



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues prior to submission of the fifth periodic report of Belgium\*

#### A. Issues of particular relevance

##### Implementation of the Covenant

1. Please provide information on the measures taken to guarantee the direct applicability of the provisions of the International Covenant on Economic, Social and Cultural Rights in the domestic legal order of the State party and to acquaint lawyers, judges and magistrates with the Covenant in order to facilitate, where appropriate, its invocation or application by the State party's courts.

##### Right to adequate housing

2. Please provide information on the measures adopted to facilitate access to adequate housing, without discrimination, to low-income persons, to marginalized and disadvantaged communities and to persons of foreign origin, to reduce the number of homeless people; to report on the impact of those measures and the challenges encountered with their implementation. In particular:

(a) Please provide information regarding the current housing deficit, the number of persons on the waiting list for social housing and the average waiting time. Please provide data broken down by region concerning the number of social housing units (per unit) built in the last 5 years and any plans to increase the number of social housing units;

(b) Please provide data broken down by region concerning the evictions conducted by public or private entities. Please provide information regarding current or planned regulations aimed at protecting individuals from abusive practices by private landlords, such as discrimination against foreign or unemployed persons, and the termination or arbitrary non-renewal of leases and evictions. Please provide information on programmes in place to offer alternative housing to persons at risk of remaining homeless as a result of being evicted by public or private entities;

(c) Please provide information regarding the number of households affected by water or electricity cuts. Please also provide information concerning current regulations governing water or electricity cuts, existing procedural safeguards and planned measures, including legislative measures, to ensure that every household is able to meet its basic needs in terms of drinking water and electricity;

(d) Please provide information regarding planned steps to limit the number of evictions of Roma and Traveller families and to offer such families reception areas;

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\* Adopted by the pre-sessional working group at its sixty-third session (15–19 October 2018).



(e) Please provide information regarding the progress made with adopting a national strategy for access to housing.

### **Human rights and business**

3. Please indicate what measures will be taken to develop targets and indicators, assign roles, allocate financial resources and establish time frames for the implementation of the national action plan on business and human rights. Please provide information on the possibility of supplementing the plan through mandatory measures, particularly in relation to the duty of care incumbent on businesses. Please also provide information on any assessments that have been conducted on the use of biofuels and their impact on the enjoyment of economic, social and cultural rights by local communities in third countries where the State party firms working in this field operate. If such studies have not yet been conducted, please provide information on any plans concerning such impact assessments.

## **B. Implementation of the Covenant**

### **National Human Rights Institution**

4. Please state what measures have been adopted to date and what further steps will be taken to establish a national human rights institution with a broad mandate for the protection and promotion of human rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)

### **Maximum available resources**

5. Please provide information on developments since the last report with regard to:

(a) The proportion of people below the poverty line and the level of inequality, defined as the ratio between the total income of the richest 10 per cent of the population and the total income of the poorest 40 per cent of the population;

(b) The ratio of government revenue to gross domestic product (GDP) and the proportion of government revenue derived from taxes;

(c) The respective rates of corporate profits taxes, personal income taxes and value added tax (except value added tax on luxury goods, tobacco, alcohol, sugary beverages and snacks, and petrol) and the percentage of total revenues from personal income taxes that are collected from the richest 10 per cent of the population;

(d) A breakdown of the public budget allocated to social expenditure over the past five years disaggregated by category (employment, education, food, health, social security, water and sanitation, housing and culture);

(e) Absolute levels of social expenditure adjusted for inflation.

6. Please provide information on the measures taken in recent years to counter the reduction in the amount of public aid to development provided by the State party and bring it up to the international target of 0.7 per cent of its gross national income.

### **Right of refugees and asylum seekers to an adequate standard of living**

7. Please provide information on the specific measures envisaged to guarantee the right of refugees and asylum seekers to an adequate standard of living, in particular access to adequate housing and food.

### **Climate change**

8. Please provide information on plans to increase the very modest target set to reduce CO<sub>2</sub> emissions and to notify a specific national contribution for attaining the objective of 1.5 degrees set under the Paris Agreement. Please explain what measures are considered to achieve this objective and how the adequacy of the measures taken will be assessed. Please indicate how the State party assesses the potential impact of climate change on the

enjoyment of economic, social and cultural rights in the State party and what adaptation measures are being considered.

### **Sustainable development objectives**

9. Please explain whether the State party is considering linking the implementation of a national plan for sustainable development objectives to the enjoyment of economic, social and cultural rights. Please explain what measures are available at present to take due account of human rights, and in particular economic, social and cultural rights, in the State party's development policy and activities related to sustainable development objectives.

### **Non-discrimination**

10. Please provide information to the Committee on the measures taken to reduce inequalities between communities with regard to the enjoyment of economic, social and cultural rights.

11. Please provide information to the Committee on the measures taken for the effective implementation of the law on combating certain forms of discrimination and the law punishing certain acts based on racism and xenophobia and their impact. In particular, please provide details of the number of complaints filed under those laws and the number of cases where there has been a finding of discrimination in relation to economic, social and cultural rights over the past five years (2013–2018). Please also provide information on specific measures adopted and their impact:

(a) In the context of the implementation of the inter-federal action plan to combat discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons (2018–2019), in particular as regards such discrimination in the areas of access to employment and in the work place and in the area of access to health care (especially for transgender persons);

(b) In the implementation of the national strategy for the integration of the Roma adopted in 2012, particularly regarding access to education, vocational training, the labour market, health care and housing, and against negative stereotypes in relation to the Roma. Please provide information concerning the progress accomplished and the challenges encountered.

### **Right to work**

12. Please provide statistical data on unemployment and under-employment, disaggregated by region and by sex, age, ethnic origin, urban/rural residence, and any other relevant criteria, on a comparative basis for the past five years. Please indicate the measures taken to reduce unemployment and encourage access to employment, particularly for young people (between the ages of 15 and 24), persons between the ages of 55 and 64 and persons with disabilities, and on the impact of such measures. Please also provide information on the nature and impact of the measures taken to promote the access of women, including women with young children, to stable employment.

13. Please indicate what measures have been taken to facilitate migrants' access to employment, particularly for persons from countries outside the European Union and Roma from countries either within or outside the European Union, and to combat discrimination against members of these groups in hiring processes. Please provide information on the impact of these measures and on the percentage of individuals they have benefited, including data disaggregated by category. Please state what measures have been taken to promote the access of Roma and persons of foreign origin to vocational training; please provide statistical data, disaggregated by sex, on the number of Roma and persons of foreign origin who have completed vocational training, on a comparative basis, over the past five years.

### **Right to just and favourable conditions of work**

14. Please state what measures have been taken and what challenges have been encountered in the implementation of the International Labour Organization (ILO)

Domestic Workers Convention, 2011 (No. 189) since its ratification by Belgium on 10 June 2015, and provide information on the impact of such measures on the rights and social protection of domestic workers, including those who are in an irregular situation.

### **Trade union rights**

15. Please indicate what steps have been taken to make express provision for the right to strike in Belgian law. Please also provide information on the rate of membership of trade union on a comparable basis during the last five years and the causes of any fluctuations in that rate, if any.

### **Right to social security**

16. Please provide information on the impact of the Royal Decree of 23 July 2012, under which beneficiaries' unemployment benefits are phased out more quickly and a time limit is imposed on the tide-over allowance, and on any assessment made of the implementation of that decree. Please provide data, disaggregated by sex, age and region, on the number of people who have lost their unemployment benefits as a result of that decree, including the number who belong to disadvantaged and marginalized groups, and explain to what extent their access to minimum subsistence income is guaranteed. Please provide details of the current level of the lump sum introduced for the payment of unemployment benefits.

17. Please describe how the work of social workers and the beneficiaries they serve have been affected by the federal legislative measures adopted in 2017, under which the confidentiality requirements applicable to social security institutions are waived in cases where the beneficiary concerned is under investigation and in the context of the fight against organized crime and terrorism.

18. Please provide information on the impact of the federal Government's plan to impose penalties on persons in receipt of disability benefits, amounting to a 5- to 10-per-cent reduction of their disability allowance, if they refuse to answer a questionnaire on their capacity to work or if they miss an interview. Please describe the impact of such measures on low-income individuals and families. Please also provide information on how young people have been affected by the restrictions on access to the tide-over allowance and by the reduction of the duration of this allowance to three years.

19. Please describe the basic social assistance schemes available to persons who are unable to work, what is the proportion of persons entitled to them and the proportion of persons benefiting from such assistance.

### **Violence against women and children**

20. Please indicate what steps have been taken to strengthen legislation on domestic violence and violence against children. Please provide information on the progress made and results achieved in the implementation of the national action plan to combat all forms of gender-based violence (2015–2019), in particular its provisions on the prevention of domestic violence, protection and assistance to victims — especially women and girls with disabilities and migrants — and the prosecution of perpetrators of violence. Please provide information on the challenges encountered in the plan's implementation, and statistics, disaggregated by sex and age, on cases of domestic violence (including the different types of violence) on a comparative basis over the past five years.

### **Poverty**

21. Please provide statistics disaggregated by sex and region on the number of children in a situation of poverty and information on the measures envisaged to combat child poverty, including poverty among unaccompanied foreign children and migrants born outside the European Union. Please indicate to what extent the third federal plan to combat poverty (2016–2019) will enable the State party to achieve the European target of removing 380,000 people from poverty and social exclusion by 2020 and reducing the number of children, unaccompanied foreign children and migrants born outside the European Union living in poverty.

**Right to food**

22. Please provide statistics on the right to food in the State party and information regarding the reason why people regularly resort to food banks.

23. Please provide data disaggregated by sex and age on the percentage of persons with excess weight or suffering from obesity and regarding steps taken to reduce overweightedness and obesity and their impact.

24. Please describe the nature and impact of the measures taken to protect small-scale farming, in line with the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, and Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security of the United Nations Food and Agriculture Organization.

**Right to physical and mental health**

25. Please describe the measures that have been taken to ensure that members of disadvantaged and marginalized groups have access to health care, including Roma communities and migrants, and in particular those in an irregular situation. Please also describe the impact that these measures have had and the challenges encountered in their implementation.

**Right to education**

26. Please indicate what measures have been taken to facilitate access to education for children and young people belonging to marginalized and disadvantaged groups, and the impact of those measures. In particular please provide information on:

(a) De facto social segregation between students with different socio-economic backgrounds, who are placed in different schools, and the steps taken to remedy the situation;

(b) The measures taken to promote access to education and reduce absenteeism among Roma children at the primary and secondary levels, and describe the impact of those measures and the challenges encountered in their implementation; please provide statistical data, disaggregated by sex and region, on the number of Roma children who have completed mandatory schooling, on a comparative basis, over the past five years.

(c) The proportion of children not attending school on a comparative basis over the last five years, including statistical data on drop-outs among immigrant girls, the cause of such drop-outs and the steps taken to improve the situation.

27. Please provide information regarding the impact of the general prohibition of philosophical or religious symbols in schools in the formal education system of Flanders and in the regulations of some schools of the State party on access to education for girls and young women who wear headscarves. Please provide data, disaggregated by region, on the percentage of such girls and young women who have been excluded from public education or have given up wearing headscarves.

**C. Good practices**

28. Please provide information on good practices in policy formulation and implementation developed by the State party during the reporting period that have effectively contributed to the realization of economic, social and cultural rights of marginalized and disadvantaged individuals and groups. Please indicate how the previous concluding observations (E/C.12/BEL/CO/4) have been taken into account in developing such practices.