

# Concluding Observations (Recommendations) concerning Belgium



United Nations<sup>1</sup>

Convention<sup>2</sup> of the rights of the child

Committee<sup>3</sup> on the Rights of the Child

28 february 2019

(1) The United Nations (UN) were founded immediately after the Second World War, in 1945, to ensure peace and security in the world and to promote respect for human rights worldwide (for everyone, including young people and children).

(2) The Convention on the Rights of the Child is an important agreement signed by countries who promise to protect all children and their rights. The Convention on the Rights of the Child explains who is a child, what children's rights are, and what responsibilities the governments have.

(3) The UN Committee on the Rights of the Child is composed of 18 children's rights experts. The Committee monitors whether the Convention on the Rights of the Child is being respected, including by reviewing reports submitted to it by State parties. The Committee then provides its comments and recommendations, also known as 'Concluding Observations'. The Committee's recommendations may sometimes be positive – a compliment for effort – or negative, if, for example, the country is not doing much or enough.

## Main areas of concern and recommendations

In Belgium, urgent areas of attention are: children with disabilities; mental health; standard of living<sup>1</sup> (including poverty); education; migrant children and the administration of justice.

Children should be able to participate meaningfully in the achievement of the 17 Sustainable Development Goals<sup>2</sup>.

(1) The resources you need to live a comfortable life (to have enough to eat, to have a place to stay, to be able to take care of yourself, to have an education, to grow and develop).

(2) The Sustainable Development Goals are the priorities for making life better for the planet and for everyone. These Goals must be met by 2030! The government leaders who have led this work have involved millions of people and organisations around the world, including children and young people.



## A. Making children's rights real

### Legislation

Before making a new rule (law) that may affect children, the effect of this rule on their rights should be considered.

### Comprehensive policy

Belgium should draw up an action plan for the whole country to realise and respect children's rights.

### Resource allocation

Belgium provides too little resources (budget) for children, especially for vulnerable children (children with disabilities, migration, poverty, etc.). There are still too many children living in poverty.

Children should have a say in how the budget is distributed in Belgium. Budget allocated to programmes benefiting children should always remain available, even in the case of an emergency (economic crisis, natural disaster, etc.).

### Dissemination, awareness-raising and training

Everyone should be aware of and (be able to) understand all children's rights. To achieve this, Belgium should improve the training of persons working with or on behalf of children (teachers, judges, lawyers, police, etc.). Children's rights should be taught at all levels of education.

### Children's rights and business

Belgium should do more to regulate companies to ensure that they respect human rights, the environment, and children's rights.



## B. What does it mean to be a 'child'?

Children should not be allowed to marry. There should be absolutely no exception to that.

(1) All persons under the age of 18. Therefore, according to the UN Convention on the Rights of the Child (and Belgian law), someone is a "child" even if they consider themselves a teenager or a young person!



## C. Key principles

### Discrimination

Children living in poverty and children with disabilities continue to be victims of discrimination<sup>1</sup>. It is more difficult for them to access healthcare, education, housing, and leisure. Children from a migrant background suffer from prejudice<sup>2</sup>, stereotypes and hate speech, especially since the terrorist attacks of 2014 and 2016.

### Best interests of the child

Adults sometimes make important decisions about children's lives. In such cases, they should assess the needs and wants of children and take them seriously. This applies especially in decisions about migrant and refugee children, children living separately from their parents or from those caring for them, and in decisions about education and healthcare.

### Respect for the child's opinion

All children, no matter their age, should be able to express their opinion on everything that is important to them, and their opinion should also be taken into account. Children in school and migrant children should have sufficient opportunities to express their opinions.

The opinions of children, especially those in vulnerable situations, should have an influence on local policies (neighbourhood, municipality or city).

(1) An unjustified difference that is made between persons. All children, boys and girls, have these rights, regardless of who they are, where they live, what language they speak, what religion they have, what their opinions are, what they look like, whether they have a disability or not, whether they are rich or poor, who their parents or family are and what these people think or do. No child should be treated unfairly for any reason.

(2) An unfounded opinion towards a person or an event. For example, a gender-based prejudice is that girls are worth less than boys.



## D. Civil rights and freedoms

### Right to identity<sup>1</sup>

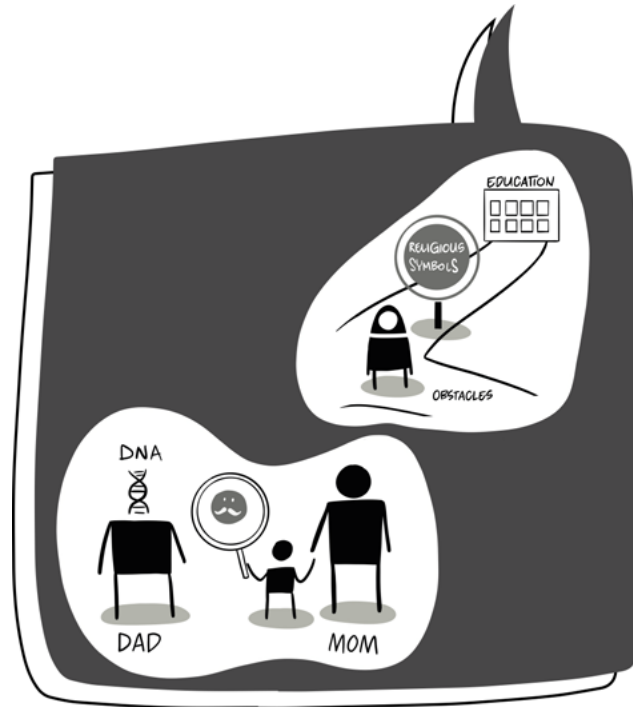
Donor children<sup>2</sup> should have the right to access information about their origins (including who their biological parents are).

### Freedom of thought, conscience and religion

In Belgium, schools can prohibit the wearing of religious symbols (such as a headscarves). As a result, certain children, such as girls wearing headscarves, sometimes have to make different choices about school, studies and work based on whether or not there is freedom to practice their religion.

(1) Related to your surname, first name, family ties, and nationality.

(2) A donor child is a child born involving the use of donated sperm or an egg donation.



## E. Violence against children

### Corporal punishment

The law should prohibit corporal punishment or beating (however lightly) of children to make them obey or punish them. Belgium should encourage the raising of children without violence and taking children's opinions into account in their education.

### Abuse and neglect<sup>1</sup>

Belgium should do everything possible to tackle the causes of violence, domestic violence, child abuse, and neglect. Professionals such as teachers and social workers should be better trained to enable them to identify more quickly when a child is being abused or neglected. Children who are victims of such acts should have access to support services, including shelter.

### Sexual exploitation<sup>2</sup> and abuse

Belgium should draw up an action plan for the entire country to combat and prevent the sexual exploitation and abuse of children.

### Harmful practices<sup>3</sup>

Belgium should make every effort to abolish child marriages<sup>4</sup> and female genital mutilation<sup>5</sup>. Belgium should train professionals (teachers, social workers, etc.) to enable them to recognise when a child is a potential victim of child marriage.

Unnecessary medical or surgical interventions on intersex children<sup>6</sup> should be banned if they can also be performed later, at a time when the child has the ability to agree with the intervention.

(1) Lack of interest in, or lack of care for a child that may affect one or more of his or her needs (love, food, health, etc. )

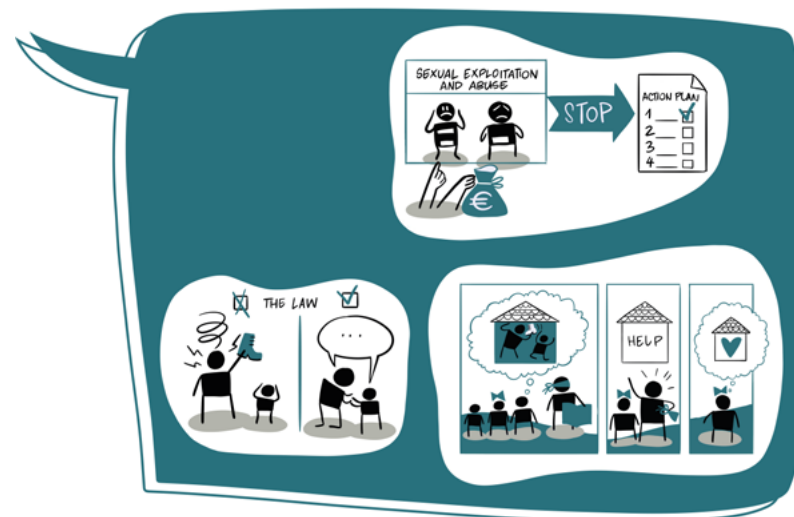
(2) When children are used in manners constituting criminal offences for sexual activities (e.g. child prostitution, making child pornography or sexting).

(3) Certain customs (what you eat, how you are healed, etc. ) that are harmful to children.

(4) Marriage where one of the 'partners' is still very young, and sometimes even still an adolescent. Often decided on without children having the chance to express their own will.

(5) All forms of removal or mutilation of the genitals of women, or girls, without any medical necessity or reason.

(6) Children born with certain sex characteristics that do not strictly correspond to a male or female body.



## F. Family environment and alternative care<sup>1</sup>

### Family environment

More places in day-care should be created, especially for children with disabilities and children from the most disadvantaged families.

### Children deprived of a family environment

Belgium should better support and facilitate the placement of children in families rather than in institutions.

(1) When a child's family is unable to properly care for him or her, even with assistance, alternative care is provided. For example, children can be placed with relatives, in a foster family or in an institution.



## 6. Disability, health and welfare<sup>1</sup>

### Children with disabilities

Mainstream (inclusive) education should be open to all children, including those with disabilities. This requires the provision of individual support and adapted school infrastructure, school transport, and sports and leisure infrastructure.

Children with disabilities should have timely access to high-quality healthcare.

### Breastfeeding

Belgium should make it possible for mothers to breastfeed their babies for at least the first six months of their lives.

### Mental healthcare

In order to respond to the growing number of children with mental health problems (e.g. stress) and the high rate of suicides among children, Belgium should, among other things:

1. address these problems by means of psychological, educational and social measures and therapies.
2. make psychological care sufficiently accessible, by presenting a positive image of this type of care and encouraging children to seek psychological support where necessary.

Medication should not be prescribed to children with attention deficit hyperactivity disorder unless there are no alternatives, in which case these children should be informed about the side effects of the medication and about existing non-medical alternatives.

### Adolescent health

Belgium should step up its efforts to prevent obesity and the use of cannabis, tobacco, and alcohol among children and adolescents.

### Healthy environment and climate change

Belgium should develop a plan to reduce air pollution and should, in cooperation with schools, raise children's awareness of a healthy environment and climate change.

### Standard of living<sup>2</sup>

Almost one out of five children in Belgium lives in poverty. Belgium should develop a strategy to combat child poverty and ensure that all children have adequate accommodation. For children from Roma families<sup>3</sup>, this accommodation should be adapted to their lifestyle.

The causes that lead children to begging should be addressed, and it should be ensured that children who beg continue to attend school.

Social security benefits should be rethought, taking into account different family situations. These benefits should help everyone achieve an adequate standard of living.

(1) The sense of security and comfort (e.g. being healthy, feeling secure within the family, not being afraid of life).

(2) The resources you need to live a comfortable life (to have enough to eat, to have a place to stay, to be able to take care of yourself, to have an education, to grow and develop).

(3) Roma people move around a lot and therefore change their place of residence regularly, this is part of their culture. This makes it more difficult for them to access their rights (e.g. go to school, see a doctor, have adequate housing, etc.).



## H. Education, Leisure, and cultural activities

### *Education, including vocational training and guidance*

Discrimination<sup>1</sup> at school, especially against children living in poverty or with a migrant background, should be prevented. There should also be further investigation of potential discrimination, and children (and their parents) should know that they can file a complaint if they are discriminated against.

Teachers should receive better training to facilitate the integration<sup>2</sup> of children from different backgrounds.

Education really should be entirely free – all school expenses should be abolished.

There should be more places for students in Brussels schools.

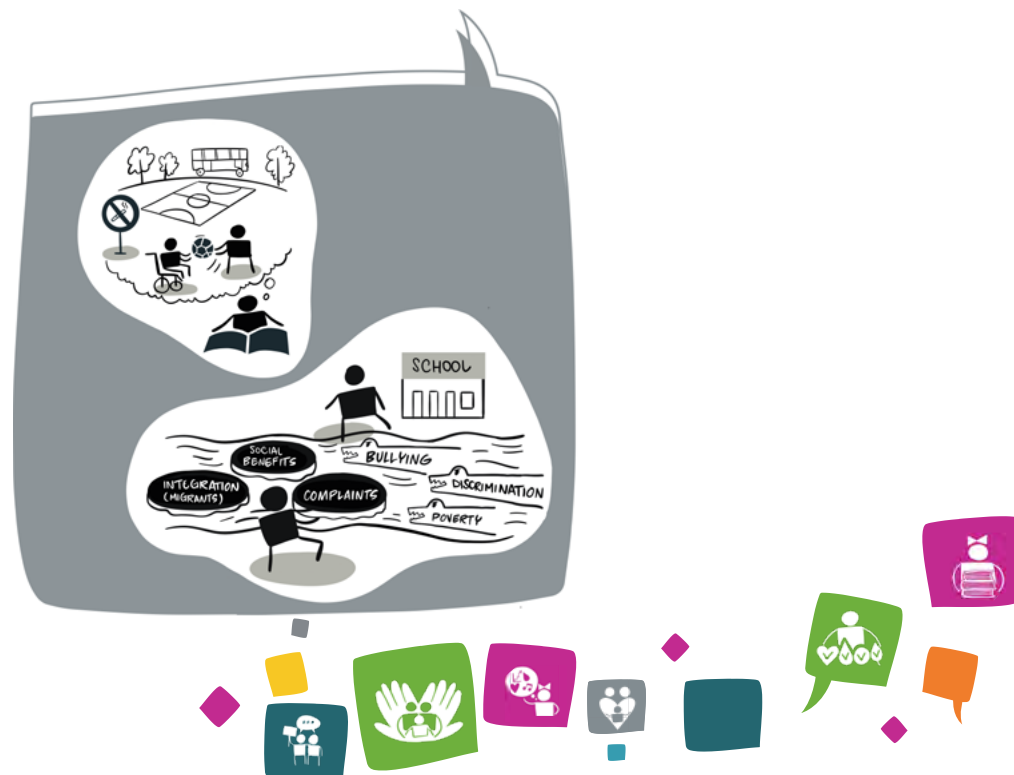
More action should be taken to combat bullying, including online.

### *Rest, leisure, recreation, and cultural and artistic activities*

All children should have enough free time to play or participate in recreational activities that are safe, accessible, inclusive, reachable by public transport, smoke-free and age-appropriate. Belgium should also preserve green areas and open spaces, and especially ensure that children can enjoy them too.

(1) An unjustified difference that is made between persons. All children, boys and girls, have these rights, regardless of who they are, where they live, what language they speak, what religion they have, what their opinions are, what they look like, whether they have a disability or not, whether they are rich or poor, who their parents or family are and what these people think or do. No child should be treated unfairly for any reason.

(2) Being integrated means feeling secure, finding your place in a group (such as at school) or in a country.



## 1. Special protection for certain children

## Unaccompanied minors<sup>1</sup>

Unaccompanied minors should have better protection from ill-treatment by the police. The illegal detention of these young people should not be permitted. They should also be referred to a guardian<sup>2</sup> immediately.

The reception of unaccompanied minors should be improved, including by ensuring access to youth assistance<sup>3</sup> and placement in foster families, regardless of age (and not only for the youngest children).

## Migrant children<sup>4</sup>

Belgium should no longer keep migrant children locked up in detention centres<sup>5</sup>.

When a decision is made for children in relation to **asylum**<sup>6</sup> and family reunification<sup>7</sup>, their interests should always be taken into account first.

Children seeking asylum should be given information about their rights and how to exercise them.

## Sale, trafficking<sup>8</sup> and abduction

Belgium should collect information on cases of exploitation by 'lover boys'<sup>9</sup> and respond effectively.

Juvenile justice (for children who have committed an offence)

A child should never be tried in an adult court, or detained with adults.

An expert lawyer should be available to quickly assist children when needed. Judges and lawyers involved in cases should also have training in children's rights.

Non-judicial measures should be encouraged for children who have done something prohibited by law. Whenever possible, these children should not be punished by detention.

Detention of children should only be used as a very last resort and for as short a period of time as possible. If a child is nevertheless detained, the international rules concerning detention must be respected (e.g. access to education and healthcare). The places where children are detained should also be as close as possible to their homes and be accessible by public transport. There should also be a regular review of whether detention/imprisonment is still really necessary and could be ended.

A child should never be punished according to any system other than the juvenile justice system (the use of municipal administrative penalties<sup>10</sup> against children should not be permitted).

(1) Children who left on their own or were separated from their parent(s) or close relatives during their migration (on their way to Belgium).

(2) A person who makes decisions and represents the child in important matters in the absence of his/her parents (e.g. with regard to housing, healthcare, school and education, etc.).

(3) The set of actions and actors that together ensure the safeguarding of the welfare and the rights of children.

(4) Children who left their country of origin to go to Belgium (or another country).

(5) A place in Belgium where foreign nationals who are not permitted to stay in Belgium are detained with a view to their removal from the country. They are not allowed to leave that place freely.

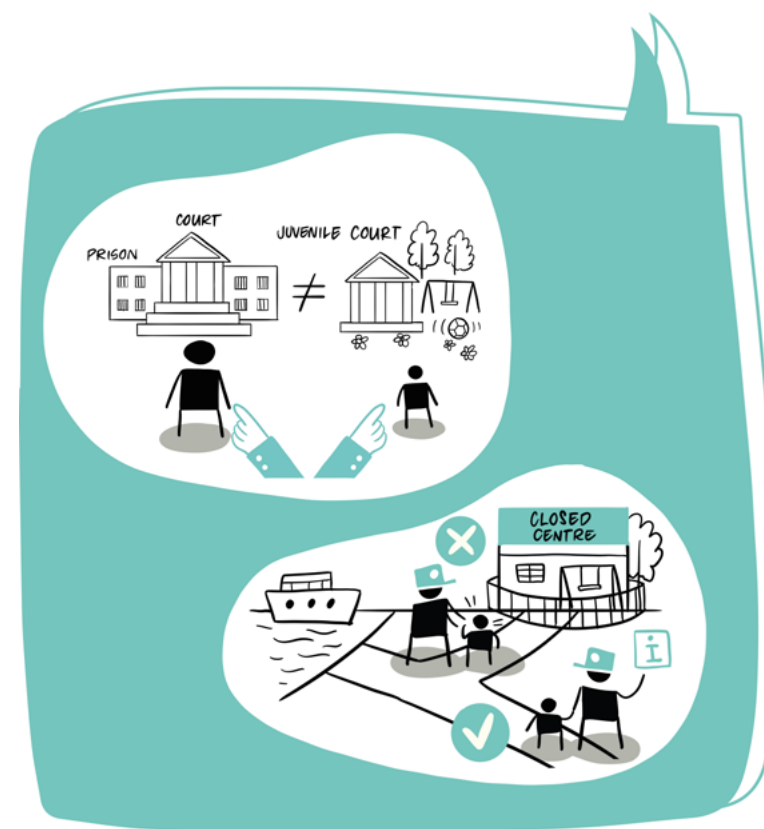
(6) When asylum is granted to an immigrant, he or she can live in safety in a country other than his or her own.

(7) When a child lives in a different country than his or her parents, family reunification gives the right to all family members to be together (and live) in the same place.

(8) The recruitment, transport, transfer, housing, care and control of a person for the purpose of exploitation (e.g. prostitution, begging, labour, causing a person to commit a crime or offence against his or her will, etc.)

(9) A pimp, usually a young man, who pressures young people (often minors) into prostitution or other illegal activities. A lover boy often does this in the context of a relationship, acting as if he loves and cares about you.

(10) A municipal administrative penalty is a sanction that, instead of being imposed by the court, can be imposed by municipalities further to a breach of municipal regulations (e.g. night-time noise, urinating in public, spitting on the ground, stubbing out a cigarette on the floor, hooliganism, etc.).



## Optional Protocol<sup>1</sup> on the Sale of Children, Child Prostitution and Child Pornography

Belgium should do what the UN Committee on the Rights of the Child has previously recommended in order to counter the increase in the number of children exploited in prostitution.

(1) Supplementary text to the Convention on the Rights of the Child.

## Optional Protocol<sup>1</sup> on Children in Armed Conflict

Children under 18 should not be allowed to participate in military operations.

Belgium should facilitate the rapid repatriation<sup>2</sup> of all Belgian children, and if possible of their families, from Syria and Iraq. The children concerned should be considered as victims of trafficking and receive protection and assistance.

(1) Supplementary text to the Convention on the Rights of the Child.

(2) Transfer of a person to his or her country of origin.

## Next report

By 14 January 2024, Belgium has to explain in a report to the UN Committee on the Rights of the Child what it has done to implement all these recommendations.

