



Economic and Social Council

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Committee on Economic, Social and Cultural Rights Pre-sessional working group

List of issues in connection with the consideration of the fourth periodic report of Belgium (E/C.12/BEL/4), adopted by the pre-sessional working group at its fifty-first session (21–24 May 2013)

I. General information

1. Please indicate whether the State party intends to re-examine its position on the status of the International Covenant on Economic, Social and Cultural Rights so that the provisions of the Covenant can be directly applied within the context of the national legal order.
2. Kindly inform the Committee as to the stage reached in the discussions concerning the establishment of a national institution for the promotion and protection of human rights in accordance with the Paris Principles.
3. Please explain how the State party goes about coordinating the different mechanisms, policies and strategies that are in place at the federal, regional and community levels with a view to ensuring that they are effective and that people residing in Belgium can avail themselves of the rights conferred by the Covenant on an equal footing.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2, paragraph 2 Non-discrimination

4. Please provide information on the enforcement of anti-discrimination legislation, including statistics on recent discrimination cases in which the courts have handed down decisions. Specify what measures have been adopted to enforce legislation for the protection of persons with disabilities from discrimination and for the promotion of their greater integration into society, especially with regard to reasonable accommodation, compliance with employment quotas and access to health care, education and culture.

Article 3

Equal rights of men and women

5. Kindly provide information on the effective application by the State party of the different laws and regulations (as noted in paragraphs 55–61 of the State party's report) that have been adopted at the federal level and in the federated entities in order to promote gender equality in spheres such as employment, social security, the provision of goods and services, and access to economic, social and cultural activities. Also furnish information on the extent to which women are represented in public and political affairs, in the private sector and in senior posts at the federal level and in the federated entities. Please provide information on the enforcement of the Act of 12 January 2007 to monitor the effect given to the resolutions of the World Conference on Women held in Beijing in September 1995, and to mainstream the gender perspective in all federal policies.

III. Issues relating to specific provisions of the Covenant (arts. 6–15)

Article 6

Right to work

6. Please furnish up-to-date information on unemployment rates in the State party since 2008, including the jobless rates for young people, women, persons aged between 55 and 64, persons with disabilities and persons of foreign origin, along with the rates for the various federated entities. Provide details on the measures referred to in paragraph 88 of the periodic report and indicate what impact they have had in terms of lowering or stabilizing unemployment levels. Describe the National Reform Programme on employment policy for 2008–2010 and any progress made as a result of that programme in raising employment rates. Does the State party intend to continue the programme?

7. Please provide details on the impact of the measures adopted by the State party to curb the high unemployment rate in the Walloon Region and Brussels-Capital Region, particularly among women. Indicate what results the measures taken to reduce youth unemployment in the Walloon Region have had. Also provide information on the effective application of the binding agreements concluded with young jobseekers in the Brussels-Capital Region under which they are to be provided with individualized assistance and indicate what results these have yielded.

8. Please indicate how employment levels among the immigrant population have been affected by the measures adopted by the State party, particularly the diversity plans that firms in the Flemish Region and the Brussels-Capital Region have been encouraged to develop and the diversity charter signed by business enterprises in the Walloon Region. Indicate whether or not a monitoring mechanism has been put in place and describe how the application of these measures has been assessed.

9. Kindly provide statistical information on the informal economy and on the number of people who have benefited from the State party's service voucher system.

Article 7

Right to just and favourable conditions of work

10. Please indicate how the Guaranteed Average Minimum Monthly Income (R.M.M.M.G.) introduced by the State party is set. Provide details on the mechanism used

to review it at regular intervals. Also indicate whether or not this income applies to the public sector.

11. Kindly furnish information on the specific steps taken by the State party to narrow the persistent wage gap between men and women and to address its causes, as outlined in paragraph 119 of the State party's report, and on their effectiveness. Supply additional information on the work being done to develop an occupational classification system that will enable employers to keep their wage costs in check, on its adoption and implementation and on its impact in terms of a reduction in wage differentials.

Article 8

Trade union rights

12. Please provide information on the substantive scope of the protection afforded against discrimination based on the principle of freedom of association, which the State party enshrined in its legislation by passing the Act of 30 December 2009. Also indicate whether or not this law covers other areas such as promotion, in addition to recruitment and dismissal.

Article 9

Right to social security

13. Please supply additional information on the specific steps taken by the State party to provide greater social security coverage for persons who work in the informal economy. Also provide information on the scope of the royal decree of 23 July 2012 that amended the royal decree of 25 November 1991 on the accelerated scale of reductions in unemployment benefits and its implications for the different categories of unemployed persons concerned.

Article 10

Protection of the family, mothers and children

14. Kindly supply information on the impact of the decree on care and housing for older persons of 13 March 2009 issued by the Flemish Government and the decree of 5 March 2009 on the provision of drop-in services issued by the French Community Commission.

15. Please provide information on the enforcement of the Act of 10 August 2005 which made human trafficking a specific offence under the Criminal Code (arts. 433 quinquies and 433 novies), including information on the investigations that have been undertaken, the proceedings brought, the sentences handed down to the perpetrators, and the reparations offered to victims. Please apprise the Committee of the stage reached in the process of adopting the legislative proposal on the universal criminalization of the practice of having children work abroad, which was submitted to the Chamber of Representatives in July 2009. Please inform the Committee about the impact of the National Plan of Action to Combat Human Trafficking, which was adopted by the federal Government on 11 July 2008.

16. Please explain why the State party has not explicitly prohibited corporal punishment in all settings, including within the family. Also explain how widely the circular referred to in paragraph 225 of the report is applied and how articles 398 et seq. and 417 quinquies of the Criminal Code are enforced. In addition, please provide statistics on the extent of child abuse in the State party.

17. Please explain why so many cases involving domestic violence, particularly against women, are dropped before they come to trial. Provide additional information on the study referred to in paragraph 79 of the State party's report, on its findings and on the steps taken pursuant to those findings, if any. Furnish information on the outcome of the National Plan of Action against violence between partners 2008–2009 and on the midterm progress assessment of the National Plan of Action against violence between partners and other forms of domestic violence 2010–2014, which was adopted on 23 November 2010. Also furnish information on the progress of the three legislative proposals concerning domestic violence that have been submitted to Parliament and to the Senate.

Article 11

Right to an adequate standard of living

18. Kindly provide additional information on the federal anti-poverty plan adopted in 2008, its implementation, the main beneficiaries and the funding earmarked for this purpose. Information is also requested on the results obtained under this plan, especially among the most disadvantaged and marginalized individuals and groups and persons of foreign origin.

19. Please indicate how many homeless people there are in Belgium. Also indicate the number of people who are to benefit from the package of measures adopted by the State party in order to ensure that everyone has adequate shelter. Indicate whether the State party intends to adopt a national housing strategy or plan in order to make housing (especially social housing) more accessible to the most disadvantaged and marginalized persons and groups, including women, young people, underprivileged households, persons of foreign origin and asylum seekers. Also indicate whether or not the State party has passed legislation or adopted other measures to restrict forced evictions and the number of forced evictions carried out by the State party, if any.

Article 12

Right to physical and mental health

20. Please provide an indication of the size of the premiums paid for compulsory insurance coverage. What steps are taken by the State party and the federated entities to help the most disadvantaged persons, groups or families to pay those premiums? To what extent is access to basic health care guaranteed for persons who are not in a position to pay their insurance premiums? Describe the conditions under which a person must complete a qualifying period before being eligible for compulsory insurance and indicate what coverage is provided for such persons. In addition, describe the steps taken to make health care more accessible to asylum seekers.

21. Information would be appreciated on the impact of the suicide prevention measures adopted by the State party at the federal, regional and community levels, including the 2007 plan of action and the French Community's five-year programme for 2004–2008. Please give the suicide rate in the State party.

Articles 13 and 14

Right to education

22. Please indicate how the school attendance of students belonging to the most disadvantaged groups or households, including those of foreign origin and asylum seekers, may be influenced by school charges for such items as educational services and materials

and school and other activities in Flanders, the French Community and the German-speaking Community.

23. Kindly describe the steps taken to do away with the differences and disparities that exist among the federated entities in the areas of education, school administration and educational standards, allowances and subsidies. Indicate whether the State party has established or intends to establish a mechanism for achieving greater alignment in these respects.

24. Please furnish up-to-date statistics on dropout rates, disaggregated by level of schooling, by ethnic group and linguistic group and by federated entity. Also provide information on the results achieved by the services designed to encourage children to stay in school in the French Community and the Flemish Community's comprehensive plan of action for preventing truancy. Describe the supplementary measures adopted by the State party and its federated entities to provide proper access for students with disabilities, on a non-discriminatory basis, to a satisfactory education in a manner suited to their disability.

Article 15

Cultural rights

25. Please provide information on the specific steps taken to allow ethnic and cultural minorities residing in the State party to promote and assert their cultures.
