

Country session: Belgium

Date of session: 24th and 25th January 2019

Background information

[OHCHR press release](#)

Webcast: [First part](#) and [second part](#)

Audio file: (pending)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	6 April 1995
Updated document	6 December 2012

CRC	
No. of report	5 th to 6 th
Due date	14 July 2017
Submission	20 July 2017

Written replies	
Due date	12 October 2018
Submission	14 November 2018

Public reports from children's rights defenders

[Alternative reports](#)

NGOs	<ul style="list-style-type: none"> • Belgian Disability Forum • Coordination des ONG pour les droits de l'enfant & Kinderrechtencoalitie Vlaanderen • ECPAT International • Global Initiative to End all Corporal Punishment of Children • International Social Service • National Secular Society • Situation of LGBTI Children in Belgium • Stop IGM.org • Unia, Myria, Combat Poverty, Insecurity and Social Exclusion Service • Child Soldiers International • IBFAN • UNICEF Belgium
-------------	---

**NHRIs
Ombudsman**

- Flemish and French children’s rights Commissioner

State delegation

The large delegation was headed by the Permanent Representative of Belgium to the UN and other international organisations and supported by the deputy permanent representative, the first secretary, the head of the National Commission for children’s rights and representatives from different ministries and from the Flemish and Walloon regions

Committee’s Task Force members

Name & Last Name	Country
Bernard Gastaud (coordinator)	Monaco
Velina Todorova	Bulgaria

Dialogue description

i. Character of the dialogue

The atmosphere of the dialogue was open, constructive and interactive, following an in depth and technical discussion with the Committee and the delegation.

ii. General assessment made by the Committee

The Committee commended the efforts made for budget allocations to be rights-based, to cover the rights enshrined in the CRC, to combat poverty and social exclusion and efforts to develop indicators and to push the children’s rights agenda at the EU level. Some of the main areas of concern to the Committee were standard of living, migrant children, children with disabilities and juvenile justice. The issue of coordination and consistency between regions was repeatedly raised in various areas of implementation of the CRC.

iii. Main issues discussed:

- **General Measures of Implementation:** The Committee asked the State party if they were considering the withdrawal of their reservations on article 2 and 40 and expressed concern that no Belgian legislation fully integrates all provisions of the CRC. They were concerned that the coordinating body does not efficiently implement the CRC and that the action plan are inconsistent between the regions. What are the status of the current objectives, the Committee asked. In terms of data collection the Committee noted that a number of categories of children were not taken into account. They highlighted gaps in the independent monitoring mechanism, requested more information on the functions of the ombudsperson and asked if the CRC was disseminated efficiently, amongst both professionals and children. The State party responded that they were not currently considering the withdrawal of their reservations. They explained that in the Flemish and Walloon regions, the ombudsperson is selected by the parliament to ensure its independence and that the regions’ action plans – which are coordinated – have intermediary assessments and final evaluation mechanisms. They explained that the principles of the CRC and children’s rights are taught in schools and went into detail about these programmes in the Flemish and Walloon regions. They furthermore explained how professionals interacting with children in many different fields are trained on the CRC. In terms of data collection they outlined specific studies and different indicators used to determine the quality of implementation of the CRC.
- **Definition of the Child:** The Committee asked if there were discussions about abolishing the exceptions allowing for marriages before the age of 18. The State party responded that there are not, but that the minimum age of marriage is 18 and exceptions – which are very rare – must be requested to the family court.

- **Best Interest of the Child:** The Committee expressed concern that the principle of best interest of the child is not systematically applied and noted that children appear unsatisfied by decisions affecting their lives. Does the State party have trainings on this principle for professionals, in particular for judges and migration authorities, the Committee asked. The State party responded that this principle is enshrined in the Belgian constitution, outlined how the principle is integrated into a variety of legislation and explained how professionals in different fields are taught about the principle, including migration officials.
- **Right to be Heard:** The Committee asked if participation at the age of 16 is a statutory right, if it is enforced and what impact it has on local policies. Are parents encouraged to take children's views seriously, they asked. They noted the disparity between regions of the age of maturity, which they consider furthermore to be too high. They expressed concern with regards to children's involvement in decisions pertaining to intersex surgery and euthanasia. The State party noted that children are involved in the evaluation of regional action plans. In Flanders, children have the right to take part in municipal elections and they are involved in the elaboration of local policies as it is an obligation to have an advisory committee for young people. The Walloon region noted various campaigns and initiatives to support child participation in the family sphere. When it comes to intersex surgeries, there is no particular legislation but children's moral, physical and sexual integrity is ensured by the constitution and they explained that euthanasia procedures are more restricted for minors.
- **Non-discrimination Principle:** The Committee expressed concern about the perceived wide-spread discrimination in Belgium on the grounds of skin colour, religion, ethnicity or language and the isolation and stigmatisation of children based on their origin. They asked the State party what measures are being taken to combat discrimination, including hidden discrimination in school, and if incidences of hate-speech have been prosecuted. The State party noted that discrimination on the basis of religion or other is against the law. They outlined a few of the campaigns and measures taken to combat discrimination in schools, including tackling cyberbullying and combatting prejudice and stereotypes, by focusing on teacher training, promoting complaint and support mechanisms and ensuring equality of opportunity.
- **Civil rights and Freedoms:** The Committee raised the issue of the prohibition of wearing distinctive religious symbols in schools. The State party explained that there is no law on this matter so decisions are made institution to institution.
- **Standard of living:** The Committee flagged with concern that child poverty is relatively high in Belgium and asked where the gaps and issues are in tackling this and ensuring policy reaches the daily reality of children. They asked the State party about the reforms to the child support system, asking if children's varied needs are taken into account. The State party in response highlighted a wide variety of initiatives taken to tackle poverty and noted that policies focus on three main areas: access to sufficient resources, access to services and child participation. Furthermore, they clarified, the third federal plan to combat poverty has a specific pillar for social inequality and discrimination.
- **Violence against Children:** The Committee raised as a main concern the lack of sound legal prohibition of corporal punishment. Regarding sexual violence, they inquired after the legislative status, services for victims and data on prosecution and convictions. What measures are in place to prevent FGM and forced marriages and deconstruct sexism, they asked. They also asked if there had been studies on the causes of violence against children to inform policies and what measures are in place to support children reporting cases of violence (in particular they inquired after helplines). The State party responded that various steps have been taken to address harassment and bullying, such as no-hate-speech campaigns, and that there were various support mechanisms in place, for all forms of violence, for children, parents and professionals, including different helplines. They also noted that a bill to amend the civil code and prohibit corporal punishment was proposed but not passed due to disagreements in and resignation of the federal government. There are various decrees they noted, on the prevention of abuse in community, which obliges adults to take action when becoming aware of abuse. Various other examples of legislative and preventive steps taken at the federal level were shared. They highlighted that a number of studies are underway and that support tools for parents have been set up to address the base causes of family and domestic violence. The State party also laid out the care system, support mechanisms for victims of sexual violence, including the plan to open three new sexual violence centres in 2019, and the helplines which are complemented by chats and emails.

- **Family environment and alternative care:** The Committee asked the State party about the shortage of places in preschools and the lack of flexible schemes for different working parents. They expressed concern about the high rate of institutionalisation, particularly of children with disabilities and unaccompanied minors, despite legislation that favours family environments – they asked if the State party has plans to adopt a de-institutionalisation strategy. The State party said that early childhood care centres are undergoing significant change in light of the recognition of the importance of early childhood in a child’s development. There is a plan to increase the number of places available, to strengthen access, ensure services are provided for all diverse needs and improve the skills of staff.
- **Children in a situation of migration:** The Committee expressed concern about various aspects relating to children in a situation of migration, including institutionalisation, age-determination techniques and the respect of the principle of best interest of the child. The State party explained how the principle of best interest of the child is integrated into all aspects of the migration system, how professionals working in the field receive training on the CRC and child-friendly practices and the specific protection measures in place for unaccompanied minors. They explained the criteria for detention of children in a situation of migration.
- **Juvenile justice:** The Committee noted the need for reform so that children will fall under the juvenile justice system up to the age of 18 and expressed concern about shortcomings in the training of persons working in juvenile justice, including judges. They noted the lack of regulations on children imprisoned with their parents and the lack of a body to monitor detention places. The representative of Flanders outlined alternative sentences, reintegration plans and the regulations regarding deprivation of liberty. In Wallonia, children are sent to youth community centres, not prisons with adults, and 18 is the age of criminal responsibility.
- **Education:** The Committee raised various shortcomings in the education sector, including the cost of materials falling on parents and a lack of sufficient places in schools. They asked if measures to combat school drop-out and cyberbullying were effective. The State party outlined a variety of programs to tackle inequality and the impact of students’ socio-economic status on educational outcomes, including measure to combat segregation and drop-outs and to improve student support, guidance and orientation.
- **Children with disabilities:** The Committee welcomed the efforts made by the State party but noted that segregated schooling still persisted. They asked what the main obstacle is to achieving inclusive education and how many children benefit from such inclusive education programmes in the different regions. The State party noted that children with disabilities are involved in drafting their personalised intervention plan and that services these children use must also have seats for children in their user’s councils.
- **Children’s rights and the environment:** The Committee asked if there are plans to develop a comprehensive national strategy to combat pollution and the reduction of green-house gas emissions, in compliance with the State’s commitments under the Paris agreement.
- **Special measures:** The Committee asked the State party about unaccompanied minors, flagging the inadequate host situation, including in forced closed return centres which run counter to the best interest of the child, and the lengthy and difficult family reunification process.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need for urgent measures concerning the following six areas:

- **Children with disabilities:** The Committee urges the State party to improve the collection of data on children with disabilities in order to develop informed policy in consultation with children with disabilities and their representative organisations. Furthermore, they highlight the need to provide inclusive education, paying attention to infrastructure, leisure spaces, transportation and trained educators, whilst taking into account children’s individual needs. The Committee pushes the State to take immediate measures ensuring access to quality and timely health care and encourages them to implement countrywide personal assistance budgets.
- **Mental health:** The Committee urges the State party to undertake studies on mental health issues, including stress, suicide and ADHD and to take comprehensive measures to address these issues on the basis of the results. With relation to ADHD, the Committee encourages the State to ensure that drugs are used as a measure of last resort and that proper information on treatment options is provided to children and their parents. The State is advised to conduct campaigns and programmes to promote a positive image of mental

health care and psychological support. The Committee pushes the State to ensure access to mental health professionals and, for refugee and migrant children, intercultural mediators and interpreters.

- **Standard of living:** The Committee urges the State to develop a comprehensive rights-based poverty strategy for children and to ensure that all children enjoy the right to adequate housing, noting in particular the need for housing suiting the lifestyle of Roma families. They push the State to address comprehensively the root causes of begging and to ensure that the concerned children are maintained in school. The Committee presses the State party to review the welfare system to ensure a decent standard of living is guaranteed, while taking into account different family situations, and the respect of all rights under the CRC without discrimination.
- **Education:** The Committee urges the State party to increase efforts in the education system to combat inequalities, discrimination and bullying. They urge the State to support the integration of children from disadvantaged backgrounds, raise awareness of complaint mechanisms, harmonise guidelines for the collection of case-related data and implement prevention and intervention mechanisms. They push the State to strengthen teacher training in diversity, intercultural competences and conflict management. The State Party is advised to abolish school expenses, review the Flemish anti-dropout policy, develop non-repressive measures to ensure disadvantaged children remain in the education of their choice and increase the capacity of schools, in particular in the Brussels-capital region.
- **Children in a situation of migration:** The Committee recommends the State party to develop a uniform protocol on age-determination methods that is multidisciplinary, scientifically-based and respectful of children's rights, used only in cases of serious doubt and with an appeal mechanism available. The State party is pushed to effectively investigate cases of abuse with regards to unaccompanied children, strengthen their protection, including through the guardianship service, and improve the provision of shelter, including through the youth welfare system and foster care. The Committee urges the State party to put an end to the detention of children in closed centres, to use non-custodial sentences, ensure the best interests of the child are a primary consideration, including in matters relating to asylum and family reunification, and to develop and disseminate child-friendly information on asylum-seeking children's rights and means to seek justice.
- **Administration of justice:** The Committee urges the State party to eliminate all possibility that children are tried as or detained with adults, ensure the provision of legal assistance and ensure lawyers and judges are trained on children's rights and child-friendly approaches. They push the State to promote recourse to non-judicial measures and the use of non-custodial sentences when possible. The State is urged to use detention as a measure of last resort and, when it is unavoidable, ensure it is reviewed on a regular basis with a view to its withdrawal and that detention conditions comply with international standards – noting in particular access to education and health services, and proximity to children's home. Finally, it is recommended that the State reviews the act on municipal and administrative penalties to ensure it is not applicable to children and that it is only within the juvenile justice system that sanctions for antisocial behaviour can be imposed.

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 1.3 on implementing nationally appropriate social protection systems and measures for all;
- 2.2 on ending all forms of malnutrition and addressing the nutritional needs of adolescent girls, pregnant and lactating women and older persons;
- 3.4, 3.5, 3.9 on reducing health issues and deaths relating to non-communicable diseases, substance abuse, hazardous chemicals and air, water and soil pollution, through prevention, treatment and the promotion of mental health and well-being;
- 4.1 on ensuring that all children complete free, equitable and quality education leading to relevant effective learning outcomes;
- 5.3 on eliminating all harmful practices, such as child, early and forced marriage and FGM;
- 10.3 on ensuring equal opportunity and the reduction of inequalities of outcome;
- 13.5 on taking urgent action to combat climate change and its impacts;
- 16.2 on ending abuse, exploitation, trafficking and all forms of violence and torture.



Next State report

CRC	
No. of report	7 th
Due date	14 January 2024

Disclaimer: *Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.*