



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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Item 4 of the provisional agenda

Consideration of reports of States parties

## List of issues in relation to the combined fifth and sixth periodic reports of Belgium

Addendum

## Replies of Belgium to the list of issues\*, \*\*

[Date received: 14 November 2018]

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\* The present document is being issued without formal editing.

\*\* Annexes to the present document may be consulted in the files of the secretariat. They may also be accessed from the web page of the Committee on the Rights of the Child.



## **Part I**

### **Paragraph 1**

#### **Coordination**

1. In addition to the information provided in previous periodic reports concerning the National Commission on the Rights of the Child (CRC/C/BEL/3-4, paras. 17–19, and CRC/C/BEL/5-6, paras. 21–23), it should be noted that the Commission's intergovernmental body is composed of representatives of the federal government, the Flemish Region, the Flemish, French and German-speaking communities, the Walloon Region and the Common Community and French Community commissions of the Brussels-Capital Region. This body meets about four times a year for coordination purposes. The membership of the Commission also includes representatives of all ministers responsible for federal, community and regional affairs, the Vereniging van de Vlaamse Provincies (Association of the Flemish Provinces), the Association of the Walloon Provinces, the Union of Cities and Municipalities of the Walloon Region, the Vereniging van de Vlaamse Steden in Gemeenten (Association of the Flemish Cities in Municipalities) and the Association of the City and Municipalities of the Brussels-Capital Region. The Commission also participates in the two coordination mechanisms referred to below.

2. The Flemish order on the rights of the child and youth policy of 2018 has provided a firm foundation for the study group on young people and the rights of the child (CRC/C/BEL/3-4, para. 36), which holds horizontal consultations on the Flemish rights of the child and youth policy. The order also aims to develop a plan in which a maximum of five cross-cutting themes by legislative term of office are prioritized in connection with the main societal goals established under the Decree on Reform of the Rights of the Child and Youth Policy of 2012. These themes must be developed in project plans with a set budget. The order stipulates that each Flemish minister must organize an annual vertical consultation within his or her jurisdiction to examine the impact of specific policy initiatives on children and young people and their rights. At the least, the Commissioner for the Rights of the Child, the Flemish Youth Council (question 4) and the relevant focal points are involved.

3. The standing group for monitoring the Convention (CRC/C/BEL/3-4, paras. 51 and 52), which has been in place in the French Community since 2004 under the auspices of the Children, Young People and Youth Care Monitoring Centre, meets approximately four times per year for coordination purposes.

4. In 2013, the Centre's tasks relating to monitoring the implementation of the Convention were extended to the Walloon Region. Since then, the Centre has helped to monitor and evaluate the Walloon government's Plan of Action on the Rights of the Child. A network of trained child rights representatives has been developed to coordinate and provide information to public services and minister's offices on the rights of the child.

### **Paragraph 2**

#### **Budgeting**

5. In the French Community, the Centre publishes an annual report on children and young people with a review of the share of the budget specifically earmarked for them. In 2016, a study commissioned by the Centre produced guidelines for the application of child-responsive budgeting in the French Community. The Children's Rights Knowledge Centre has been commissioned by the Flemish government to distil this study in order to examine the lessons to be learned for Flanders.

#### **Targeted budget allocations**

6. See question 16.

*Children in migration situations*

- Closed-end grants have been provided for projects to assist vulnerable unaccompanied children seeking asylum. In 2016, a number of agreements were concluded with organizations recognized for their expertise in the reception and guidance of unaccompanied children seeking asylum.
- The Guardianship Service has an estimated annual budget based on the number of unaccompanied children under guardianship.
- Under the Plan on Unaccompanied Minors Seeking Asylum, funding was provided to reception centres for unaccompanied children by the Federal Agency for the Reception of Asylum Seekers (Fedasil) and the Youth Welfare Agency (Aide à la jeunesse) in the French Community, including support for services, amounting to €5,011,844.14 in 2018.<sup>1</sup> A total of €8,891,690 in joint funding was provided for 145 residential places in the Flemish Community from 1 June 2017 to 31 May 2018. The following resources were also used: €1,103,805 for 18 intermediary residential places in 2017; €655,925 for 40 care places in an independent living environment in 2017; €1,687,866 for 100 care places in small housing units in 2017; and €528,143 for placement in foster families in 2017.

*Children living in poverty*

- In the French Community, the “individualized supervision” system governs the allocation of additional resources (for supervision and funding) to ordinary education establishments catering for schoolchildren from the most disadvantaged socioeconomic backgrounds.
- Within the framework of the Walloon poverty alleviation plan, budget resources are set aside, among other things, to facilitate vulnerable groups’ access to the tourism market. The “Everyone Deserves a Holiday” Decree of 2018 for Flanders now makes a reference to social tourism organizations, which encompasses more than poverty. Approved organizations are entitled to a grant, in particular for holiday expenses, often for children’s camps. The implementing decisions have yet to be drafted.

**Paragraph 3****Data collection**

7. Noting that some children, often the most vulnerable ones, remain invisible in the data collected in the national indicators on the rights of the child,<sup>2</sup> the National Commission on the Rights of the Child has carried out two specific surveys: (i) children in migration situations in 2017; and (ii) children deprived of liberty in public institutions for the protection of young persons in the French Community or in a *Gemeenschapsinstelling* (community institution for young people) in the Flemish Community in 2018. Great attention was paid to children’s participation as advisers in the development of this study (question 4). The results will be integrated into the national indicators, which are currently being updated.

8. In the French Community, a collection of demographic and socioeconomic statistics and thematic data, including indicators, is published annually. This publication will be replaced by an online version so that the statistics may be broken down and made interactive. Recently, the Children, Young People and Youth Welfare Monitoring Centre also sponsored research and published a tool to survey young children who are not yet proficient in reading.

<sup>1</sup> Part of the costs of receiving unaccompanied minors seeking asylum in Belgium are covered by this plan.

<sup>2</sup> Combined fifth and sixth periodic reports of Belgium, annexes.

9. At the sectoral level, several databases are available to guide public policies, including education indicators, the “interventions and young persons support measures” database of the Youth Welfare Agency and the community health database of the Birth and Childhood Office. In early 2016, the Office began to analyse statistical data on situations of violence between partners collected through the system of SOS Children teams.

10. A Gender Mainstreaming Support Unit has been in place in the French Community since 2016 with the task of processing and harmonizing statistics and identifying areas where sex-disaggregated data is lacking (question 15).

11. In the field of compulsory education, the reform of the Pact for Excellence in Education introduces the establishment of governance based on goals for the system and for schools as from September 2019, pursuant to the Decree on Guidance (question 15). This will make way for the monitoring and evaluation of the specific goals of each school based on indicators covering student performance and progress, the school environment and the situation of the teaching staff. The schools’ indicators are in line with the categories of goals for improvement and their monitoring indicators.

12. In the Flemish community, in addition to the information already provided (CRC/C/BEL/3-4, para. 119, and CRC/C/BEL/5-6, paras. 46 and 47), indicators are used to measure the implementation of the integrated policy plan on the rights of children and young people, the Flemish action plan on combating poverty and the horizontal action plan on equal opportunities.

13. An annual intersectoral report on the Flemish Youth Welfare Agency has been produced since 2015. Concerning the “One Family, One Plan” policy, a regular monitoring system is being developed. Every three years, a report on the rights of minors where child welfare services are concerned is submitted to the competent minister.

## **Paragraph 4**

### **Participation**

- Belgium participates in the Global Child Rights Dialogue.
- Specific investigations have been conducted by the National Commission on the Rights of the Child (question 3).
- Participation is one of strategic goals of the integrated policy plan on the rights of children and young people. In this context, in 2015, the Children’s Rights Knowledge Centre published policy guidance and a tool has been designed with questions that help politicians overcome obstacles to children’s participation. The manual in question was further honed in 2016 and a brainstorming tool has now been developed, which could also be used for impact reports on young people and children.
- The Decree on Reform of the Rights of the Child and Youth Policy of 2012 provides for a Youth Council to represent and render non-binding opinions, on its own initiative or at the request of the Government or Flemish parliament, on any question concerning young persons. An association (Ambrassade) has been given grants amounting to €1.95 million for 2018–2021 in order to support the Council.
- The plan of action for participation for the period 2018–2020 aims to enhance Youth Welfare Agency clients’ “right to participate and of participation”.
- The action plans on the rights of the child of the French Community and of the Walloon Region are subject to a forward-looking evaluation by children (CRC/C/BEL/5-6, para. 30).

14. The 2016–2019 Plan of Action on the Rights of the Child of the Walloon Region particularly focuses on participation and the administration of the rights of the child. One of the strategic goals is to reinforce the participation of children at the local level in the follow-up and evaluation of public policies. To that end, a project on direct participation in public decisions involving about a hundred children between the ages of 5 and 18,

including a number of particularly vulnerable children (affected by poverty or disabilities or living in settlements), is now under way. As for the 2015–2019 action plan of the French Community, consultations with children are organized at two levels: (i) surveys of about 2,000 children aged 5 to 18 in schools; and (ii) qualitative consultations.

- In 2017, the Youth Council of the French Community was the subject of an evaluation in order to improve its operations, reach more young people and have a greater impact.
- Under the Pact for Excellence in Education, primary and secondary school students were consulted through two youth organizations. This pact provides for the strengthening of school democracy through the reinforcement of student participation in schools and their representation in the school system.
- Education in philosophy and citizenship, which has been the subject of a course since 2017 in the French Community, aims at providing children with the skills to be involved in social life and the democratic process.
- The Decree of 18 January 2018 containing the Code on Prevention, the Youth Welfare Agency and Protection of Young Persons in the French Community enhances mechanisms for participation, as follows:
  - Every child has the right to be heard.
  - No assistance measure may be taken on behalf of a child aged 12 or older without his or her written consent.
  - A “plan for the child” is to be established for young persons receiving such assistance.
  - At any time, the child may consult the documents in the file concerning him or her and has the right to receive support in this process.
- With regard to minors suspected of committing or who have committed an offence, in each public institution for the protection of young persons and in the public care services, the mechanisms for seeking the views of the young people have been put in place so that they may express themselves about their conditions of accommodation or care.
- The decrees regulating the accreditation and funding of youth organizations and youth centres were evaluated in the period 2016–2017 with specific attention being paid to the participation of children in these facilities and an understanding of the right to participation.
- In 2016, in the French Community, a pilot project was launched to support municipalities wishing to get involved in promoting a more participatory local youth policy. It was evaluated in 2017 and put on a permanent footing in 2018 through a budget of €1.13 million for four years.
- Several types of interviews with unaccompanied children seeking asylum are conducted by the Guardianship Service. When a case is first reported or the young person is particularly vulnerable, an admission interview is conducted to explain the role of the Service and the procedures in Belgium. Where the person’s age is in doubt, the Service conducts identification interviews. Guardianship follow-up interviews with young people are conducted in the home to check whether the guardians are properly attending to those in their care. The French Community plan on unaccompanied children seeking asylum specifies that the children hosted are to be involved in their plans for development towards self-reliance, which they establish at the age of 15.

## Paragraph 5

### Corporal punishment

15. Belgium takes a holistic approach to corporal punishment, encompassing prevention, enforcement, support and assistance to families. Several criminal and civil rules already apply to such offences as assault or degrading treatment causing bodily harm or both if committed against a minor by his parents or any other person having authority over him or her (arts. 371 of the Civil Code and 22 bis of the Constitution).

16. Discussions to bring Belgian civil legislation into line with article 17 of the European Social Charter are now under way. The prohibition of all forms of violence against children is consistent with developments in Belgian society and is generally accepted. The advisory body of the National Commission on the Rights of the Child has issued recommendations on this matter.<sup>3</sup> Belgium shares the Committee's view that the use of violence as an educational measure is unacceptable in all circumstances. The prohibition is meant to apply to persons who hold parental authority, guardians and persons responsible for the care and education of a child.

17. In the family context, the French and Flemish communities are developing a policy on the prevention of abuse and support for parenting.

18. For instance, the French Community passed an order in 2016 aimed at coordinating efforts to prevent abuse (see question 15).

19. With regard to children in alternative care, the Flemish Decree on the Legal Status of Minors contains an explicit prohibition of physical punishment and psychological violence against minors living in Flemish youth care institutions. In the French Community, the prohibition of corporal punishment in accommodation outside the home environment is tacit. Both workers at the services approved by the Youth Welfare Agency and foster families must ensure that the rights of children they receive are respected and therefore refrain from any form of violence.

20. The regulations concerning the care of children in the Flemish Community do not explicitly prohibit physical violence. However, there are indirect references in the requirements for childcare providers in the decree on babies and young children. All childcare facilities in the French Community must be authorized by the Birth and Childhood Office. Any practice involving corporal punishment may result in the withdrawal of authorization.

### Sexual violence

#### *Legislative and regulatory standards*

- New articles 458 bis and 458 ter of the Criminal Code (2017) allow professional secrets to be communicated to the prosecutor's office or for the purposes of organized consultation without constituting a breach when certain offences are committed, inter alia, against minors. This aims to promote a multidisciplinary approach by allowing cases to be discussed in order to protect the physical or psychological integrity of the person concerned or of third parties.
- Amendments to the criminal law on sex offences is currently being prepared.
- The ministerial directive on sexual assault offences of 2017 seeks to facilitate the conclusion of cooperation agreements between prosecutor's offices and hospitals and to limit psychological damage.
- The preliminary draft decree on combating violence against women in the French Community, issued in July 2018, seeks to coordinate the campaign through the establishment of a steering group and the financing of coalitions of associations to combat such violence with an annual budget of €400,000.

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<sup>3</sup> <https://ncrk-cnde.be/fr/avis/article/chatiments-corporels>.

*Policy instruments*

- The Fifth National Action Plan to Combat Gender-Based Violence for 2015–2019 has been adopted, with particular attention paid to sexual violence (CRC/C/BEL/5-6, para. 37).
- The National Security Plan and the Comprehensive Security Framework Note for 2016–2019 include domestic and sexual violence among the identified security issues. The plan has a focus on the sexual abuse of minors and specifies that the police must seek to improve its crime prevention efforts by working with Internet access providers to block sites and forums that facilitate the dissemination of child pornography and to promote information exchange and collaboration with Interpol and Europol in order to identify perpetrators and victims. The Framework Note also deals with the matter, with an emphasis on minors' access to the virtual world.

*Operational framework*

- Three sexual violence treatment centres were opened in November 2017.
- A website gathering information for victims and their families was launched in March 2016.<sup>4</sup> In Flanders, a general website<sup>5</sup> was also launched in 2017 covering all victims, including victims of gender-based violence.
- Under the Intra-French-Speaking Action Plan to Combat Gender-Based and Domestic Violence, a free professional helpline has existed since 2016.
- The Flemish Community's helpline 1712 provides advice and guidance, particularly in cases of sexual violence (question 10).
- In Flanders, since 2014, minors who have questions about abuse, ill-treatment or violence against children can chat anonymously with staff at the centres for abused children. In the French Community, in addition to the child helpline 103 and the SOS Children services, a chat room was set up to deal with sexual abuse and harassment issues in 2018.
- The Flemish Centre of Expertise for Sexual Health (Sensoa) has been recognized as a partner organization of the Flemish Community for 2016–2020. A management agreement allows Sensoa to collect the necessary information and make recommendations on sex education in schools. The sexuality and policy framework and system of indicators of Sensoa have been adapted for use in the educational context. Resource persons in the area of protection have been appointed in education coordination bodies and educational materials have been developed for working with students on online safety and pornography in particular.
- A website containing information on abusive sexual behaviour for volunteers and professionals working in the youth, sports, education and wellness sectors is available.<sup>6</sup>
- The public awareness training programme on sexual violence and partner violence for hospital facilities has been revived.
- Study days were organized for the police and judiciary in 2015 and 2016 and within the new sexual violence treatment centres.
- The manual on offences against morals has been sent to all police districts.
- The "Stop It Now!" project for the prevention of the sexual abuse of children was launched in Flanders in 2017.
- Sex, emotions and relationships education has been among the French Community's education missions since 2013.

<sup>4</sup> [www.violencessexuelles.be](http://www.violencessexuelles.be).

<sup>5</sup> [www.slachtofferzorg.be](http://www.slachtofferzorg.be).

<sup>6</sup> [www.grenslijn.be](http://www.grenslijn.be).

- Research on violence, including sexual violence, experienced in intimate relationships is currently being conducted among young people from 12 to 21 years old in the Walloon and Brussels regions. The results will be the subject of a targeted prevention campaign.
- An awareness campaign on sexual harassment at festivals has been introduced, totalling €250,000 for 2019.

## **Paragraph 6**

### **Early childhood**

21. There has been a significant increase in the number of places in childcare facilities in the Flemish Community, with particular attention paid to the social function of childcare. New childcare places were created and the level of grants for existing places increased in 2016 and 2017. Figures for 2016 indicate improvements in accessibility for households from priority groups. Kind en Gezin (Child and Family Agency) is involved in setting up local offices where families in need of childcare services are provided with neutral and accessible information and support.

22. There is also a wide range of childcare services where parents pay according to their income and reduced rates, particularly for parents who are entitled to financial or medical assistance and low-income parents. It is possible to apply for an individual reduced rate from the public social welfare centres.

23. In the French Community, the Birth and Childhood Office is currently reforming the way in which care facilities are organized in order to improve their accessibility and quality and to simplify the registration system. The reform will result in progressive funding for all care facilities according to their level of accessibility for the most vulnerable children and the number of places available and in better harmonisation of practices between the different types of care facilities.

24. In parallel with this reform, in 2017, an order was adopted to give government-approved carers the status of employees and improve their training.

25. Since 2015, the Office has had a specific accessibility, inclusion, research and innovations unit aimed at improving all families' access to care.

26. Specific projects for the most vulnerable families are also given support. Research to assess the impact of poverty projects began in March 2018.

### **Delegation of parental authority to foster families**

27. The law amending the legislation to establish a status for foster families of 2017 defines the rights and obligations of the families and parents in order to simplify care for foster families.

28. During the period of placement, foster families exercise the right of custody and may take all day-to-day decisions in connection with the child. Parents retain primary responsibility for their children and continue to make important decisions, such as those concerning health, education and religion, except in extreme emergencies.

29. Parents may delegate their decision-making power to foster families in writing, except where the child's personal status is concerned. If no agreement can be reached, the foster families may ask the court to delegate powers after a minimum of one year of placement.

30. Parents retain the right to supervise the child's education and maintain personal relations with the child. Foster families also have the right to maintain personal relations with the child after foster care.

### **Avoid the separation of children from their biological families**

31. The Code on Prevention, the Youth Welfare Services and Protection of Young Persons (2018) reaffirms that assistance and protection are to be provided as a matter of priority in a home environment, with removal being the exception. In the event of removal, unless it is contrary to the interests of the child or young person, particular attention is to be paid to respect for his or her right to maintain personal relations and direct contacts with his or her parents and the possibility of returning to his or her parents is to be regularly assessed in order to reduce the duration of the removal as far as possible. Assistance and protection are intended to respect and promote the exercise of the parents' right and duty to raise their children. Assistance and protection measures give priority to placement with next of kin or with someone close to the family. Failing that the children are placed in a foster family or, as a last resort, in a residential service. On the ground, specific services are commissioned to intervene in the child's home environment to avoid placement outside the home.

32. With regard to siblings, in the event of placement outside the home environment (involving the youth welfare services or the reception of unaccompanied minors seeking asylum), every effort is made to respect the principle of non-separation, subject to an assessment of the best interests of the children concerned.

33. Under the Plan on Unaccompanied Children Seeking Asylum, efforts are made to ensure that all minors taken in are informed about the family tracing procedure in a manner that is easily understood. Young people who have been granted residence status receive information and vigorous support for the family reunification procedure.

34. In the Flemish Community, the circular concerning a guarantee of care in the event of the placement of young children, issued in 2018, creates a framework to be applied in all situations of young children placed outside the family environment (0–3 years). The ultimate aim of any justified and objective request for the placement of a young child in an emergency situation is to provide immediate and appropriate foster or residential care that prioritizes the family environment. From the outset, a long-term stable solution is provided for, if possible in a kinship situation or, if this is not possible, in a foster family. Provision has been made for additional resources in this connection.

35. In the Flemish Community, the decree on foster care was amended in 2018 to increase the period of foster placement from six months to one year in order to improve the chances for success of reunifications.

36. A manual on family support has been developed in the context of foster care, whose underlying principle is to try always to lead foster children back to their own families. Increased support for young people directly accessible through the "One Family, One Plan" projects (question 8) can also prevent foster placement.

### **Reducing waiting times**

37. The early childhood services and Youth Welfare Agency in Belgium are facing significant demand, giving rise to waiting times.

38. Concerning the care of young children in the French Community, the so-called Stork Plan (2014–2022) aims to increase the number of available childcare places. The childcare reform mentioned above also includes facilitating the registration procedures in care centres through the development of a software application.

39. The youth welfare sector in the French Community has twice undergone refinancing in the amounts of €11.3 million in 2017 and €11.5 million in 2018 to increase the number of available places in approved services and in public institutions. Foster care services have increased capacity to support new or existing foster families. In 2017, 220 cases were funded in identified priority areas in 2017.

40. An availability management module developed in 2017 allows for centralized management for minors suspected of committing or having committed an act categorized as an offence. Thus, a proactive approach to admissions by providing an overview of applications and available places has been established.

41. In 2017, 28 new places were created in the specialized early childhood care services.

42. In view of the increasing demand for the Youth Welfare Agency, the Flemish Community has chosen to invest considerably in rapid and local aid amounting to €15 million in additional, recurrent annual costs as from September 2018. In July 2017, the call for “One Family, One Plan” was made to increase directly available aid. Fifteen regional partnerships, spread over Flanders and Brussels, should lead to multidisciplinary care and integrated and rapid support for families. A primary mental health service has been established in all regions and the importance of children’s and young people’s mental health has been integrated.

43. The Flemish Decree on Preventive Support for Families of 2013 placed a strong emphasis on the development of children’s homes. These will be extended to affordable basic facilities accessible to all families. At the end of 2017, 146 children’s homes were operating in the Flemish Community. Approval is now being obtained for six adolescents’ homes as part of a particular education project.

## **Paragraph 7**

### **Inclusive education<sup>7</sup>**

44. The Flemish Decree on Measures for Students with Special Educational Needs (known as Decree-M) has been expanded, as follows:

- A database is being developed for quantitative monitoring of the implementation of that decree.
- Starting in the 2018/19 school year, priority in-service training will target teachers in specialized schools in support of mainstream education.
- A new support model was introduced in 2017, combining a number of systems that existed prior to the decree and with those established pursuant to it, such as the guarantee system whereby resources are transferred from special education to support for mainstream education. Emphasis is placed on cooperation between mainstream and special education.
- Additional resources to support regular education include:
  - €25 million redirected through the guarantee system since the 2016/17 school year
  - €15.2 million in 2017 for the launch of the “guarantee” model
  - €3.6 million for the new budget for skills advisers and for the coordination of support networks
  - New supplementary budget of €16.7 million in 2018 and 2019

45. In the French Community, the number of children benefiting from an integration mechanism that allows children enrolled in special education to attend a mainstream school is steadily increasing, as follows:

- In 2016 and 2017, 3,315 children (out of a total of 36,886 children enrolled in special education)
- As at April 2018, 5,044 children (out of 37,650)

46. Research was conducted in 2016 to improve the functioning of the mechanism and the Children, Young People and Youth Welfare Monitoring Centre has commissioned qualitative research, which is still under way, focused on the point of view and experience of the integrated child with regard to this mechanism.

47. In addition, inclusive schools constitute one of the five pillars of the Pact for Excellence in Education. A goal for improvement contained in the new governance of the

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<sup>7</sup> CRC/C/BEL/5-6, paras. 121–132.

system under the Decree on Guidance is to return by 2030 to the percentage of students covered by special education in 2004.<sup>8</sup>

48. The Decree on Reasonable Accommodation of 2018 aims to improve the reception, support and maintenance of children with special needs in mainstream education by making it compulsory to implement reasonable accommodation. Specific information tools relating to specific needs and reasonable accommodation are made available to educational teams and several inclusive classroom pilot projects are being conducted. Lastly, a reform aimed at desegregating special education is being developed.

## Paragraph 8

### Mental health

49. A new mental health policy at the federal, regional and community levels was developed in 2015.<sup>9</sup>

50. The federal government funds operational resources, network coordination, network psychiatrists, crisis management programmes, long-term care and intersectoral consultation and liaison and is working to expand the availability of dual diagnosis for children and young people. In the same context, the Flemish government funds early detection and intervention programmes.<sup>10</sup> In the French Community, the Birth and Childhood Office focuses on the establishment of care networks and systems. The Youth Welfare Agency takes part in the established networks and aims to improve access to appropriate care for children in great difficulty or at risk and their families.

51. In the Flemish Community, the initiative has been taken to increase the number of child psychiatry services.

52. One of the strategic objectives of the Flemish integrated policy plan on the rights of children and young people focuses on the flow of information on mental health care and well-being and support for people to whom children and young people with a problem can turn. See also the call for “One Family, One Plan” (question 6).

53. The Pact for Excellence in Education of the French Community envisages significant reform of the psychological, medical and social service centres in order to allow for stronger, clearer and more community-based support for and independence from schools.

### Harmful practices — Legislative and policy framework

- The Third National Action Plan on Women, Peace and Security was approved in 2017.
- The circular concerning research and prosecution policy on honour-related violence, female genital mutilation and forced marriage and forced legal cohabitation entered into force in June 2017.

### Female genital mutilation

#### *Prevalence of female genital mutilation among migrant and refugee women*

54. According to an estimate of the prevalence of female genital mutilation in Belgium, as of 31 December 2016, 70,576 girls and women from a country where female genital mutilation is practised resided in Belgium. Of these, 25,917 are affected by female genital mutilation, i.e. they have already been subject to or are at risk of excision, including 9,164 minors. Assuming that girls who arrived before the age of 5 are unharmed and those who arrived after the age of 5 have been excised, 17,273 girls and women who have been

<sup>8</sup> In 2004–2005, 0.6 per cent of children sent to nursery school, 4.9 per cent to primary schools and 3.9 per cent to secondary schools were enrolled in a special school.

<sup>9</sup> CRC/C/BEL/5-6, paras. 136–138.

<sup>10</sup> In January 2018, €2,300,000 was earmarked for this purpose.

excised live in Belgium and 8,644 are unharmed but are at risk of excision if no preventive work is carried out. Every year, 1,419 excised women in need of appropriate care give birth in a Belgian maternity hospital.

55. The increase in the population concerned since the last estimate<sup>11</sup> may be explained by the reception of newcomers from countries that practice female genital mutilation and births within the communities concerned.

#### *Protection measures*

- Support has been provided for initiatives of the voluntary sector (INTACT, GAMS-Belgium, concerted strategies to combat female genital mutilation, Vlaams Forum Kindermishandeling) at all levels of government. For example, the Federal Agency for the Reception of Asylum Seekers “Global Approach” project envisages the development of a common approach to the identification and support of women and girls who are victims or potential victims of female genital mutilation and other forms of sexual violence through community care. Training focal points is a part of this project.
- A study on the interests of the child in the context of protection and law enforcement procedures related to female genital mutilation has been financed by the French Community, the Walloon Region and the French Community Commission.
- Awareness-raising activities, such as the “Men Speak Out” campaign to involve men in the fight against female genital mutilation has been mounted.
- A “Stop Female Genital Mutilation” health passport is distributed in Belgian embassies and travel clinics.
- The Hard2Reach project, aimed at victims of female genital mutilation who are hard to reach, has been launched.

#### *Strengthening of the health sector*

- The campaign to raise awareness and training on the issue of female genital mutilation in hospitals is continuing, with a focus on identifying populations at risk of female genital mutilation.
- Two multidisciplinary care centres for victims of female genital mutilation have been extended until February 2019.
- A reporting code on female genital mutilation in collaboration with the Physicians Association was developed in 2018. The integration of this code into the training of physicians is planned.
- In the French Community, the Good Practice Guidance for School Health Promotion Services and Psychological, Medical and Social Service Centres (2015) proposes the organization of specific additional health check-ups for particular risks or for newcomers.
- A series of tools were developed within the framework of the concerted strategies for the period 2014–2017. These include a female genital mutilation prevention kit and guidance for professionals and the 2017 good practice guidance for improving prevention and the protection for girls and women who are the victims or are at risk of female genital mutilation.

#### **Child, early and forced marriage**

56. A study carried out in 2015 found that, in Belgium, professionals feel insufficiently trained and lack intercultural skills, practical tools information concerning the identification and recognition of forced marriages, medical protocols, existing legislation and victims’ rights. Several measures have thus been taken, including the following.

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<sup>11</sup> CRC/C/BEL/5-6, para. 134.

*Legislative and policy framework*

- The law of 2 June 2013 increased the penalties for forced marriage and sham marriage and criminalizes forced and sham legal cohabitation, which are now punishable by the same penalties as marriage. Lawmakers considered that fines were not sufficiently dissuasive and introduced additional sentences of imprisonment. By pronouncing a criminal sentence, the judge may declare the marriage or legal cohabitation null and void in order to avoid the need for new civil proceedings. The civil registrar may refuse to perform a marriage ceremony when it appears that it is a sham or forced marriage. Such marriages can also be cancelled after the event, as can forced or sham legal cohabitation.
- A resolution on the fight against early and forced marriages in the world was adopted by the federal parliament in March 2015.

*Operational framework*

- As part of the asylum and reception procedure, the Federal Agency for the Reception of Asylum Seekers has drafted a framework note on child marriages, which are treated as a violation of human rights and the rights of the child, a form of sexual and gender-based violence and a socioeconomic problem. In 2016, an internal directive was sent to the Federal Agency Dispatching Service and Immigration Office to clarify the procedure to be followed in cases involving the detection of a marriage with a minor. Agents receive training on gender issues. Information tools for women and girls seeking asylum are available.<sup>12</sup>
- The role of civil registrars in detecting cases of forced marriages was strengthened in 2017 by the Institute for the Equality of Women and Men. This work will continue and will be based on a practical tool made available to registrars.
- Training on forced marriages and honour-related violence covers the following:
  - Civil registrars, organized by the Women's Voice (Voix des femmes) association, with funding from the Walloon Region in 2018
  - Police officers, prosecutors and judges, organized by the INTACT association pursuant to the circular on criminal policy in this area in 2017 and 2018 (see above)
- Since 2016, an alternative web interface serving as an alternative tool for collecting data on marriages entered into under duress, with a focus on forced marriages, has allowed seven member associations of the Marriage and Migration Network to gather data on telephone calls made to the "My Marriage Belongs to Me" helpline and the associations' offices.
- A working group bringing together Youth Welfare Agency stakeholders and the voluntary sector has been established in the French Community in order to develop good practice guidance for the care of young victims of forced or attempted forced marriage.
- Guidance has been distributed among professionals in education, psychosocial service and administrative sectors.

**Transgender children**

57. Since 1 January 2018, transgender persons can have their registered gender and first name officially changed without medical requirements through an administrative procedure. There is no longer a requirement to undergo surgical sex reassignment or forced sterilization. This law allows minors to formalize their personally experienced gender identity with the agreement of both parents. From the age of 12, young persons can change their first names to match their new gender identities. From the age of 16, it is possible to change the gender entered in the birth certificate.

<sup>12</sup> CEDAW/C/BEL/7, paras. 73–79.

### **Intersex children**

- A federal study on terminology and speech used in the treatment of intersex persons in Belgium was carried out in 2016 and a study was then conducted on the life situation of intersex persons in Flanders.
- Support was provided for the creation of a website concerning people born with atypical sexual characteristics by Flanders.
- Federal funding was made available for the development of information kits for intersex children and for parents.
- Grants were extended to associations campaigning against the genital mutilation of intersex children, such as Genres pluriels (Various Genders).

## **Paragraph 9**

### **Poverty alleviation**

58. A strategic objective of the third anti-poverty plan (2016–2019) focuses on child poverty. Aware that many children grow up in families with inadequate resources and that single-parent families are a group particularly exposed to the risk of poverty, tax measures to strengthen support for isolated working parents have been taken, enabling single-parent families to earn up to €400 more per year.

59. As part of the Plan, several specific actions are being carried out, including:

- Launch of a new appeal for local consultation and coordination platforms in July 2018
- Maintenance Claims Service, which is being improved to provide a wide and easily accessible range of services and to reach single-parent families and the development of an online entry form, which has made it possible to optimize advances on maintenance payments
- The channels for subsidizing public welfare centres, including one dedicated to the fight against child poverty, which have been simplified pursuant to a royal decree of 2017

### **Adequate housing**

60. In addition to the information provided in the periodic report (CRC/C/BEL/5-6, paras. 164–177), it should be noted that, in the Flemish Region, emancipated minors and young people supported by an independent living service can get priority access to social housing. Such priority is important given the waiting lists. A recognized service for supporting the self-sufficient life of young people may also request the granting of benefits to be expedited for young people who are or will be living on their own.

61. As part of the policy of expanding the youth welfare services of the Flemish Community, an appeal for projects has been made to increase the number of new forms of housing and to involve citizens' initiatives in this respect.

## **Paragraph 10**

### **Free education**

62. While the Belgian Constitution guarantees free access to education, this right is not yet an absolute reality. In addition to the information in the periodic report (CRC/C/BEL/5-6, paras. 178–203), for the Flemish Community, it is worth mentioning the “Together against Unpaid School Bills” project, which supported 45 schools to prevent and eliminate the increasing number of unpaid school bills.

63. In the French Community, specific support is envisaged to cover spending on textbooks, cultural activities and other costs. A circular of April 2018 has launched an

appeal for pilot projects offering complete hot meals free of charge in nursery schools providing specialized supervision or special education.

64. The Pact for Excellence in Education provides for a gradual move towards free education by level of education and types of fees. To this end, school cost estimates for families were carried out in the period 2016–2017. As from the start of the 2018 school year, free education will apply to preschool education. It should then be extended to primary and secondary schools, with an annual budget target of €10 million by 2020. A recurrent budget of €20 million for the creation of new school places is planned.

### **Expulsions from school**

65. In the French Community, the number of expulsions from school has changed little over the past 10 years. In the 2016/17 school year, 3,395 students were expelled or prohibited from enrolling the following year. A study was carried out in 2017 to evaluate the profiles of expelled students and the facts that led to the action.

66. In the Flemish Community, between the 2012/13 and 2016/17 school years, the number of students (2,387) who were permanently excluded increased by 35 per cent. However, bullying among young people in school decreased by 10 per cent in the 2016/17 school year in comparison with 2015/16.

67. Target figures for the campaign against repeating a year and dropping out of school have been set under the Pact for Excellence in Education, including a 50 per cent reduction by 2030. Many initiatives are working towards these targets, including:

- New governance (see below)
- Tightening of the administrative procedure connected with applications for authorization for remaining in nursery school for a third year, since 2017, and the creation of a body responsible for dealing with appeals in the event of refusal, resulting in a net decrease in the number of requests and therefore of children remaining in nursery school for a third year
- Adoption of a comprehensive plan to combat dropout

### **Bullying**

#### *Cross-cutting actions in the Flemish Community*

- Follow-up research was done on violence against children in the family, at school and during recreational activities between 2016 and 2018.
- An online platform was launched in 2018 to support professionals and volunteers working in the following areas: youth welfare, education, sport, social welfare, child protection and work with young people to prevent and address behavioural problems.
- A Flemish network was set up and the annual week to take a stand against harassment was organized.
- The 1712 helpline was established and “Integrity” Decree was issued (questions 5 and 15).

#### *Education sector*

- The Cyberscan toolkit was introduced in 2016 for schools to develop a policy to stop online bullying.
- The eSafety project was launched to help schools develop an information and communications technology security policy against cyberbullying.

*In the French Community*

- An Anti-Harassment Plan has been in place since 2015. In addition to toll-free numbers, mobile teams work with schools having to contend with violence and harassment issues.
- Research was carried out in 2018 gathering scholarly information about existing programmes and tools for the prevention and management of bullying and cyberbullying.
- Additional experimental action research has been undertaken involving the regulation of playgrounds, mediation in fights and the interaction between school professionals.
- Each school must write in its performance agreement what it is doing to address bullying and cyberbullying and school violence and its partnerships with the Youth Welfare Agency and school mediation and, if necessary, set goals in this area.

## **Paragraph 11**

### **Asylum-seeking and refugee children**

#### **Detention**

68. Because of the open organization of return houses, the runaway rate is high (on average between 30 and 40 per cent). In order to reduce that rate, four family homes that cater for families and take into account the age and specific needs of minors have been built within the 127 bis detention centre. Since August 2018, they have been used to house families who have already been held in open accommodation and who have run away. This measure is only used as a last resort after less coercive measures have failed and are limited to the time strictly necessary for removal (a maximum of two weeks, renewable once for two weeks, if the psychological and physical state of the children does not stand in the way of doing so).

69. In principle, unaccompanied minors seeking asylum are not kept in detention centres. At the border, such children might be maintained for the time strictly necessary to identify the person where their age is in question and a test is required.

#### **Adequate housing**

70. The Federal Agency for the Reception of Asylum Seekers endeavours to offer care suited to the needs of the child and may also entrust third parties with the task of granting material assistance to the beneficiaries of care. In 2018, the agreements between Agency and the French and Flemish communities for the provision of community places in organizations managed by the Youth Welfare Agency for the reception of unaccompanied minors seeking asylum were renewed. These make it possible to receive unaccompanied minors requiring intensive support in accredited services with staff catering for such children in living conditions appropriate to children. Specialized partners organize and supervise the placement of young people who are willing in a family setting.

71. The Federal Agency has also continued to support the foster care of unaccompanied minors seeking asylum. Since the beginning of the project, in 2016, 331 placements took place in the Flemish Community and 74 in the French Community.

72. In the Flemish Community, in the first phase of the asylum procedure, unaccompanied minors seeking asylum under 13 years of age are placed directly in foster care. The Minor Ndako association intervenes in cases where such care stops abruptly. In the second phase of the asylum procedure, young people seeking asylum aged 16 to 25 are offered support in an environment with a view to self-sufficient living under flexible and appropriate supervision, with 100 places in small housing units. This offer has been extended to 145 places for the most vulnerable unaccompanied minors under 15 years old in 13 associations with co-financing from the Federal Agency.

### **Best interests of the child**

73. Concerning the procedure for applying for international protection, new provisions guaranteeing, *inter alia*, respect for the best interests of the child entered into force in 2018.

#### *Accompanied minors*

- Two information brochures for parents and children on the right to be heard and its practical implications are in production.
- Children's right to be heard at the request of the parents involves:
  - The Office of the Commissioner General for Refugees and Stateless Persons, which may refuse to grant a request for an interview on the grounds of manifest lack of maturity
  - Compulsory presence of a lawyer, or a trusted person at the first interview conducted by specialized protection agents
  - Possibility for the Office and the Foreign Nationals Disputes Council to take a separate decision for the children of the family who follow the parents in the proceedings if it appears that this is justified
  - Possible contradictions between the parents' and child's accounts, which are not factored into the decision concerning the stay
  - Restriction of parents' right of access to the child's statements in the event of a conflict of interest
  - Broader application of the benefit of the doubt if the child invokes his or her own individual motives
- The obligation to hear accompanied minors who submit their own applications involves:
  - For those under 8 years of age, mandatory presence of the parent or parents
  - For those over 8 years, mandatory presence of a lawyer, or a trusted person for the first interview, in the absence of the parents to give the child the opportunity to explain freely the reasons for the application
  - Interview conducted by specialized agents
  - Possible contradictions between the parents' and child's accounts, which are not factored into the decision concerning the stay
  - Restriction of parents' right of access to the child's statements in the event of a conflict of interest
  - Broader application of the benefit of the doubt

#### *Unaccompanied minors seeking asylum*

- An information brochure on the asylum procedure for unaccompanied minors has been published.
- The obligation to be heard involves:
  - Interviews conducted by specialized agents
  - Mandatory presence of a tutor, with the possible assistance of a lawyer and a trusted confidential adviser
  - Broader application of the benefit of the doubt

## Paragraph 12

### Healthy environment

74. Following the Flemish Climate Policy Plan 2013–20, the 2021–30 Plan was approved. The Flemish Adaptation Plan 2021–2030, to be finalized in late 2018, should strengthen the resilience of Flanders and reduce or better absorb the effects of climate change, primarily on the most vulnerable groups, including children.

75. One of the sectoral goals of the Flanders Air Policy Plan (2018) is to reduce exposure to air pollution from traffic in living and residential environments by 2030. Particular attention is focused on children. The targeted areas will be better mapped and, based on measurements made in schools and homes, the relationship between indoor and outdoor air will be made clearer. This knowledge should help schools to create a healthy living environment.

76. A strategic goal of the white paper on the Action Plan for Town and Country Planning in Flanders is to organize, by 2050, living environments that require people to walk or cycle to ensure children's health and well-being. In addition, the principles of spatial development underline the beneficial effect of the development of green spaces.

77. The second strategic goal of the integrated policy plan on the rights of children and young people for 2015–2019 is to ensure a sustainable living environment where children and young people contribute actively by 2019. Its operational goals include:

- Support for projects carried out by or for young people and local authorities to increase young people's skills in sustainable lifestyles
- Reward for environmentally sound behaviour
- Investment in a healthy environment that takes into account the heightened vulnerability of children

78. In the Walloon Region, the 2016–2022 Air-Climate-Energy Plan contains 142 measures to reduce greenhouse gas emissions and other airborne pollutants, improve air quality and adapt to the effects of climate change. Particular attention is paid to the most vulnerable people, including children, in responding to heat waves and pollution level peaks and reducing pesticide use. An ambitious resolution on climate policy was adopted in 2017.

79. In terms of mobility, the Walloon Government is preparing a new strategy that will involve low-emission vehicles, more efficient public transport, car-sharing and bicycle paths. It will include a framework for low-emission areas in major cities and a gradual ban on petrol and diesel vehicles as from 2023.

## Paragraph 13

### Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

80. Among children seeking international protection or belonging to another category of foreigners being received, Belgium does not identify those who could have been involved or affected by armed conflicts. The Federal Agency for the Reception of Asylum Seekers ensures access to medical assistance and mental health care for those received, including minors for whom a vulnerability or need has been identified by the staff of the reception facilities.

81. According to a recent report, 22 children have returned to Belgium since 2012. According to estimates by the Belgian Coordinating Agency for Threat Analysis, in May 2018, there were still about 162 children linked to Belgium in Syria and Iraq, including 13 adolescents aged 12 to 18 years and therefore classified as foreign terrorist fighters.

82. In February 2018, Belgium decided to grant assistance for the return of Belgian children under 10 years of age among the foreign terrorist fighters if these children have been located in Syria or Iraq.

83. In the French Community, upon their return, these children are cared for by the Youth Welfare Agency. An assessment of their state of risk is made on a case-by-case basis, depending on the age of the child, the status of the parent (whether the mother is in prison or not) etc. A procedure for collaboration between the Youth Welfare Agency and community justice centres (*maisons de justice*) concerning the Centre for Assistance and Care of Any Person Affected by Violent Extremism and Radicalism is being finalized.

84. Similarly, in the Flemish Community, a tailor-made career path can be developed for these minors by the Youth Welfare Agency in collaboration with specialized experts through round tables.

## Paragraph 14

### Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

85. See question 5.

86. Several laws were adopted in 2013 and 2016 to intensify the campaign against trafficking in persons (see CRC/C/BEL/5-6, paras. 289–294).

87. In the French Community, in 2017, training was organized for social workers of the Youth Welfare Agency on the exploitation of minors involving sexual abuse, criminal conduct and begging. In addition, since 2017, an entry on trafficking has been included in the French Community's School Violence Manual.

### Sex tourism

88. Flanders has subscribed to the Global Code for Ethics for Tourism and has undertaken awareness-raising campaigns. The principle of socially responsible tourism is enshrined in the "Everyone Deserves a Holiday" Decree of 2018.

89. Flanders invests in ethical entrepreneurship, with a focus on the rights of the child.

### Protection of victims

90. The updating of the Circular on the Investigation and Prosecution of Acts of Trafficking in Persons emphasizes the interests of victims, in particular in identifying income that they have been denied by their exploitation. As for minors, it provides for mechanisms to ensure greater interaction between juvenile justice prosecutors and judges specializing in trafficking and confirms that the prosecution of perpetrators who have exploited minors is a priority.

91. The ministerial circular on audiovisual hearings of minors who are victims or witnesses of crimes was evaluated in 2015 and is currently being updated.

### *Loverboys*

- The Comprehensive Security Framework Note pays particular attention to human traffickers known as "loverboys".
- The Flemish Region has funded a website called Child Focus for the "Stop Loverboys" campaign (2017).
- In 2016, an Action Plan for the Protection of Victims of Loverboys was launched in Flanders.
- Attention given to girls who are victims of loverboys has led to the creation of a new section in the *Gemeenschapsinstelling* (community institution for young people). Assistance includes apprenticeship groups, individual interviews, psychiatric support and education in social media literacy. A grant programme is being

developed with private partners. The Youth Welfare Agency offer private services, including 36 additional short-term intensive assistance modules in a home environment and 13 places for residential support and protection aimed at preventing running away.

- For the French Community, see question 14 (a).

## **Paragraph 15**

### **Legislation**

#### *Non-discrimination*

- A decree on the integration of the gender dimension into all the policies of the French Community was issued in January 2016.
- Walloon decrees integrating the gender dimension into all regional policies were also issued in April 2014 and March 2016.

#### *Youth Welfare Agency*

- The decree amending the organization of foster care was issued in March 2018 in the Flemish Community).

#### *Asylum and migration*

- A law adopted on 21 November 2017 establishes several procedural provisions for minors accompanied by an asylum seeker who exercises parental authority or guardianship.
- A royal decree was issued on 22 July 2018 amending the decree establishing the regulations and rules of procedure applicable to places located in Belgium managed by the Immigration Office where foreign nationals are detained, placed at the disposal of the government or maintained.

#### *Education*

- A decree on the implementation of a philosophy and citizenship course in secondary education and the introduction of various changes to basic education was issued in July 2017.
- The Pact for Excellence in Education of March 2017 provides for systemic reform of compulsory education in the French Community, including:
  - Decree on training in nursery education of September 2018.
  - Draft decree (2018) to amend the decree of 24 July 1997 defining the priority tasks of primary and secondary education and making the necessary arrangements to fulfil them in order to deploy a new guidance framework, formalizing relations between the French Community and schools by contract.
  - Draft decree creating the general school management service and psychological, medical and social service centres and establishing the status of area directors and delegates in performance agreements (September 2018).

#### *Prevention, assistance and protection for young people*

- The Protection Code was adopted in the French Community in 2018. Numerous implementing decrees are in progress.
- A decision on the recognition and funding of confidential counselling centres for child abuse and its partner organization was adopted in December 2017 in the Flemish Community.

*Integrity*

- The Decree on Child Beauty Pageants was issued in June 2017 in the French Community.
- A decree aimed at implementing an integrity policy in the youth and sports sector, requiring organizations to establish an integrity contact point was issued in July 2018 in the Flemish Community.
- The following are also aimed at safeguarding integrity: an order approving amendment No. 6 to the 2013–2018 management contract of the Birth and Childhood Office regarding sexual abuse helplines; creation of new places in the specialist early childhood care services; integration of children with disabilities into holiday centres; securing of resources to address the issue of young children placed in hospitals because of a lack of space in institutions (known as “parked babies”); and funding of parent-child meeting places in March 2017.

*Early childhood*

- In December 2017, an order was issued approving amendment No. 9 to the 2013–2018 Birth and Childhood Office management contract relating to the transition to employment status of child carers covered by the agreement.

**Institutional reforms**

- The implementation of the Decree on the Integration of the Gender Dimension into All the Policies of the French Community (2016) led to the establishment of the following:
  - Coordination group in charge of ensuring the implementation and monitoring of the objectives of the decree
  - Gender support unit tasked with developing and harmonizing statistical data and studies, designing and organizing a training plan, drafting opinions, supporting the Government in carrying out gender tests and in integrating the gender dimension into the budget cycle and preparing evaluation reports
- The General School Management Service was established and delegates were elected for performance agreements under the General Administration of Education of the French Community.

**Policies***General*

- The order on the rights of the child and youth policy was adopted in 2018 by the Flemish government (see above).

*Leisure*

- The Flemish plan on diversity in and with respect to youth activities for 2018–2020, developed on the basis of the recommendations of the Citizens’ Cabinet for Youth, focuses on increased involvement of children and young people in the diversity of their leisure activities.

*Youth Welfare Agency*

- A policy has been introduced to expand the Youth Welfare Agency of the Flemish Community by providing additional funds for four projects: (i) directly accessible aid (questions 6 and 8); (ii) early childhood (question 6); (iii) assistance to young adults; and (iv) juvenile delinquency.

*Violence*

- The 2016 order for the prevention of abuse in the French Community has the following dual purpose:
  - Clarify and anchor the sphere of activity of the Prevention Committee in a cross-cutting programme
  - Enumerate in the Three-Year Abuse Prevention Plan, the first being the recently adopted plan for 2018–2020, the various existing programmes for coordination purposes, including the Yapaka cross-cutting programme and those specific to each administration, including the Birth and Childhood Office Abuse Prevention Plan for 2017–2019, with this plan’s being modified each year and supported by a Steering Committee for the Prevention of Abuse

*Standard of living*

- The Precariousness, Perinatal Period and Childhood Mobilization Plan of the Birth and Childhood Office (2015–2018) was adopted.

*Social welfare*

- Autism plans of the Walloon and Brussels regions, the French Community and the Flemish community were introduced.

**Human rights instruments**

92. Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms was adopted on 4 April 2018.

**Part II (see annex)**

**Paragraph 16**

**French Community**

93. Given the distribution of the scope of activities between entities, it can be considered that 100 per cent of the budget is devoted to the social sector (youth welfare, education, sport, culture, community justice centres and early childhood).

	<i>Receipts</i>	<i>Expenses</i>
2016	9 705 479 000	10 214 554 000
2017	9 974 485 000	10 554 509 000

94. There are allowances specifically related to children and young people.

- Q16.1

**Flemish Community**

- Q16.2

**Paragraph 17 (a)**

**(a) Abuse and violence**

**French Community and Walloon Region**

- Q17.a.1

**Flemish Community**

- Q17.a.2

**(b) Prosecution of perpetrators and sentences imposed**

- Q17.a.3

**Paragraph 17 (b)****(a) Immigration Office reporting forms<sup>13</sup>**

- Q17.b.1

**(b) Applications for international protection**

- Q17.b.2
  - “DA\_UAM” means unaccompanied minors seeking asylum in the procedure
    - 2016: complete data
    - 2017–2018: data that may still develop (identification as unaccompanied minors by the Guardianship Service)
  - “DA\_TOT” means total applications for international protection, including unaccompanied minors

**(c) Procedure for applying for a residence permit<sup>14</sup>**

- Q17.b.3

**(d) Procedure for victims of trafficking in human beings,<sup>15</sup> accompanied and unaccompanied minors seeking asylum**

- Q17.b.4

**(e) Children placed in reception centres (Federal Agency for the Reception of Asylum Seekers)**

- Q17.b.5

**Paragraph 17 (c)**

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**Paragraph 17 (d)****Poverty indicators**

- Q17.d.1

**Walloon Region**

95. Available data measure housing quality

- Q17.d.2

**Flemish Region**

96. A major housing study was conducted in 2013, showing the following:

<sup>13</sup> Presence of an unaccompanied minor seeking asylum.

<sup>14</sup> Arts. 61/14-/25 of Act of 15 December 1980 on the entry, temporary and permanent residence and removal of aliens (the Residence Act).

<sup>15</sup> Arts. 61/2-/5 of the Residence Act.

- 37.2 per cent of dwellings do not meet the minimum quality standards defined by the Flemish Housing Code.
- Single-parent families (41.1 per cent) are more likely to live in such dwellings than the average. Couples account for 32.4 per cent.

**Paragraph 17 (e)**

97. See also question 8.

- Q17.e

**Paragraph 18 (a)<sup>16</sup>**

**French Community**

	<i>2015</i>	<i>2016</i>
Residential assistance in private institutions (see 18.b.1)	4 502	4 394
Foster care (see 18.c.1)	4 660	4 553
<b>Total</b>	<b>9 162</b>	<b>8 947</b>

**Flemish Community**

	<i>2015</i>	<i>2016</i>
Residential assistance in private institutions (see 18.b.2)	5 126	5 233
Residential assistance in public institutions ( <i>Gemeenschapsinstellingen</i> ) (see 18.b.2 and 3)	1 102	1 112
Foster care (see 18.c.2)	6 534	7 012
<b>Total</b>	<b>12 762</b>	<b>13 357</b>

**Paragraph 18 (b)**

**French Community**

- Q18.b.1

**Flemish Community**

- Q18.b.2
- Q18.b.3

**Paragraph 18 (c)**

**French Community**

- Q18.c.1

**Flemish Community**

- Q18.c.2

<sup>16</sup> Children separated from their parents are considered to be the total number of children placed in institutions and foster care.

**Paragraph 18 (d)****French Community**

	2014	2015	2016	2017
Domestic adoptions outside the family	32	42	31	31
International adoptions outside the family	95	66	59	60
<b>Total</b>	<b>127</b>	<b>108</b>	<b>90</b>	<b>91</b>

98. Disaggregated data

- Q18.d.1

**Flemish Community**

	2014	2015	2016	2017
Domestic adoptions outside the family	23	22	23	29
International adoptions outside the family	61	71	62	59
<b>Total</b>	<b>84</b>	<b>93</b>	<b>85</b>	<b>88</b>

99. Disaggregated data

- Q18.d.2

**Paragraph 19 (a)**

- Q19.a.g

**Flemish Community**

100. Financial support for children living with families

- Q19.a.1

**Paragraph 19 (b)****Walloon Region**

101. Beneficiaries of residential services for young people and day care services for out-of-school young people are as follows.

	2014	2015	2016
Residential services for young people	2 089	2 089	2 089
Day care services for out-of-school young people	437	447	437

**Flemish Region**

- Q19.b.1

**Paragraph 19 (c)****French Community**

102. The following shows the number of children benefiting from an integration mechanism in primary, secondary and nursery education.<sup>17</sup>

	2015–2016	2016–2017	2017–2018
Number of children	3 109	4 039	5 131

103. A breakdown by type of disability and geographical areas is provided.

- Q19.c

**Flemish Community**

- Q19.c.d

**Paragraph 19 (d)****French and Flemish communities**

104. See question 19 (c).

**Paragraph 19 (e)****French Community**

105. Specialized teaching staff by type of disability and geographical area is shown.

- Q19.e.1

106. The number of mainstream and specialized teachers, by nationality, is provided.

- Q19.e.2

**Flemish Community**

- Q19.e.3

**Paragraph 19 (f)**

/

**Paragraph 19 (g)**

- Q19.a.g

**French Community****Adoptions of children with disabilities**

	2014–2015	2015–2016	2016–2017
Number of children	3	3	0

<sup>17</sup> Special education and mainstream education with (partial or full-time) attendance at a mainstream school and four hours of support by a special education teacher per week.

**Paragraphs 20 (a), (b) and (c)**

- Q20.1
- Q20.2

**Paragraph 20 (d)**

107. In Belgium, under the current system, before reaching 18 years of age, children who have committed or are suspected of having committed an act that would be qualified as an offence if it were committed by an adult are considered as children potentially in danger and are subject to alternative measures to legal proceedings, organized by the youth protection systems.<sup>18</sup> See the responses of Belgium for the United Nations global study on children deprived of liberty.

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<sup>18</sup> Exceptions include traffic offences and dispossession.