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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding Observations of the Committee
on Economic, Social and Cultural Rights**

BELGIUM

1. The Committee on Economic, Social and Cultural Rights considered the third periodic report of Belgium on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/BEL/3) at its 41st, 42nd and 43rd meetings, held on 12 and 13 November 2007 (E/C.12/2007/SR.41-43), and adopted, at its 54th and 55th meetings held on 20 and 21 November 2007 (E/C.12/2007/SR.54-55) the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of Belgium, and the written replies to its list of issues. The Committee also welcomes the open and constructive dialogue with the delegation of the State party, composed of experts in the various fields covered by the Covenant, as well as of two representatives from community and regional governments of the State party.

B. Positive aspects

3. The Committee welcomes the active involvement of civil society organizations in the preparation of the State party's periodic report and in the consultation regarding the follow-up on the Committee's concluding observations and recommendations on the previous report.

4. The Committee also welcomes the efforts recently undertaken by the State party to combat discrimination, including the adoption of new laws on 10 May 2007 establishing a comprehensive framework to prevent and punish all forms of discrimination.

5. The Committee notes with satisfaction the high quality, comprehensiveness and almost universal coverage of the social security and health care systems existing in the State party.

6. The Committee also notes with satisfaction the low tuition fees applied in the university education system of the State party.

7. The Committee welcomes the ratification by the State party of the Revised European Social Charter and the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints.

8. The Committee notes with satisfaction that the State party has indicated its support for an optional protocol to the Covenant.

C. Factors and difficulties impeding the implementation of the Covenant

9. The Committee notes the absence of any factors or difficulties preventing the effective implementation of the Covenant in Belgium.

D. Principal subjects of concern

10. The Committee notes that the lack of detailed information concerning the practical results of the various legislative and policy measures adopted by the competent authorities and the uneven information concerning the efforts made at the federal, regional and community levels have not allowed it to assess fully the progress made and the difficulties encountered by the State party in the implementation of the Covenant.

11. The Committee reiterates its concerns expressed in paragraph 5 of its previous concluding observations (E/C.12/1/Add.54) relating to the lack of appropriate and effective mechanisms to ensure compliance, at the federal, regional and community levels, with the State party's obligations under the Covenant.

12. The Committee notes with concern that the vast majority of the Covenant provisions, as well as some of the provisions of article 23 of the Constitution of the State party, which enumerates a number of economic, social and cultural rights but leaves it to national legislation regarding its implementation, do not have direct legal

effect under national law, and are therefore rarely invoked separately before, and directly enforced by, national courts and other tribunals or administrative authorities

13. The Committee notes that despite the existence of several bodies with a mandate to promote and protect human rights, including economic, social and cultural rights, no independent national human rights institution established in accordance with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, annex) exists in the State party.

14. The Committee notes that despite the measures adopted by the State party to enhance its legal and institutional mechanisms aimed at combating racial discrimination, de facto discrimination against foreigners and persons belonging to ethnic and national minorities, in particular migrant workers and members of their families, members of the Muslim community and Roma, is still widespread among some sectors of the population, especially in the fields of employment, housing and access to public places such as restaurants and bars.

15. The Committee remains concerned about the high unemployment rates among women, the persistent wage differentials between men and women and the low percentage of women in high-ranking posts in many areas, including in the public administration and university teaching posts.

16. The Committee remains concerned that despite the measures adopted by the State party to increase employment opportunities for young persons, persons over 55 years of age and foreign residents, the unemployment rates of persons belonging to these groups continue to be considerably higher than the European Union average rate.

17. The Committee notes with concern the significant obstructions to the exercise of the right to strike, arising from the practice of employers to start legal proceedings in order to obtain a ban on certain strike-related activities, as well as from the possibility that workers may be dismissed as a result of their participation in a strike.

18. The Committee notes that although violence between partners constitutes an aggravating circumstance for certain crimes referred to in the Criminal Code of the State party, domestic violence is still not regarded as a specific offence under the criminal legislation of the State party.

19. The Committee notes that corporal punishment of children within the family has not yet been included in the Criminal Code as a specific offence.

20. The Committee remains concerned, in spite of the various initiatives undertaken by the State party to increase the supply of social housing units, about the continuing shortage of social housing units for low-income households and other disadvantaged and marginalized individuals and groups, and about the continuing increase of rents in the private rental sector.

21. The Committee notes with concern that access to health-care facilities, goods and services for persons belonging to vulnerable and disadvantaged groups, such as

undocumented migrant workers and members of their families, is limited to access to urgent medical care.

22. The Committee remains concerned about the persistent divergences in terms of performance existing in the educational system of the State party and the lack of adequate mechanisms aimed at ensuring uniformity in the application of educational standards.

23. The Committee is concerned about the lack of official recognition of minorities within the territory of the State party.

E. Suggestions and recommendations

24. Bearing in mind the provisions of article 28 of the Covenant, the Committee reiterates that the principal responsibility for its implementation lies with the Federal Government of the State party. The Committee therefore urges the Federal Government of the State party to establish appropriate and effective mechanisms at the federal, regional and community levels to ensure the implementation of the Covenant.

25. The Committee draws the attention of the State party to its general comment No. 9 (1998) on the domestic application of the Covenant, and recommends, as already mentioned in paragraph 20 of its previous concluding observations, that the State party take all appropriate steps in accordance with article 2, paragraph 1 of the Covenant, to guarantee the direct applicability of the Covenant provisions in its domestic legal order. The Committee also requests that the State party provide detailed information about the measures adopted in its next periodic report.

26. The Committee recommends that the State party consider the establishment of an independent national human rights institution in accordance with the Paris Principles.

27. The Committee, while noting with satisfaction that the State party already devotes 0.5 per cent of its gross domestic product (GDP) to official development assistance (ODA), recommends that the State party increase its official development assistance to 0.7 per cent of its GDP, as recommended by the United Nations, and continue to strengthen its activities in the area of international cooperation.

28. The Committee recommends that the State party continue strengthening its legal and institutional mechanisms aimed at combating discrimination. The Committee requests the State party to include in its next periodic report detailed information on the outcomes of the initiatives undertaken to fight racism and xenophobia and to enhance tolerance and respect for foreigners and members of ethnic and national minorities, as well as updated data on the number of prosecutions and convictions for crimes motivated by ethnicity.

29. The Committee recommends that the State party continue strengthening its efforts towards the enhancement of equality between men and women in the workplace. The Committee requests the State party to include in its next periodic report detailed information on the measures undertaken to improve the employment

rate of women, reduce wage differentials between men and women and increase the percentage of women in high-ranking posts, in the public as well as in the private sector.

30. The Committee encourages the State party to intensify its efforts to reduce unemployment rates of young persons, persons over 55 years of age and foreign residents by specifically targeted measures, including vocational and reorientation training opportunities, career guidance and tax incentives for companies hiring persons belonging to these target groups. The Committee requests the State party to include in the next periodic report detailed information, including disaggregated statistical data, on the results of the measures taken to improve employment opportunities for persons belonging to these groups.

31. The Committee urges the State party to ensure the correct implementation by employers of its legislation on the right to strike, so as to guarantee its consistency in law and practice with the provisions of article 8 of the Covenant.

32. The Committee recommends that the State party adopt specific legislation criminalizing acts of domestic violence. The Committee also requests that the State party include in its next periodic report detailed information on the measures adopted by the State party to prevent violence against women, as well as information on the number and nature of reported cases of domestic violence, on convictions and the types of sanctions imposed on perpetrators, and on assistance and compensation provided to victims.

33. The Committee recommends that the State party adopt specific legislation prohibiting all forms of corporal punishment of children within the family.

34. The Committee recommends, in line with its general comment No. 4 (1991) on the right to adequate housing, that the State party adopt all appropriate measures at the federal, regional and community levels to ensure access to adequate housing for low-income households and other disadvantaged and marginalized individuals and groups, inter alia, by allocating adequate resources to increase the supply of social housing units for them, by providing them with appropriate forms of financial support, such as rental subsidies, and by ensuring that the rent charged in respect of dwellings is in relation to their quality.

35. Taking into account general comment No. 14 (2000) on the right to the highest attainable standard of health, the Committee urges the State party to adopt all appropriate measures to ensure that persons belonging to vulnerable and disadvantaged groups, such as undocumented migrant workers and members of their families, have access to adequate health-care facilities, goods and services, on an equal basis with legal residents of the State party.

36. The Committee is aware of the devolution of exclusive competences in the field of education to the three linguistic communities, but wishes to restate that the Federal Government of Belgium bears the principal responsibility for its implementation of the Covenant at the national level. Accordingly, the Committee urges the State party to adopt all appropriate measures, including the establishment of

adequate mechanisms to monitor and ensure uniformity of educational standards, to eliminate divergences in terms of performance existing in the educational system of the State party.

37. Whilst the Committee is aware that the three main linguistic communities are recognized by the Federal Constitution, it recommends that the State party officially recognize the need to protect the cultural diversity of all minority groups residing in its territory, in accordance with the provisions of article 15 of the Covenant. In this regard, the Committee encourages the State party to consider ratifying the Council of Europe Framework Convention for the Protection of National Minorities.

38. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society and, in particular, among State officials, the judiciary and civil society organizations in general, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.

39. The Committee encourages the State party to consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

40. The Committee also encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

41. The Committee further encourages the State party to consider ratifying the ILO Convention No. 117 (1962) concerning Basic Aims and Standards of Social Policy and Convention No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

42. The Committee invites the State party to update its core document in accordance with the 2006 harmonized guidelines on a common core document (HRI/GEN/2/Rev.4).

43. The Committee requests the State party to submit its fourth periodic report by 30 June 2010.