for increased intervention, recognition of a disability, etc.
18. For example, when the integration benefits were abolished in 2015, when the eligibility or granting criteria were modified, when the right to unemployment insurance was modified in 2004 and 2012, and when the granting powers were regionalised 2016. More than 200 successive amendments to this right, in the form of Royal Decrees, have thus been added to the Royal Decree and the Ministerial Decree of 1991.
19. Unemployment, job loss, illness, work accident, accident, etc.
20. Separations, bereavements, marriages, entering "working life" and transition to adulthood, entering retirement, becoming a parent, etc.
21. Due to events linked to their personal history, these people may also be removed, sanctioned despite being eligible, or find themselves in a position of administrative standstill (conflicts

between public social security institutions, termination of rights, failure to rectify changes in situation, etc.).

22. The backgrounds of these two groups were studied over two years between the end of 2010 and the end of 2012 (the most recent data at the time of our request in 2015). Analyses carried out by Sarah Missinne, from the Observatoire de la Santé et du Social.

23. A social enquiry or a thorough check of the eligibility criteria for the integration income is carried out by every CPAS contacted by a person.

24. All sanctions combined and for three types: “administrative sanction”, “activation plan for research”, “voluntary unemployment”.

25. Persons unknown to the social security system more often received a sanction in the context of the activation of search behaviour (25 %), or received a sanction of the voluntary unemployment type (between 17 and 19 %) or received an administrative sanction (between 10 and 14 %).

26. Figures provided by DG Disability in 2016.

27. Even their non-eligibility for other social rights in the case of the residual right to social assistance. This applies to CPASs, which have an obligation to “exhaust social benefit rights” before intervening, but other social security bodies or cooperating stakeholders also seek proof of non-eligibility for other rights.

28. More and more, INAMI, SPP Intégration sociale, and Onem are making reimbursements to mutual health insurance organisations, CPASs and trade unions conditional.

29. From initial records, processing, data exchange between public social security institutions via the Loi organique de la Banque Carrefour de la sécurité sociale of 15 January 1990 and via its financing. Definition of e-Government: <https://economie.fgov.be/fr/themes/line/la-notion-de-gouvernement> (accessed on 20/11/2020).

30. Changes in legislation, regulations or communication procedures for access to information or files.

31. Whether it is an internet or telephone connection from a mobile phone only, card-based usage or cheaper subscriptions which overcharge for certain uses or other services.

32. For more information regarding SMALS asbl (<https://www.smals.be/fr/content/soutenir-le-gouvernement>)

33. For example, the recent online application “My benefits” allows people with a “social status” (integration income, GRAPA, disability, etc.) to find out whether they are eligible for one or more additional rights (social rate for energy, telecommunications, public transport, museums, etc.) based on BCSS data.

34. Rencontre avec Antoinette Rouvoy : gouvernementalité algorithmique et idéologie des big data, added 6 March 2018 by Le mouton numérique. Partie 3 Gouvernamentalité algorithmique. Retrieved from You tube on 3/04/2019: <https://www.youtube.com/watch?v=cQCeAe8wPKU>

35. For a definition of the different degrees of automation, see the publication from the Service de lutte contre la pauvreté, la précarité et l'exclusion sociale [2013].

36. Establishing a non-take-up rate for a specific benefit at a given time has a number of limitations. The right/benefit, the administration or service responsible for granting it, the reference periods considered, the discipline, the approach and the procedures are all factors which influence the estimates. Micro-simulation [Bouckaert and Schokkaert, 2011] or interview surveys [federal TAKE project] cause variations in the results. While the approaches and hypotheses vary, they are nevertheless good ways to estimate the proportions of populations affected by this reality or risk.

37. Mention in agreements: Brussels regional government, French-speaking community, federal government.

38. The Government will first establish the ‘digital by default’ principle, which stipulates that all procedures must be digitally accessible as a standard. In: *Rapport des formateurs - Verslag van de*

formateurs - Paul Magnette & Alexander De Croo - 30/09/2020 (p. 19) and Accord de gouvernement 30/09/2020 (p. 26).

ABSTRACTS

Non-take-up of rights and services is a situation in which an eligible person does not benefit from one or more rights to which he or she is entitled. The Brussels Region in particular is confronted with the problem for several fundamental social rights. Analyses of individual situations, people's pathways and legal developments have shown specificities according to the benefits. Several factors emerge: legal changes in the granting and maintenance of social rights, the increase in the number of criteria and procedures to be completed, accessibility procedures and the growing complexity and instability of status in the pathways of people in precarious situations. A significant proportion of beneficiaries are discouraged and some professionals no longer feel able to verify or assert eligibility due to the growing complexity. Finally, the high level of digitalisation of services (public and private) prior to the pandemic which has accelerated since the first lockdown, reinforces the risk of non-take-up while there is a growing need for concrete, human help and simplification, as well as a deterioration of trust between citizens and the state.

Le « non-recours aux droits et services », aussi appelé « non take-up », est une situation dans laquelle une personne éligible ne bénéficie pas d'un ou plusieurs droit(s) au(x)quel(s) elle peut prétendre. La Région bruxelloise est particulièrement confrontée à la problématique pour plusieurs droits sociaux fondamentaux. Les analyses des situations individuelles, des parcours des personnes et des évolutions légales ont montré des spécificités selon les prestations. Plusieurs facteurs émergent : changements légaux dans l'octroi et le maintien de droits sociaux, multiplication des critères et démarches à accomplir, modalités d'accessibilité, complexité et instabilité grandissante des statuts dans les parcours des personnes précarisées. Une part importante des ayant-droits se décourage et certains intervenants professionnels ne s'estiment plus en mesure de pouvoir vérifier ou faire valoir l'éligibilité au vu de cette complexité croissante. Enfin, la forte dématérialisation des services (publics et privés) préalable à l'arrivée de la pandémie et accélérée depuis le premier confinement, renforce le risque de non-recours alors qu'un besoin grandissant d'aide concrète et humaine, de simplification et une détérioration de la confiance entre citoyens et État se font sentir.

Het “niet-gebruik van rechten en diensten”, ook wel “non-take-up” genoemd, is een situatie waarin een uitkeringsgerechtigde een of meerdere rechten waarop die persoon nochtans aanspraak kan maken niet krijgt. Vooral het Brussels Gewest wordt geconfronteerd met dit probleem voor meerdere sociale basisrechten. Uit de analyses van de individuele situaties, de trajecten van de personen en de wettelijke ontwikkelingen kwamen specifieke kenmerken naar voren volgens het type prestatie. Meerdere factoren spelen daarbij een rol: wettelijke veranderingen voor de toekenning en het behoud van sociale rechten, veelheid van de criteria en formaliteiten, toegangsvoorwaarden, complexiteit en toenemende instabiliteit van de statuten in de trajecten van de kansarme personen. Een groot deel van de uitkeringsgerechtigden raakt ontmoedigd en sommige professionele hulpverleners achten zich door deze toenemende complexiteit niet meer in staat om de uitkeringsgerechtigtheid te controleren of te laten gelden.

Tot slot is er de sterke dematerialisering van de (publieke en private) diensten die voor de coronapandemie al was begonnen en sinds de eerste lockdown in een stroomversnelling is geraakt. Het gevolg is een verhoogd risico op non-take-up, terwijl er net meer behoefte is aan concrete menselijke hulp en vereenvoudiging en het vertrouwen tussen burgers en overheid duidelijk wankel is.

INDEX

Subjects: 4. santé – qualité de vie – inégalités sociales

Mots-clés: action publique, pauvreté, aide sociale, politiques sociales

Trefwoorden: overheidsoptreden, sociale bijstand, armoede, sociaal beleid

Keywords: public action, social aid, poverty, social policies

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