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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 41st MEETING

Held at the Palais Wilson, Geneva,
on Monday, 12 November 2007, at 10 a.m.

Chairperson: Mr. TEXIER

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS

- (a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Third periodic report of Belgium (E/C.12/BEL/3; E/C.12/BEL/Q/3 and Add.1; HRI/CORE/Add.1/Rev.1)

1. At the invitation of the Chairperson, the delegation of Belgium took places at the Committee table.
2. The CHAIRPERSON welcomed the delegation of Belgium and invited it to introduce the State party's third periodic report.
3. Mr. VANDAMME (Belgium) said that the preparation of the third periodic report had been the subject of major inter-ministerial coordination and a regular dialogue with non governmental organizations (NGOs) working to promote economic, social and cultural rights. In the framework of the implementation of the Committee's previous concluding observations (E/C.12/1/Add.54), Belgium had conducted a wide-ranging awareness-raising and public information effort on the provisions of the Covenant. In November 2003, for example, it had organized an interdepartmental seminar on the topic of "The Belgian public authorities and the Committee's observations". Although Belgian courts and tribunals did not directly invoke the provisions of the Covenant, they referred to it in their decisions in support of their legal reasoning. He also noted that Belgium was a fervent supporter of the Decent Work Agenda of the International Labour Organization (ILO) and played an active part in the discussions on the elaboration of an optional protocol to the Covenant.

Articles 1 to 5 of the Covenant

4. Mr. RIEDEL said that the written reply of the Government of Belgium to question 1 of the list of issues did not provide any information on the actual measures undertaken by the federal authorities to implement the Committee's suggestions and recommendations. Although the State party referred to the adoption of plans of action with more specific focuses, it did not explain what the plans were or what their impact had been. He also asked what the State party's position was with regard to the adoption of an optional protocol to the Covenant and whether it envisaged setting up a national human rights body.
5. Mr. KERDOUN, noting in paragraph 50 of the report under consideration that the Government of Belgium had committed itself to increasing its assistance to developing countries to 0.7 per cent of its gross national product (GNP) by 2010, enquired whether the State party really believed that it would be able to achieve that objective. With regard to development cooperation, he would like to know why Belgium seemed to be interested above all in Rwanda, Burundi and the Democratic Republic of the Congo, countries which were former colonies of the State party. He also asked the delegation to provide an idea of the size of the debt which a number of developing countries had with Belgium.

6. It would be useful to have an explanation as to why, as indicated in paragraph 83 of the Government's written replies to the list of issues, Belgium had been unable to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. He also asked whether the Belgian authorities were willing to promote the temporary migration of workers between the European Union and third States, in conformity with the concept of "circular migration" advocated by the European Union.
7. Mr. TIRADO MEJIA enquired about the State party's policy with regard to the inclusion of social clauses in bilateral and multilateral trade agreements and asked whether Belgium, like other developed countries, was reluctant to adopt such clauses.
8. Mr. PILLAY, referring to paragraph 51 of the written replies, noted that Belgian courts and tribunals rarely invoked the International Covenant on Economic, Social and Cultural Rights and that that seemed to be due to the fact that a significant majority of the provisions of those texts had no direct effect in domestic law. He therefore asked whether the State party must promulgate laws to implement the provisions of the Covenant and whether the Belgian courts and tribunals themselves decided which provisions were applicable in domestic law.
9. Mr. SADI asked whether Belgium agreed with the Committee that the rights contained in the Covenant were enforceable. He welcomed the awareness-raising and public information effort carried out on the Committee's concluding observations. What had been the reactions to the observations, and what measures had been taken to implement the recommendations? With regard to official development assistance (ODA), he would like to know whether the disruptions on the international economic and financial markets were likely to have an impact on Belgium's commitment to devote 0.7 per cent of its GNP to ODA. Referring to the tensions between the Flemish and Walloon communities, he enquired how the two communities had coexisted until now. It would also be useful to learn whether, like neighbouring European countries, Belgium planned to adopt a stricter immigration policy and how the federal authorities went about integrating new immigrants into society.
10. Mr. RZEPLINSKI asked whether it was true that the career of judge was not very open to jurists from the working class and that Belgium's legal apparatus was mainly composed of persons from the privileged classes. He gathered that access to the federal civil service was closed to non-nationals and enquired whether that also applied to persons with dual nationality. Welcoming the leading role played by Belgium in the area of development assistance, he asked how that assistance was spent and would like to have an idea of the amounts allocated, for example, for building schools and equipping hospitals in African countries.
11. Ms. WILSON sought further clarification on the division of powers between the federal level and the federate entities and in particular the control exercised by the federal authorities. She also asked for information on discrimination on the basis of language, disability and sexual orientation. On gender equality, she noted that according to paragraph 62 of the third report, a gender mainstreaming unit had been set up. Was its aim to adopt affirmative measures for the advancement of women? She also enquired what percentage of women had positions of responsibility in the public administration and in universities.
12. Mr. ZHAN Daode regretted that the third periodic report of the State party did not contain any information on the results of measures adopted in the area of economic, social and cultural rights and urged the delegation to fill that gap by providing statistics. He was astonished that in

several cases the authors of the report referred the reader to an Internet site and pointed out that the members of the Committee usually did not have the time to consult information other than that contained in the documents that they were provided with.

13. Mr. KOLOSOV asked whether, in view of the autonomy of the federate entities, it was at the federal level that the Covenant must be invoked after all domestic remedies had been exhausted.

14. Mr. DASGUPTA, noting that Belgium's international development cooperation as a percentage of GNP had gone from 0.36 per cent in 2000 to 0.6 per cent in 2003 and to 0.5 per cent in 2006, asked why there had been a substantial decline between 2004 and 2006 and why the figure had been fluctuating.

15. Ms. BONOAN-DANDAN, referring to the Government's written reply to question 2 of the list of issues, sought clarification with regard to the assertion that Belgium accorded particular importance to improved collaboration between the World Bank and the United Nations system. She would also like to know whether the steps taken to ensure that its policies were coherent, notably through the setting up of coordination mechanisms, were linked to the Committee's previous concluding observations. With regard to Belgium's assistance to partner countries to create conditions favourable to their development, how did the State party ensure that those conditions did not have adverse effects?

16. On the Government's written reply to question 4 of the list of issues, concerning the involvement of NGOs in the preparation of the country report, she would like to be informed about the results of the consultations held. Noting that the written reply to question 9 of the list of issues had referred to the first annual report on the wage gap between men and women (2006), she asked what the State party's objectives were in the area of gender equality.

17. Mr. VANDAMME (Belgium) said that the State party's constitutional framework provided for a separation of jurisdiction between the federal level and the federate entities, whose legislative powers were on an equal footing with those of the federal Government. The organization of the judicial system came under the authority of the federal State. International conventions were ratified by the federal Parliament but could also be ratified by the "parliaments" of the federate entities if they had jurisdiction in the area. Many international instruments were mixed in nature. As Belgium had already ratified the Covenant before becoming a federation, the instrument was part of its legislative arsenal. However, not all the provisions were directly applicable, because direct application was regarded as a matter for the courts; it was up to the courts to decide whether a treaty was sufficiently clear and explicit. Hence, most of the provisions of the Covenant had had to be given concrete form in a legislative and regulatory framework. The provisions of the Covenant were not directly enforceable in the courts, and references to it could only be made in support of an interpretation of Belgian law. A number of rights enunciated in the Covenant (right to work, right to equitable working conditions and right to housing, among others) had been included as such in the latest version of the Constitution in order to make them more effective.

18. Ms. GALLANT (Belgium) said that in most cases, individuals invoked the Covenant in conjunction with the European Convention on Human Rights or the Constitution, but the courts did not base themselves directly or exclusively on the Covenant to decide whether or not a

person's rights had been violated. However, the courts recognized in the Covenant the guarantee that social rights could not be reversed.

19. Mr. VANDAMME (Belgium) said that the most recent case law on the implementation of the provisions of the Covenant was explained in detail in the Government's written replies to the list of issues. The reports between the federal level and the level of the federate entities in that area were conditioned by the fact that the latter had legislative and judicial power and that in the areas for which they had jurisdiction, the federal State did not exercise any political control over their actions; however, it could exercise judicial control. The Constitutional Court, which often heard questions relating to problems of discrimination, took decisions on fundamental differences of interpretation and in so doing did not hesitate to invoke international conventions.

20. With regard to the peaceful coexistence between Walloons and Flemish, Belgium's political system was a representative parliamentary democracy. If one Community considered that the action of another seriously harmed its interests, it could make use of a number of procedures, such as the one that had been employed in the grave political crisis which Belgium was currently experiencing. There were also rules on equal representation within the federal Government and the Government of the Brussels-Capital Region.

21. Mr. OUVRY (Belgium) explained that the current federal Government was conducting day-to-day business. There was also a functioning parliament to which the Government was accountable. One of the reasons for the political crisis which the State party was currently experiencing was its proportional electoral system, which required that every Government was a coalition. The current difficulties, which were not exceptional, were linked to negotiations on the make-up of the new Government. In any case, all institutional functioning in Belgium was based above all on consultations. Thus, the Ministry of Foreign Affairs had jurisdiction for holding consultations on State policy at both European and international level. Regular consultative meetings took place in which both the federal level and the Communities and regions participated and during which the representatives of ministerial cabinets and civil servants worked to agree on common policies. That system produced rather good results. A number of institutional mechanisms required that the majority hold consultations in order to arrive at decisions that had majority support in the two Communities.

22. Ms. URBAIN (Belgium) said that the civil service was no longer solely for Belgians and was open to all European Union nationals. The only employments for which only Belgian citizens were eligible entailed the exercise of public power, a strictly defined area which concerned posts at a very high level. The civil service was employing increasing numbers of contractual staff, and there could not be any discrimination on the basis of nationality with regard to employment contracts. For its part, the federal civil service sought to further diversify the recruitment of its personnel and to offer as many posts as possible.

23. Mr. VANDAMME (Belgium) said that the same applied to access to posts in the judiciary, where recruitment through competitive examination was assumed to be fully objective. The Higher Council of the Justice System must inform the Minister of Justice of appointments to certain posts in the judiciary, and no ministerial decision could be taken in that area without the Council's opinion.

24. The large delegation present in the Committee was one of the first results of the seminar held by the State party to heighten awareness of the problems evoked by the Covenant.

Even after the publication of Belgium's second periodic report, a number of institutions had needed more information on the Covenant. One part of the seminar had been devoted to explaining procedures and situating the Covenant in the overall context of human rights protection under the United Nations system. Another part had been expressly designed to enlighten the Committee on the scope of the 1993 constitutional reform. As to the brochure which had been distributed among the members of the Committee, its purpose was to explain the Belgian constitutional system from the perspective of fundamental rights. Several universities had also discussed the legal applicability of the Covenant in Belgium and had examined Belgian law in the light of several United Nations texts. The Committee's previous concluding observations, and not just the formal consideration mechanism, had been presented to the seminar's participants and been disseminated by both Belgium's Diplomatic Mission in Geneva and by the Ministry of Foreign Affairs, which had forwarded them to each of the competent ministries.

25. With regard to the protection of migrant workers, Belgium had signed the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families but had not ratified it, because two regulatory provisions – one on unemployment and the other on the right of residence granted to foreigners – prevented it from doing so. Belgian law did not permit the reimbursement of contributions to migrant workers in certain cases because it did not provide for that possibility for Belgian nationals. The second provision, pursuant to which the duration of residence granted was contingent on a number of criteria, was an old principle which only the Convention contested. In the present case, Belgium had merely analysed conformity when the text had been approved, on the understanding that the Belgian authorities were perfectly aware that the entire legal framework on the protection of migrant workers would continue to evolve as a function of the recommendations of international organizations, in particular those of the European Union. The debate on the opening of borders was in full swing, and the European Commission regularly submitted proposals for new directives to the Council of Ministers, thereby requiring the member States to jointly consider a number of migration policy issues concerning nationals of third countries, notably procedural matters or the question of whether a particular immigration policy should be introduced. The legal arsenal which was being established as the Council of Ministers adopted those directives would also require member States and the Commission to consider whether the collective ratification of the Convention would contribute to legal certainty in the area. For the moment, no member State had ratified that Convention. Member States were of the view that they had discretion in that regard, since the European Union had not issued any recommendation, notwithstanding the important role played by the European Commission in negotiating the text.

26. Ms. HAUTOT (Belgium) said that the conditions under the Convention for granting work permits were an obstacle to its ratification. Belgian legislation was based on an analysis of the labour market, to which migrant workers could only have access if there was a shortage of manpower in a given area. Whereas the Convention specified that a migrant worker could have access to the entire labour market after two years of residence, Belgian law provided for a time period of at least four years. Likewise, the Convention stipulated that migrant workers in a regular or irregular situation were entitled to reimbursement of their contributions, so that a way would have to be found to calculate the number of years that a migrant had worked and the pension to which he or she would be entitled.

27. Mr. VANDAMME (Belgium) said that migrant workers in a regular situation were entitled to the protection of anti-discrimination provisions in all aspects of their occupational and private life. With regard to their integration, which was an important condition set by the authorities for access to the national territory, an integration obligation was sometimes posed prior to the application for residence. A wide range of services – language classes, awareness of rights and trade union assistance – were made available to migrant workers by private associations and municipal and regional bodies in order to promote their integration.

28. Discrimination on the basis of language was taken into account in the case law of the courts and tribunals on an equal footing with all other forms of discrimination explicitly set out in the Covenant and in regional instruments. Needless to say, there had been many cases and decisions on the subject. Belgium had introduced very clear and strict legislation on the use of languages in administrative and judicial contexts in order to protect the members of the three language communities. As to access to public buildings for persons with disabilities, the situation in old buildings could probably be improved, but for several years now, all new buildings had had to meet specifications requiring the inclusion of areas for persons with disabilities. In respect of sexual orientation, recent legislation had introduced new rights for homosexual couples, who were now entitled to inheritance and other benefits.

29. Ms. GALLAND (Belgium) said that the concept of discrimination based on language had not been included in the 2003 act, but it was specified in the acts of 10 May 2007, which covered 18 forms of discrimination. However, the constitutional articles relating to the principles of equality and non-discrimination did not contain an exhaustive list of forms of discrimination; consequently, there might be case law on the question. The Equality Institute was empowered to lodge a complaint on grounds of gender discrimination. Other grounds came under the jurisdiction of the Centre for Equal Opportunity and Action to Combat Racism. Thus, a new body still needed to be set up to combat discrimination based on language. The law provided for the reversal of the burden of proof if there was evidence to warrant a presumption of discrimination, in particular if an intrinsically suspicious criterion of distinction was used (for example, the requirement of a particular mother tongue).

30. Mr. MAENAUT (Belgium) said that the policy of non-discrimination on the labour market introduced by the Flemish Government had given rise to the establishment of a diversity commission composed of representatives of management and labour which focused on five specific groups: workers of non-native origin, older workers, persons with disabilities, young people without qualifications and women.

31. Ms. FASTRÉ (Belgium) said that, following the pilot project completed in 2003 and the establishment of a gender mainstreaming unit within the Equality Institute, the federal Government had passed ambitious, progressive legislation in January 2007 to take that dimension into account. The act, which would be implemented once the new Government was constituted, would require it to set strategic objectives with a view to achieving gender equality in all federal policies. It also provided for the setting up of a network of counsellors from the administrations and ministerial cabinets in order to anchor and implement gender equality in all federal policies. Each new legislative or regulatory instrument adopted in areas of federal jurisdiction would be assessed as a function of its impact on the needs and situation of women and men. All federal bodies were invited to produce or commission gender-disaggregated statistics in the framework of their competence. Implementation orders must still be issued prior

to the entry into force of the act, which had been published in the Official Gazette in February 2007.

32. In universities, women had accounted for 30 per cent of personnel in 2002. In the federal administration, they were more numerous than men at lower levels (D and C), less numerous at the B level and in the minority at the A level, where they accounted for only 37 per cent of personnel. The federal Government had drawn up a report in order to identify the reasons for the 15 per cent wage gap between men and women, to have reliable figures that could be updated and to introduce an instrument that would enable it to make comparisons with other European Union countries. Having noted the existence of vertical and horizontal occupational segregation resulting from pure and simple discrimination, as well as unexplained factors, it was in a position to make specific recommendations for reducing the wage gap. It had also created a useful tool that allowed employers and other persons concerned to have a non-sexist list for wage evaluation, because it was upstream, during the establishment of the occupational classification, that skills more often developed by women were less appreciated than those more often developed by men.

33. Mr. VANDAMME (Belgium) acknowledged that one of the weaknesses of Belgium's foreign policies had been that they had rarely been accompanied by instruments for ex-post evaluation and statistical observation. That said, those policies were increasingly conceived in the context of methodologies derived from foreign experiences, the activities of consultancy offices and recommendations of international organizations. The Belgian Office of Statistics had a monopoly on the conducting of basic surveys to identify the behaviour and some of the needs of the population. It worked in close cooperation with the Statistical Office of the European Communities (Eurostat), as well as with university centres and the research services of trade union organizations and the National Bank. Councils existed which produced policy assessment reports for the Government, notably in the area of employment, and relied on the statistics provided by the various sources mentioned. In the area of social security, there was a system which monitored behaviour and financial flows. The *Banque Carrefour de la Sécurité Sociale* also prepared statistics that served as a basis for cross-checking and for studies on the evolution of legislative performance in the area.

34. Mr. DONIS (Belgium) explained that the *Banque Carrefour de la Sécurité Sociale* was a very unusual body. It did not administer any branch of social security, but served as an information crossroads, enabling management bodies to obtain information and to avoid constantly contacting insured persons and employers.

35. Mr. VANDAMME (Belgium) apologized to the members of the Committee who had been inconvenienced by the computerized sources sent by the delegation, which had clearly underestimated the difficulties which it could cause. The delegation could have summarized the information, and he promised that the fourth periodic report would be much more succinct, taking into account the Committee's observations.

36. It would have been odd not to have enhanced the International Covenant on Economic, Social and Cultural Rights through an optional protocol allowing individuals or groups to demand implementation of the Covenant. It was constant practice in Belgian policy to ratify protocols concluded in the framework of other systems, in particular the European Social Charter, or other United Nations conventions. Given Belgium's active social policies at home

and the strong social emphasis of its international policy, there was no reason not to provide for a complaints mechanism. Of course, Belgium was conscious of the enormous workload that that would represent for the Committee and for the entire United Nations system and was aware of the budget impact that it would have for Governments which supported the United Nations, given the Organization's very wide range of activities and the bodies, procedures and problems which had to be managed, but it would be worth the effort to set up a mechanism to ensure the implementation of social rights. It would all depend on how the mechanism was coordinated with the procedure for the submission of reports and how it tied in with existing mechanisms.

37. With regard to the actual scope of the optional protocol, Belgium was in favour of making the system accessible to individuals and a number of groups under certain conditions, because it had the feeling that collective actions might perhaps be more effective than a simple mechanism for individual complaints once the specific criteria defined the access and interest of those groups and whether or not a link could be established with a particular legal incident. Those were very difficult questions of procedural law, and given the scope of the Covenant, they should be the subject of an in-depth study during the negotiation of the protocol.

38. The exhaustion of domestic remedies would certainly be one of the criteria retained for access to the complaints procedure. Belgium's legal system was uniform and did not have any particular elaboration in the federate entities. Domestic remedies were exhausted through administrative or judicial channels under the supervision of the Council of State, the Court of Cassation and the Constitutional Court. That was a long and selective procedure which ruled out some complaints, because it required considerable financial means, despite legal assistance.

39. Mr. VINCK (Belgium), referring to his country's international commitment to devote 0.7 per cent of its GNP to development aid, admitted that it was not possible to identify a continuous trend on the basis of the figures given. The Belgian Government had amended article 10 of the acts on State accounting with a provision on solidarity which stressed the importance of attaining that objective by 2010 at the latest. Although he could not confirm that Belgium would be able to meet the commitment, the country had taken the necessary steps in that regard. In view of the current euro-dollar exchange rate, Belgium might even release additional resources for investment in other areas.

40. Belgium had introduced legislation known as the act on Belgian international cooperation (act of 25 May 1999, as amended on 19 July 2005) which regulated cooperation in that area. Not all countries had taken such a step – far from it. Under the act, Belgium granted aid to countries as a function of their poverty level, which was assessed on the basis of socio-economic and human development indicators and as a function of whether or not they had introduced equal rights and equal opportunity for all citizens. Eighteen countries, most of them in Africa, currently received aid from Belgium as part of its international cooperation. Belgium was pursuing its partnership with Rwanda, Burundi and the Democratic Republic of the Congo, because in the course of its history it had developed close ties with the populations and authorities of those countries. As to Niger and Mali, their poverty level had made them eligible for such aid.

41. Belgian development cooperation was financed by the federal budget. Some projects and programmes – resulting from agreements between the Kingdom of Belgium and partner countries in the context of governmental cooperation – were implemented through Belgian technical cooperation, others were carried out by NGOs and universities, and others again,

more specific, were elaborated in the framework of multilateral agreements concluded between European countries and recipient countries. The resources earmarked for governmental cooperation projects were used efficiently. Belgium did not directly transfer money to the recipient countries, but ensured, through the intermediary of an executing agency, that the programmes were financed in keeping with the modalities set out in the “indicative cooperation programme” prepared with the recipient country in joint commissions prior to project implementation. With the help of the indicative programme, the sectors which would receive development aid could be carefully targeted; the Belgian technical cooperation body was the entity responsible for reporting on the proper use of the funds allocated.

42. Belgium only accepted the principle of budgetary aid in the framework of so-called “sectoral” projects, which focused on the development of a given sector, such as education or health care, and provided that the projects included several donors and were accompanied by an explicit policy declaration by the partner country, which offered some assurance that the Government would use the resources efficiently. All projects submitted for governmental cooperation by the partner countries should take account of four cross-sectoral themes: gender equality, the social sector, respect for the rights of the child and environmental protection. Those were not criteria of conditionality, but the four themes were systematically taken into consideration during project elaboration. Throughout project implementation, partner committees, which were joint bodies for the purpose of local consultation, monitored the activities of governmental cooperation in order to redirect or improve them where necessary.

43. With regard to the difficult question of debt relief, there would not be any further major debt operations outside a remaining amount of some 270 million euros, which was expected to be settled in 2008. At international level, Belgium had addressed the question of heavily indebted poor countries in order to put into place an assistance strategy, at the same time that it had stressed the need for those countries to combat corruption and guarantee the proper administration of public finances. It was in favour not only of a cancellation of the debt, but also of the setting up of a mechanism to raise funds by other means so that development banks could continue to play their role.

44. Mr. SADI drew the delegation’s attention to the fact that, if the Belgian courts were of the view that the provisions of the Covenant were not sufficiently clear to be applied directly, they could refer to the Committee’s 18 General Observations covering many of the articles in the Covenant.

45. Mr. KOLOSOV, noting that the Covenant was not directly applicable in the courts, asked how a person who considered that one of his economic, social or cultural rights had been violated could refer the matter to the Committee on the basis of the optional protocol to the Covenant if he was unable to show that he had exhausted domestic remedies.

46. Ms. BONOAN-DANDAN, referring to paragraph 31 of the Committee’s earlier concluding observations, in which the State party was encouraged to do all it could to ensure that the policies and decisions of the Bretton Woods organizations were in conformity with the obligations of States parties to the Covenant, in particular the obligations concerning international assistance and cooperation, wondered whether the State party had really understood what its obligations were under the Covenant. She called on Belgium to solicit the Committee’s assistance if it needed guidance in the fulfilment of its obligations.

Articles 6 to 9 of the Covenant

47. Ms. WILSON would like to know what the unemployment rate was in 2006 for youths in the age bracket 15 to 24, why the unemployment rate of that population group in 2003 was higher in the Brussels-Capital Region than in other regions, what measures had been taken to encourage full employment among young people and whether they had had positive results. Referring to paragraph 339 of the report, she asked why long-term unemployed persons were denied their right to unemployment benefits.

48. She requested figures on the estimated number of persons employed in the informal economy and enquired whether the State party had had to face the problem of forced labour or economic exploitation of domestic employees, in particular young au pair girls, whether case law existed on the question and whether economic exploitation was punishable under the Criminal Code. She would also like to know whether only the federal State had adopted regulations on the introduction of fair and favourable conditions of work or whether the federate entities had also done so. Furthermore, it would be useful to have information on the incidence of serious accidents at the workplace in the State party and whether one particular sector of activity was more affected than others.

49. Ms. BONOAN-DANDAN wondered whether young people between 15 and 24 years of age did not find employment because they were not sufficiently qualified or because of limited job opportunities in Belgium. She would also like to know what the Government intended to do to abolish limitations imposed on the right to strike and asked the delegation to clarify paragraph 190 of the Government's written replies to the list of issues and in particular to explain why the State party afforded striking workers greater protection than other workers. Referring to paragraph 181 of the written replies, according to which the constitutional principle of the separation of powers meant that the Government could not intervene in court decisions in the framework of disputes between employers and employees, she asked what measures the State party planned to take to break the deadlock in which it currently found itself in connection with enforcing the right to strike.

50. Mr. DASGUPTA said that, according to the European Committee of Social Rights, in 2005 the State party had not introduced equality of treatment in granting invalidity pensions, for which nationals of non-European Union States that had not concluded a bilateral agreement with Belgium were not eligible. The State party had had to provide explanations on the matter in the past and had referred, in justification of that discriminatory practice, to budgetary problems, an argument that was not relevant for Belgium. He asked the delegation to comment on that point.

51. The European Committee of Social Rights had also criticized the fact that, under Belgian law, persons leaving Belgium for a non-European Union State which had not concluded a bilateral agreement with the State party could not retain their acquired rights to a retirement pension. He asked whether such persons lost their entitlement to employee and employer contributions paid in the past, even if they left the country against their will on account of not having obtained a permanent residence permit in the State party.

52. Mr. RIEDEL asked whether asylum-seekers whose cases had not yet been decided were entitled to emergency medical assistance in the same way as persons in an irregular situation.

53. Mr. MARTYNOV enquired what measures had been taken by the State party to stem unemployment in the most vulnerable population groups, and in particular among women, whose unemployment rate in 2006 had been much higher than that of men, and foreigners, who had accounted for 40 per cent of unemployed persons in Flanders. What had been the results? He also asked why the State party had not ratified ILO Convention No. 160 concerning Labour Statistics, whether it intended to do so in the near future, and whether it planned to pass legislation punishing more severely the heads of small businesses who treated unionized workers in a discriminatory manner, sometimes even firing them, because they preferred, in the event of prosecution, to pay a small fine rather than reinstate them in their jobs. It would also be useful to learn what financial measures the State party intended to take to deal with the upsurge in the number of retired persons forecast as from 2010, which would no doubt place a heavy burden on public finances and given that the Fund for Population Aging established by the Government in 2001 would probably not be sufficient to meet the cost of health care and retirement pensions as of 2030.

54. Mr. ZHAN Daode, referring to table 1 on the employment rate in Belgium, contained in paragraph 117 of the report, asked why it was that only 28.1 per cent of persons in the age bracket 55-64 had had employment in Belgium in 2003, whereas the employment rate of that age bracket averaged 40.2 per cent at European level.

55. Mr. ABDEL-MONEIM said that the social integration allowance of 438.25 euros referred to in paragraph 205 of the Government's written replies was insufficient to guarantee a decent standard of living. He asked the delegation whether the State party thought that it would be able to maintain what was clearly an effective social security system or whether it feared that in the future, budgetary constraints would require it to reduce the scope of its coverage and benefits.

The meeting rose at 1 p.m.
