



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-fourth session

### Summary record of the 1521st (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Wednesday, 2 June 2010, at 10 a.m.

*Chairperson:* Ms. Lee

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*Initial report of Belgium under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports of States parties** *(continued)*

*Third and fourth periodic reports of Belgium (CRC/C/BEL/3-4, CRC/C/BEL/Q/3-4 and Add.1)*

*Initial report of Belgium under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BEL/1, CRC/C/OPSC/BEL/Q/1 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Belgium took places at the Committee table.*
2. **Mr. Brauwers** (Belgium) apologized for the absence Mr. Van Meeuwen, the Permanent Representative of Belgium to the United Nations Office at Geneva and the head of the Belgian delegation, explaining that he was unable to attend the current meeting because he was occupied, in his role as President of the Human Rights Council, with matters relating to recent events near the Gaza Strip.
3. Recalling the State party's commitment to the protection and promotion of the rights of the child, he said that the two reports under consideration were the fruit of close cooperation among the various public bodies concerned, in addition to contributions from NGOs. The composition of the delegation reflected the structure of the Belgian State as established in 1993 under the fourth institutional reform. Competence with respect to children's rights was shared by the federal government, the Flemish Community and the Flemish Region, the French Community, the Walloon Region, the German-language Community, the Brussels-Capital Region and the Joint Community Commission in the Brussels-Capital Region. Pursuant to one of the recommendations made by the Committee in its concluding observations following consideration of the State party's second periodic report in 2002, the governments had established the National Commission on the Rights of the Child in September 2005. The Commission had begun its work in coordinating and monitoring progress with respect to children's rights in May 2007.
4. **Ms. D'hondt** (Belgium) said that the National Commission assisted with the preparation of periodic reports and other documents on children's rights by coordinating contributions from the various governments and was actively involved in encouraging cooperation and dialogue among political and administrative actors, civil society and other stakeholders. Belgium was proud to be the first State party to the Convention to have established such a body. Over the coming years, her Government planned to evaluate the performance of the National Commission in order to optimize its role and continue to improve governance of children's rights. The report contained detailed information on commitments and measures taken by the governments in priority areas. Recommendations made by working groups of the National Commission that had not been adopted as priority areas had been included in an annex to the report with a view to reflecting the rich dialogue held during the reporting exercise. Civil society had played an invaluable role by producing alternative reports and engaging in stimulating dialogue with the National Commission.
5. The National Commission had also been assigned the task of acting upon the Committee's recommendation that the State party should better coordinate and systematize data collection on children at the national level. However, collection and analysis of statistics remained the responsibility of the specific body in charge of each policy, leading to a multitude of systems which were not always compatible. Another difficulty was the varying availability of high-quality quantitative data. Consequently, the statistics collected to date did not provide a full overview of the situation of children in Belgium. Some partners had taken the view that working on indicators related to children's rights would be

a more appropriate starting point for the collection of quantitative data for use in comparative analyses. She would welcome the Committee's input on how to improve data collection.

6. Turning to recent progress made in the State party with respect to children's rights, she said that it had ratified the Convention on the Rights of Persons with Disabilities on 2 July 2009, and the principles contained in article 12 of the Convention on the Rights of the Child had been incorporated into the Constitution. Several initiatives had been launched to provide information on the rights of the child (including a youth information point, a resource centre and an education support centre), to translate information materials in order to ensure that all children had access to them in their own language, and to take stock of the mechanisms in place for the distribution of information and training in the rights of the child. Participation was being encouraged at all levels through measures such as a survey of over 1,000 children to gather information on their personal experiences in that respect, the preparation of a list of the tools available for measuring participation by children and young people in decisions that affected them, and the development of a self-evaluation instrument for professionals involved in the provision of early childhood services.

7. Mediation and group rehabilitation measures had been incorporated into the Youth Protection Act as the first option to be considered by judicial authorities. Under that approach, young people were treated as subjects of law rather than as mere objects, and alternatives to institutionalization were given preference. While placement in institutions was necessary and effective in certain cases, it constituted the exception to the rule that children should remain in their home environment whenever possible. Research had been conducted in 2009 into whether there was a link between poverty and the institutionalization of children, and intensive family-based intervention services were being provided both for young children and for older children who were at risk or in difficulty. The involvement of children and parents in child services policy was provided for in legislation and achieved through regional focus groups.

8. Coordination between the judiciary and psychological, medical and social services with respect to protection of children against ill-treatment, including abuse and sexual exploitation, had been strengthened and formalized. With respect to the Optional Protocol, efforts to combat human trafficking had been reinforced from a legal perspective, and the act of trafficking in children figured in the Criminal Code as an aggravating circumstance. Legislation on the protection of victims of trafficking had been introduced, and measures had been taken to improve detection of potential victims and to provide them with support. A system to block websites with illegal content had been devised; the legal framework and judicial procedures had been defined, and steps would be taken to work with Internet service providers in that connection.

9. The State party was moving towards free primary education, and basic education had been free in Flanders since September 2007. Instruction related to the final objectives and development aims of the educational system was free, and a ceiling had been set on the fees for activities that were not essential to the achievement of those objectives, such as cultural activities. With respect to education of children with disabilities, efforts continued to focus on strengthening a climate of inclusion and open-mindedness, and schools were looking into ways of adapting their physical environment in order to promote freedom of choice of school for every child.

10. Unaccompanied foreign minors had not been held in closed centres since the end of 2007. When there was doubt as to whether or not a young person found at the border without valid papers was a minor, he or she might be placed in a closed centre for three working days; that period could, exceptionally, be extended by a further three working days if necessary for the purposes of determining his or her age. Since October 2008, families with children that were in the State party illegally had not been held in closed centres, but

in repatriation centres where they received professional support, and the children could attend school. Thus, foreign children, whether accompanied or not, were no longer held in closed centres.

11. National and regional action plans to combat poverty had been drawn up and issued in languages accessible to the target groups. Those plans set out specific measures relating to such areas as income, employment, training, health, housing and access to public services, and basic rights such as education, culture and leisure. During its presidency of the Council of the European Union in the second half of 2010, Belgium intended to focus on child poverty and children's rights within the 27 member States of the European Union.

12. In conclusion, she noted that a recent significant advance in the State party had been the appointment by the German-language Community in May 2010 of its first Ombudsman, which would examine all complaints against the authorities by citizens and monitor implementation of the Convention and other international human rights instruments to which Belgium was a State party.

13. **The Chairperson**, thanking the delegation for its thorough and comprehensive update on activities in the State party in relation to children's rights, said that it was fortunate that the Committee's consideration of Belgium's reports coincided with the run-up to the Belgian presidency of the Council of the European Union and expressed hope that children's rights would be the top priority.

14. **Mr. Citarella** (Country Rapporteur), while commending the State party on its very detailed report and written replies to the list of issues on the Convention, said that it was a shame that the written replies had not been submitted in time to have them translated so that all Committee members would have been able to assess the current situation with respect to implementation of the Convention on the basis of the most recent information. The report and the written replies provided full and detailed information that the Committee needed in order to monitor progress in implementing the recommendations that it had made following consideration of the State party's second periodic report in 2002. Belgium was one of the most advanced countries in the world in terms of children's rights, and it had made considerable further progress with respect to legislation, administrative measures and increasingly progressive social activities. He welcomed the decision by the State party to look again at its interpretative declaration concerning article 2 of the Convention, in line with the Committee's recommendations, since the withdrawal of that declaration would eliminate the risk of discrimination against non-Belgian children.

15. The most significant development in the State party with respect to the Committee's recommendations had been the creation of the National Commission on the Rights of the Child to coordinate the activities of the federal and federated institutions. In addition, the National Action Plan for Children (2005–2012) would be vital in promoting children's rights. With respect to the regional action plans, which came under the framework of the National Action Plan but also operated independently, he expressed concern that the Flemish Region might not have sufficient financial resources to achieve the objectives set.

16. Two problems were of particular concern to the Committee. The first was that of coordination between the various federated authorities and the federal State. The President of the National Commission had spoken of some progress in that area, but there remained some concern about the possibility that the federal structure of the State party could hamper implementation of the Convention. The federal government had signed the Convention and was solely responsible for upholding international law, so coordination at the national level with each of the federated authorities with competence in the area of children's rights was vital. While the report contained a wealth of information on the efforts of some of the authorities, less had been provided on those of others, which suggested that the problem lay

not just in coordination, but in ensuring that children throughout the State party could enjoy their rights equally.

17. The second major problem was poverty. It had been reported that some 17 per cent of children were living below the poverty line and that poverty was apparently worsening. The delegation should provide further information on specific programmes undertaken in the Flemish community and elsewhere to improve the situation of children from poor families.

18. The report sometimes contained desultory information and statistics that did not facilitate comparisons between communities or over time. The same was true of the information on the budgets of the three main communities, each of which was presented in a different way.

19. In the written replies to the list of issues, the Government had recognized that sufficient provision had not been made to enable children to make their views known. The Government was currently considering amending the family law, in particular in order to establish family courts. The adoption of new provisions might present an opportunity to expand upon the right of children to make their views heard.

20. **Mr. Kotrane** said that ensuring the same treatment for all children without discrimination was a basic aim of the Convention. The State party's maintenance of its reservation to article 2, coupled with its failure to accede to the Migrant Workers Convention, had practical implications, in particular in respect of migrants' entitlements to family allowances and other social programmes. He called upon the Government to consider withdrawing both that reservation and the reservation issued in respect of article 40, paragraph 2 (b) (v), in relation to the right of children to appeal against judicial decisions.

21. While, in theory, the Convention was directly applicable in Belgium, the Committee had heard of no cases in which participants in a trial, lawyers or judges had directly invoked it. Was the Convention sufficiently well known in legal and judicial circles? Lastly, while, since 2003, the law on adoption had specified that the views of the child must be taken into consideration, in legal matters other than adoption the domestic law did not go far enough in ensuring the right of children to have their opinions heard in court, as it did not oblige judges to seek out their views, but merely gave judges a discretionary power to do so. The Committee had been informed that a bill was currently under consideration which would bring national law into line with the Convention. What was the status of that bill?

22. **Mr. Gurán** asked about national mechanisms for monitoring the implementation of children's rights. He commended the work of the ombudsman's offices in the French and Flemish Communities and of the observatories on children's rights, but asked for more specific information on monitoring activities in the German-speaking Community and in the Brussels-Capital Region, where there was a large number of refugee children. Did the federal ombudsman's office play a coordinating role in matters related to monitoring? What body was responsible for drawing up the annual report on implementation of the Convention? If a child filed a complaint with a regional ombudsman and his or her family moved to another community, which law would serve as the basis for the handling of the complaint? In 2009 a working group on data collection had been established within the National Commission on the Rights of the Child. The delegation should provide fresh information on the group's activities and findings.

23. **Mr. Puras** noted that a somewhat paradoxical situation appeared to exist in Belgium, as significant measures had been taken to ensure the right of children to life, survival and development and their basic civil rights and freedoms, but those measures had not achieved the expected outcomes in practice. Poverty, inequality and a culture of violence were possibly responsible for that situation. What had the State party done to try to overcome

such problems? In Belgium, the greatest threats to the right to life and survival of children were not related to infectious diseases, but rather to violence. For instance, infant mortality often resulted from child abuse, and road accidents and suicides claimed a large number of lives. What had the Government done to address violence in the context of public health? Did the Government have programmes to combat corporal punishment, psychological violence and bullying and to encourage non-violent means of communication and, if so, were such programmes subject to evaluation? The delegation should describe the rights of children in the realm of health care, specifying the extent to which the Patients' Rights Act was applicable and whether children were treated as rights-holders. The Chamber of Deputies had adopted a resolution in 2009 on the rights of children in hospitals. The delegation should describe that initiative and other measures taken to ensure that children in institutions retained all the rights provided under the Convention.

24. **Ms. Villarán de la Puente** requested clarification concerning the actual level of government spending, both nationally and at the community level, on children and children's programmes. Recent surveys had shown that children of single mothers and those raised in poverty or in special situations had suffered disproportionately from the effects of the world financial crisis. The delegation should describe in detail the national plan to combat poverty, outlining its objectives and expected outcomes, in particular in respect of children living below the poverty line. What steps had the State taken to ensure that it was allocating resources equitably?

25. **Ms. Ortiz** said that Belgium had adopted a range of judicial and administrative provisions to ensure that children's voices were heard, as required by article 12 of the Convention. Noting that it was crucial to provide the proper conditions for the expression by children of their views, she asked why the Flemish Community had reduced its budget for activities related to children's participation. It was not sufficient to merely establish school councils or to allow children's participation in municipal councils; it was also necessary to follow up on their deliberations so as to ensure that children's views were taken into account in practice and in the decision-making process. The delegation should describe any other methods employed by the Government to ensure the participation of children in cases where such councils did not exist and when children received medical treatment. What measures were being taken to encourage participation by children who were of different cultural backgrounds and by those who were in institutions?

26. **Ms. Aidoo**, noting the laudable efforts made to disseminate information on the Convention among parliamentarians, said that what was lacking was an overall sense of the best way to raise awareness about the Convention among stakeholders such as children, parents, service providers and other policymakers. Were there any plans to develop child-friendly versions of the Convention in the various languages? The report did not provide very much information on awareness programmes in the German-speaking Community.

27. Training on the Convention was carried out by a number of institutions, but it was apparently provided in an ad hoc and fragmented manner. The State party should adopt a more systematic approach by, for example, making such instruction compulsory for all teachers. The same observation applied to human rights and child rights education, which should be systematically included in the curricula for primary and secondary schools across the board. Such subjects should not be presented in a context of children's duties and responsibilities, as that would tend to encumber the rights enjoyed by children under the Convention.

28. The numerous cooperative activities undertaken by the State party and civil society and non-governmental organizations to promote and disseminate the Convention were very positive developments, but the attitude of the authorities towards that partnership was somewhat unclear; since NGOs had seats on the National Commission on the Rights of the Child but not the right to vote on decisions, how were their views taken into account? By

the same token, due consideration of the inputs provided by NGOs for the State party report could have provided the report with some welcome elements of self-criticism. In some instances, NGOs received subsidies from the authorities or were even considered as extensions of regional governments and called upon to undertake activities on their behalf. Yet there was no comprehensive strategy on how to best utilize the experience and expertise of NGOs to manage projects, develop policies, and monitor and evaluate the implementation of the Convention.

29. **Ms. Al-Asmar** asked if the State party intended to establish a national action plan to combat discrimination that would take into consideration legislative developments in all regions and communities of the State party, data collection, budget allocation, access to basic services, and the situations of children of foreign origin and children with disabilities.

30. **Mr. Brauwerts** (Belgium), in reply to an earlier comment regarding the interpretative declaration concerning article 2, paragraph 1, made by the State party upon ratification of the Convention, said that his Government did not consider it to run counter to that article. On the contrary, it was in accordance with the modern interpretation of the article made by the Constitutional Court of Belgium and the European Court of Human Rights, as well as with the jurisprudence of the Committee. The suggestion to withdraw that declaration would be examined from a legal and political perspective, but it should be noted that a decision to rescind the declaration could have consequences for the domestic courts and that the same interpretative declaration had been made in respect of the International Covenant on Economic, Social and Cultural Rights.

31. **Ms. D'hondt** (Belgium) said that all regions and communities within Belgium had equal status and were competent to implement the Convention. The federal authorities provided the necessary guarantees and safeguards to ensure compliance with the Convention nationwide but, given the autonomy of the regions and communities, priorities and financing could vary in line with their different requirements and situations. On the whole, the Convention was widely upheld and implemented. However, the financial resources allocated for the National Action Plan for Children were insufficient. It was difficult to calculate the exact amount allocated to programmes for implementing the Convention, since the budget simply gave a global figure for a particular policy field without providing a breakdown of the allocations for children or adults. Efforts were being made to improve budgetary earmarking, but it would be difficult to make valid comparisons of the figures for the different communities.

32. **Ms. Govaert** (Belgium) said that the previous three-year programme for the French Community sought to operationalize the National Action Plan by setting out the strategic aim, resources available, and monitoring and evaluation methods for each objective. The Observatory for Children, Youth and Assistance to Young People monitored the implementation of the Plan within the French Community and evaluated the progress made. Indicators were being developed for that purpose. The authorities of the Walloon Region were preparing the Child Budgeting Plan, which would separate the allocations for children from those for adults in all social cohesion budgets.

33. **Ms. D'hondt** (Belgium), noting that the poverty rate among children was estimated to be 17 per cent, compared to a European Union average of 20 per cent, said that her Government was addressing the problem of child poverty in Belgium. The issue would also be a priority during Belgium's presidency of the Council of the European Union. The main factors behind child poverty were unemployment and low social benefits, both of which were more likely to affect single parent and immigrant families. Steps were being taken to remedy that situation.

34. **The Chairperson** said that the child poverty rates for the European Union as a whole and for Belgium were not explanatory indicators when viewed in isolation, but

instead had to be considered in relation to gross domestic product in order to arrive at an accurate comparison.

35. **Ms. Goossens** (Belgium) said that tackling child poverty was a Government priority. The assessment of the risk of poverty for children of unemployed or single parents that had been made using the Inter-federal Poverty Barometer had led the Government to introduce additional benefits for such families. Extra funds had also been allocated from the national budget for the country's public social assistance centres in an effort to combat child poverty. A call for project proposals had been launched as part of the European Year for Combating Poverty and Social Exclusion, and a study by the King Baudouin Foundation and the United Nations Children's Fund (UNICEF), based on interviews with children, was being conducted which would provide an overview of the situation of poor children in Belgium. The results would be presented at a conference of the European Union to be held in September 2010 at which an effort would be made to arrive at a European-wide rights-based recommendation on child poverty. In Belgium, a ministerial working group had been established in order to meet the target of reducing child poverty by half by 2020.

36. **Mr. Citarella** (Country Rapporteur) asked whether policies to reduce poverty were implemented in the same way in all areas of the State party. If the regional authorities were given responsibility to implement such policies, how did the federal government ensure equal treatment for all children in the State party?

37. **Mr. Kotrane** asked whether the State party had participated in the deliberations concerning the draft guiding principles on extreme poverty and human rights and how it intended to incorporate human rights into its policies to combat poverty. Detailed information on the programme of general measures for the development of the German-speaking Community for 2009–2014 should be submitted to the Committee, together with information on what steps had already been taken. Would a specific action plan to combat poverty in that community be produced?

38. **Ms. Govaert** (Belgium) said that the National Action Plan to Combat Poverty had been drafted and was being implemented and monitored by the federal government in cooperation with the regions and communities, within the scope of their competencies. The Social Inclusion Action Plan was an example of how the Government had mainstreamed human rights. A great deal of consideration had been given to developing rights-based social cohesion policies, and the Social Inclusion Action Plan contained a specific chapter on child poverty. Local and regional plans, based on the same philosophy, had also been developed.

39. **Ms. D'hondt** (Belgium) said that an extensive study was being carried out, in conjunction with the Red Cross Society, on issues of concern to families in the German-speaking Community. The results would be used to develop specific policies and measures to tackle those problems, which included poverty. Further information on the plan would be provided in writing. Compulsory education, including school transport for children under 12, was free in the German-speaking Community. The parents of children over 12 were still expected to pay for school books, and only 50 per cent of school travel costs were reimbursed. Measures to reduce the cost of education further were under consideration.

40. Efforts had been made by the National Commission on the Rights of the Child to adapt data collection and analysis to the particular needs of a federation such as Belgium. Working groups had been established to collect data on juvenile justice, poverty, health, unaccompanied foreign minors, violence and other matters. A working group had also been set up on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Although data had been collected on a wide range of issues, the availability of data varied from institution to institution, which made it difficult to assess the impact of the policies introduced in a particular field at the



national level. The working groups would continue their efforts to define indicators and produce more accurate and useful data.

41. **Ms. Govaert** (Belgium) said that the data collected on the basis of the recommendations and observations of the Committee had demonstrated that the existing indicators were unsuitable for monitoring the implementation of the Convention in Belgium. An international inventory of indicators was being developed, and a study had been carried out to identify the differences between the indicators used to monitor children's well-being and those used to monitor human rights. Work would continue in that field, and her Government hoped to benefit from the expertise and best practices of the Committee in that regard.

42. **The Chairperson** said that general indicators for early childhood had been developed by the Committee further to general comment No. 7, which could be used in conjunction with the indicators produced by UNICEF to assess child well-being. The Office of the High Commissioner for Human Rights (OHCHR), together with all the treaty bodies of the United Nations, was preparing an inventory of human rights indicators.

43. **Ms. D'hondt** (Belgium) said that Ms. Somers would answer Mr. Citarella's question relating to article 12 of the Convention, in particular with respect to a child's right to be heard in judicial proceedings. The representative of each community would then respond to the question concerning administrative procedures.

44. **Ms. Somers** (Belgium) said that, before the recent decision to dissolve Parliament had been taken, a bill had been submitted on the revision of family court procedures which had resulted in the harmonization of legislation on the right of a child to be heard. Children over 12 years of age would be informed in writing of their right to be heard on matters concerning them in family proceedings, but they were also entitled to waive that right if they so wished. Children under 12 years of age would also have the right to be heard if they requested to do so, and any such request could not be disregarded. If the court considered that a lack of judgement on the child's part might compromise the interests of the parties, however, that could be noted in the judge's report. All children had the right to be accompanied by a lawyer at a hearing. In addition, article 22 (bis) of the Belgian Constitution had been amended to recognize the right of the child to be heard. Judges were required to undergo training on every aspect of children's rights before being allowed to handle cases involving children or adolescents, and consequently all children's judges were entirely conversant with the Convention and its implementation.

45. **Ms. Govaert** (Belgium) said that French Community legislation had been screened to ascertain whether any provisions covered a child's right to participation, and a number of instances had been found. For example, children involved in school exclusion proceedings had the right to be heard and to have their prior approval sought if a decision was made to transfer the child from one institution to another. Children also had those same rights in connection with any decisions concerning them taken by youth councils. No such provision was made, however, in the case of decisions, or appeals against decisions, taken by class councils.

46. **Mr. Van Haelst** (Belgium) said that, in the Flemish Community, a youth impact assessment covering persons up to 25 years of age was prepared before draft legislation relating to the rights of the child could be submitted for government approval. That assessment encompassed all of the principles of the Convention, including the right to participate, which was established in two decrees. The first was a general decree guaranteeing the right of a child to receive assistance, while the second was a specific decree that guaranteed the right of children to participate. The State party report (CRC/C/BEL/3-4) enumerated the rights that were guaranteed under the various decrees, but he would be pleased to provide further information on request.

47. **Ms. D'hondt** (Belgium) said that other instances in which a child's right to be heard was provided for in administrative procedures in the Flemish Community included cases where a child was asked to undergo a drug test, where a child with disabilities was being offered a place in a special institution or some form of special support, and where a child was being placed in a young offenders' institution.

48. **Mr. Van Haelst** (Belgium) said that, in order to ensure equality of opportunity in education, the right to enrol in school was guaranteed through local school partnerships and through an autonomous commission for pupils' rights.

49. **Ms. D'hondt** (Belgium) said that, with respect to the direct applicability of the Convention, the Court of Cassation, the Court of Arbitration (which had since become the Constitutional Court), and the Council of State had given their views on several articles of the Convention, including articles 3 and 27, and all were considered to be directly applicable in Belgian Courts. Although judges received no specific training on the Convention on the Rights of the Child, training was provided for judges, barristers and lawyers on certain issues relating to children, such as violence, abuse and child protection. In response to questions on independent monitoring mechanisms in the Brussels-Capital Region and the German-speaking Community, she said that the latter had a general ombudsman for all citizens but no special children's ombudsman because the Community was considered to be too small to justify having two. In the Brussels-Capital Region, children could have recourse either to the Delegate-General for Children's Rights, in the French Community, or, in the Flemish Community, to the Commissioner for the Rights of the Child.

50. **Ms. De Craim** (Belgium) said that, at the federal level, no special children's ombudsman existed but that there were two federal ombudsmen (one French-speaking and the other Flemish-speaking) through whom children, parents and professionals could lodge complaints. The federal ombudsmen had recently focused on issues relating to the rights of the child and, in their annual report, had provided detailed information on action taken with regard to children's rights over the past few years.

51. **Ms. D'hondt** (Belgium) added that children could also lodge complaints with the Delegate-General for the Rights of the Child and the Commissioner for the Rights of the Child, who dealt with federal matters such as the protection of unaccompanied minors.

52. **Ms. Somers**, in response to questions on corporal punishment, said that a bill had been submitted to Parliament to amend the Civil Code to prohibit the corporal punishment of children by parents. The bill had been debated at length during its first reading but, following the dissolution of Parliament, had not been deposited; the debate would therefore have to be re-launched. Nevertheless, existing legislation could be interpreted as prohibiting the corporal punishment of children. For example, article 371 of the Civil Code stipulated that there should be mutual respect between children and parents of all ages. There were also relevant provisions in the Criminal Code, such as those concerning voluntary assault and battery, psychological abuse and degrading treatment.

53. **Ms. Govaert** (Belgium) said that there was an article in the Criminal Code which provided that all professionals working with children must report any case of child abuse or any signs of child abuse to the prosecutor and that, furthermore, French Community legislation clearly defined child abuse. Hence, a number of measures were in place to combat child abuse at the State, federal and community levels. They included, at the community level, agreements among general practitioners, the mental health services, social services, the psychological and medical social centres, schools, organizations providing assistance to children and federal services that coordinated action to prevent child abuse.

54. **The Chairperson** invited the Committee to ask questions on the remaining four thematic clusters, which were: family environment and alternative care; basic health and welfare; education, leisure and cultural activities; and special protection measures.

55. **Mr. Citarella** (Country Rapporteur) asked whether the communities had a joint language programme catering, for example, to the needs of a child moving from the French Community to the Flemish Community or vice versa. A special programme for foreign children had been established, but what provision was made for Belgian nationals in the different communities? What measures were in place to guarantee the right to education irrespective of the language spoken? Turning to the juvenile justice system, he expressed concern that children between the ages of 16 and 18 could be regarded as adults and asked whether criminal sanctions were ever levied on children.

56. **Ms. Ortiz** asked for specific details on the number of national and intercountry adoptions. She requested clarification on the “non-conventional” intercountry adoptions referred to in paragraph 374 of the State party’s report (CRC/C/BEL/3-4). As a party to The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, why did Belgium not expect the countries with which it entered into adoption agreements but which were not party to The Hague Convention to guarantee the same level of protection prescribed in that convention? Clarification would also be appreciated on the type of “social welfare and other help” for birth parents mentioned in paragraph 374 (i) of the State party’s report. With respect to paragraph 277 (iii) of the State party’s report, what steps did the State party intend to take to guarantee the effective collection and storage of the information contained in adoption dossiers in order to guarantee people’s right to know about their origin as established in The Hague Convention? What steps did the State party intend to take to fulfil the requirement under the Convention on the Rights of the Child for a child to keep his or her first name?

57. **Ms. Aidoo** asked what Belgium was doing to raise awareness about the prevention and treatment of sexually-transmitted infections, HIV/AIDS, obesity and drug and alcohol abuse, which were on the increase among people under the age of 18. How were the views of adolescents taken into account in the provision of adolescent health services and did adolescents have confidential access to such services? She asked whether existing Belgian legislation which prohibited the practice of female genital mutilation was well known in immigrant communities. Was the State party conducting studies into the nature and extent of the problem and had it established any culturally sensitive yet effective awareness-raising programmes? How did Belgium address the entire issue of harmful traditional practices in its international cooperation programmes, especially with respect to advocacy for the elimination of such practices in the countries where they were prevalent? She then asked what concrete steps the State party was taking to reduce poverty in Belgium, aside from the current and future action plans mentioned in paragraphs 609 through 618 of the State party’s report, and what opportunities its upcoming presidency of the Council of the European Union might open up in that respect.

58. **Mr. Kotrane** expressed concern at the failure to ensure that guardians were appointed for all unaccompanied minors and at the overly lengthy family reunification procedure. He said that he shared the concerns of the Country Rapporteur about the fact that the juvenile justice system was applying the law to persons between the ages of 16 and 18 as if they were adults rather than children in conflict with the law and that such adolescents were placed in closed detention facilities. What steps did the State party plan to take in order ensure compliance with the Committee’s general comment No. 10?

59. **The Chairperson** asked for clarification on what measures Belgium intended to take to ensure that unaccompanied minor asylum-seekers from European countries would be covered by the State party’s 2004 Guardianship Act, from which they were currently excluded. What steps was the State party taking to transpose the 1954 Convention relating

to the Status of Stateless Persons into Belgian legislation? Lastly, drawing attention to paragraph 911 of the State party's report (CRC/C/BEL/3-4), she requested clarification on whether the enlistment of children under the age of 18 into the armed forces had been abolished and asked when the new act of 28 February 2007 determining the status of soldiers on active service with the armed forces would come into force.

*The meeting rose at 1.05 p.m.*