



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/2007/SR.42
10 December 2007

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 42nd MEETING

Held at the Palais Wilson, Geneva,
on Monday, 12 November 2007, at 3 p.m.

Chairperson: Mr. TEXIER

CONTENTS

CONSIDERATION OF REPORTS:

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

Third periodic report of Belgium (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

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

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

1. The CHAIRPERSON invited the members of the delegation of Belgium to resume their places at the Committee table and called upon the Committee to continue its consideration of issues concerning articles 6 to 9 of the Covenant.

2. Ms. BARAHONA RIERA welcomed the very recent adoption by Belgium of new legislation in the fields of non-discrimination and gender equity. She asked what affirmative action measures were being proposed in those two fields. Could the delegation give more details on the measures described in the third periodic report for the integration of certain disadvantaged groups into the job market? Noting that the delegation had stated that employment contracts were concluded by sector of activity, she asked how such contracts took into consideration supply and demand and whether the system allowed for flexibility.

3. The delegation had stated that the Government had no plans to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, *inter alia* out of concern for the fact that such ratification would require amending the domestic legislation. She considered such reasoning to be flawed, as it was normal for international agreements to require States to bring their legislation into line with their provisions. According to the delegation, undocumented immigrants were provided with medical care only in emergencies. What kind of emergencies were covered and not covered? Her country, which was considerably smaller than Belgium and had to face an influx of undocumented foreigners from neighbouring States, provided foreigners with comprehensive health services, including preventive care, as it considered that it was in the interests of public health to do so.

4. In Europe, undocumented foreigners were among the most vulnerable groups in respect of economic, social and cultural rights. What resources were made available to defend their rights with a view to becoming documented in Belgium? The Committee had heard of recent cases in which Latin American children had been separated from their families as a result of expulsions. How would the State ensure the best interests of the child and deal with such problems in the future?

5. The CHAIRPERSON, speaking as a member of the Committee, noted that, according to the delegation, while the Belgian courts perhaps had an excessively restrictive interpretation of the right to strike, it would not be appropriate for the Government to interfere with the judiciary's decisions. As a labour magistrate, he considered that the State, and specifically the legislature, could intervene to change the law if it was considered to be flawed. The European Committee of Social Rights had pointed out that the legislative framework for the right to strike was lacking in Belgium, and the Belgian Human Rights League had stated that judges should not be entitled to substitute their own assessment of whether a strike was legitimate for that of the

workers. Would the State make the legislative changes required to ensure that judges would intervene only in the event of abuses in the application of the right to strike, and would leave the question of the legitimacy of strikes to the social partners?

6. Mr. VANDAMME (Belgium) said that the establishment of a national human rights body in Belgium had been on the agenda of previous Governments, was still the subject of much debate, and was widely supported in academic circles. Much discussion had centred on definition of the mandate of such a body. According to one opinion, it should serve as a repository for information on Belgium's human rights commitments and the reports of the various treaty bodies. It was also considered that such a body might play a role in the drafting of country reports. For the time being, there was still no political agreement on the establishment of such an institution.

7. Mr. VINCKE (Belgium) said that Belgium was represented at the World Bank and the International Monetary Fund (IMF) by its Minister of Finance, and at the former also by the Minister for Development Cooperation. IMF had adopted a policy of imposing ceilings on wage bills. In that context, it was important for that institution to be aware of injections of money when programmes were carried out as part of cooperation policies. Belgium had urged IMF to show more flexibility in respect of such ceilings.

8. The benefits of globalization were still unequally distributed, both within countries and among them. At IMF and other forums, Belgium consistently argued for fairer trade, more generous aid, responsible economic and social policies and good governance. Each country must devise its own poverty reduction and development plan in a participative and democratic process.

9. Stable financial conditions and strong stock markets promoted savings, investment and job creation. Ensuring sustainable growth and reducing poverty required more than merely fuelling short-term per capita growth. Belgium therefore emphasized the importance of respect for the core international labour standards drawn up by the International Labour Organization (ILO), and urged higher investment in education and health in its discussions and consultations with the representatives of the Governments of many States, including the Democratic Republic of the Congo, Rwanda, Bolivia, the Gambia, Venezuela, Sri Lanka, the Dominican Republic, Nigeria, Pakistan, Benin, Brazil, China, Chad and Senegal. In recent years the Belgian Ministry of Development Cooperation had financially supported a number of programmes, including the Belgian Poverty Reduction Partnership Programme, the Education for All Fast-Track Initiative and the World Bank Institute, through which Belgium had financed a study on the impact of macroeconomic constraints on HIV/AIDS case management in Africa.

10. Mr. VANDAMME (Belgium) said that the affirmation of decent work as part of the Millennium Development Goal of developing a global partnership for development had made it especially vital for all United Nations specialized agencies and the Bretton Woods institutions to coordinate their development activities, in particular by assigning lead agencies in the various countries where they worked.

11. Ms. GALLANT (Belgium) said the fact that Belgium did not recognize a direct effect of the Covenant on national legislation would not necessarily give rise to a contradiction should the Belgian Government decide in future to ratify an additional protocol allowing individuals to bring complaints before the Committee. At the national level, the complainants would not have

to refer to specific provisions of the Covenant while exhausting domestic remedies. Logically, it would be sufficient to demonstrate to the Committee that the substance of the complaint was applicable in order for the case to be found admissible.

12. Mr. VANDAMME (Belgium) said that Belgium faced a major problem in finding employment for its young people, above all in the south and Brussels, where drop-out rates were relatively high and, even upon graduation from secondary school, many young people remained underqualified. While Brussels was a major economic centre, it was more difficult to effectively carry out employment programmes for young people from immigrant families, and in the capital there was a higher proportion of immigrants. It was therefore necessary to develop specific programmes for such groups, but efforts were complicated by problems related to training, a lack of family support and incoherence among the institutions assisting them. The Belgian, Flemish and Walloon authorities had taken measures, but their effects had been limited, in part because the economy was becoming increasingly service-oriented and thus required job-seekers who were still more qualified than in the past.

13. Mr. MAENAUT (Belgium) said that in 2006 the labour force participation rate had been 65 per cent in Flanders and 61 per cent in Belgium, and that the difference in the rate for men and women had been diminishing in recent years. Among persons over 55, the rate had increased between 2001 and 2006 from 25 to 33 per cent. The proportion of secondary-school students who left school without earning a diploma had declined from nearly 16 per cent in 1999 to 12.6 per cent in 2006.

14. Mr. VANDAMME (Belgium) said there was no denying that there was an informal economy in Belgium, despite the best efforts of the authorities. It was estimated that about 6 per cent of the working population was engaged in the informal sector. The European Commission had recently circulated a communication encouraging the use of flexicurity in employment policies, with a view to combating employment in the informal sector. There had been a few cases of forced labour, in particular among foreigners employed by embassy staff. Because such workers were often undocumented and were working in diplomatically protected institutions, it was somewhat difficult to protect them, but the Belgian authorities had, for example, sent notes verbales to their employers, and private organizations too provided them with support. In recent years, employment policies had placed increasing emphasis on the reintegration into the job market of women who had stopped working. Unemployment among women had to be attacked as part of the general employment policy, as women's groups and gender equality institutions tended to reject approaches that treated women as a specific target group. The legislation on unemployment provided no time limit on the payment of benefits, but certain criteria applied in respect of the type of job that an unemployed person would be obliged to accept should a post become available. While the lack of a time limit had given rise to debate in certain circles, the social partners considered that the unemployment insurance scheme should not be radically changed, as that would involve a complete revision of the Belgian income-support system.

15. The situation of the long-term unemployed was additionally complicated by the fact that they had to deal with numerous public administrations instead of a single body. The Minister of Employment had ordered that such administrations consult one another when taking decisions relating to specific cases.

16. Mr. DONIS (Belgium), referring to measures adopted to address the increase in social security spending linked to the ageing population, said that in 2001, an ageing fund had been established to develop financial reserves to cover the additional costs of pensions over the period 2010 to 2030. That fund had already accumulated some €15 billion. Other measures had been taken to encourage people to stay at work up to the legal retirement age of 65, which would apply to women also as of 2009. The ceiling for professional income for retirees had been increased progressively, and had gone up by 17 per cent in 2006. Among the many measures adopted to promote employment, there had been a reduction in the social security contributions to be paid by employers who hired certain categories of workers, such as the long-term unemployed, people over 45 and young workers.

17. The State was seeking to diversify sources of funding for social security rather than relying purely on a contributions-based system. About 10 years previously, social security contributions had made up 80 per cent of social security funding, but they now accounted for only 66 per cent, with 11 per cent from State subsidies, and 23 per cent from alternative sources such as revenue from value added tax and excise duties. In 2006, a fund for future health care had been established, which had already received €300 million from the State.

18. Mr. VANDAMME (Belgium) drew the Committee's attention to the recent signature of the generation contract between the Government and the social partners, which contained a series of measures to encourage employment opportunities for young people and older persons.

19. Mr. DONIS (Belgium) said that nationals of non-European Union countries who had been insured in Belgium and subsequently returned to their countries of origin would only receive a pension if there was a bilateral social security convention in place between Belgium and the country of origin. If such a convention did not exist, a pension would not be paid, nor would contributions be refunded. Belgium was actively increasing the number of bilateral conventions in place; in recent years it had signed agreements with Australia, South Korea and Japan and was currently in negotiations with India.

20. Mr. De VULDER (Belgium) explained that there was a difference between procedures for asylum-seekers and persons in the country illegally who did not have a pending application. The State took account of the best interests of the child and respected the integrity of the family and would not separate children from their families in the event of a return.

21. Ms. PROUMEN (Belgium) said that asylum-seekers were entitled to material assistance at the federal reception centres. However, persons in the country illegally who did not have an application pending were entitled only to emergency health care, and it was for the person's doctor to decide what constituted an emergency. The principle of the best interests of the child applied, however, and a family with children in the country illegally, without any possibility of legalizing its status, could receive material assistance, including accommodation and health care, at the federal reception centres. With regard to integration measures, the figure of €417 referred to was per cohabitee, not per household, so if there were two people living together, they would each receive that amount. Other measures included the provision of rent relief and a fund for heating and electricity.

22. Mr. De VULDER (Belgium) said that currently, the law did not provide for access to the labour market for persons illegally in the country awaiting regularization of their situation, as

such applications were intended to be made from abroad. Whereas previously, asylum-seekers whose applications had been declared admissible had been entitled to work immediately, since the procedure was now much shorter - four months - access to the labour market was granted only after one year, and during the time it took to process the application, applicants were entitled to accommodation and material assistance at the federal reception centres.

23. Mr. VANDAMME (Belgium) said that Belgian policy in the area of health and safety at work was very rigorous, and relevant legislation had been updated by transposing European directives. Policy was designed in consultation with the social partners, in the framework of a consultative council that met regularly. There was also a special social inspectorate responsible for assessing and reducing the risk of workplace accidents. The State endeavoured to take full advantage of new scientific research and the exchange of best practice in the framework of European institutions, such as the European Foundation for the Improvement of Living and Working Conditions and the European Agency for Safety and Health at Work. The effectiveness of interventions by the social inspectorate was assessed systematically. Despite preventive measures and regular awareness-raising campaigns, a certain number of workplace accidents was still inevitable, but there was a downward trend in the occurrence of such incidents. In 2005, there had been 14,000 cases of permanent incapacity arising from workplace accidents and 118 deaths.

24. Ms. URBAIN (Belgium) said that, during a certain period in 2001, there had been a marked increase in the number of cases brought to the courts concerning planned strike action or strikes already under way. One urgent procedure had been brought before the president of a court of first instance, who had not been familiar with social law and had ruled primarily on the basis of the employer's right to enter the company premises. That unfortunate case had caused problems in the collective bargaining process. The Minister for Employment had therefore decided to draft legislation providing that such disputes would automatically be referred to the Labour Court, and that the parties should be asked to undergo a final conciliation process before bringing a case before the courts. There was a network of social mediators in Belgium who met with the social partners and most often managed to avert strikes through negotiation. However, both the employers and the trade unions had reacted negatively to the proposed new law, and had instead entered into a gentlemen's agreement in which the employers had undertaken to have as little recourse to the courts as possible in case of conflict and the trade unions had pledged to respect the prerequisites for strikes, not to stage wildcat strikes and to go through the entire conciliation process before resorting to strike action. Now, in the rare event that the courts were involved, the employer usually did not try to execute the judgement, but rather took it to the negotiating table. In view of the opposition from both sides, the Government had decided not to pursue the draft legislation.

25. With regard to the case about which the European Committee of Social Rights had expressed concern, because it appeared to suggest that a worker could be dismissed for striking, she explained that the right to strike was respected in Belgium, and that a worker could never be dismissed for participating in a strike. However, an employment contract could be unilaterally terminated without compensation in the event of serious misconduct, and it was for the courts to decide whether an act constituted serious misconduct. Since serious misconduct could be committed even during a strike, a worker could, in principle, be dismissed during the strike, which had occurred in the case in question. The Belgian Government considered that if all

dismissals during strikes were prohibited, striking workers could benefit from a greater degree of protection than workers in other circumstances. As to alleged cases of discrimination against trade union representatives in small and medium-sized enterprises, she said that the 1991 Act offered union representatives broad protection throughout their term of office, and if they were wrongfully dismissed, they were entitled to substantial compensation and could bring a case before the courts to obtain additional damages.

26. Ms. GALLANT (Belgium) said that exploitation of domestic workers came under the definition of the crime of trafficking in persons covered in the 2005 Act aimed at combating trafficking. The definition covered various situations, including recruiting, transporting, harbouring or exercising control over individuals to put them to work or allow them to be put to work in conditions contrary to human dignity. The Act provided progressive penalties: 1 to 5 years' imprisonment for basic crimes; 1 to 3 years' imprisonment for attempted crimes; 5 to 10 years for aggravated crimes, committed by an official or public servant; 10 to 15 years if the crime was committed against a minor, or if the person was particularly vulnerable; and 15 to 20 years if the crime was committed in the context of a criminal organization or caused the death of the victim. An interdepartmental coordination unit had been established on trafficking, involving the competent ministries, experts, various government agencies and the police. Within the unit, a working group on domestic work in the diplomatic service had met some two years previously and adopted recommendations to be forwarded to the reception centre which dealt with victims of trafficking. The working group had also drafted a pamphlet for the social centres and diplomatic personnel to raise awareness of the problem. In general, victims of trafficking who were illegal immigrants could undergo a procedure to secure a residence permit, subject to various conditions. Ordinarily, in order to obtain an indefinite residence permit, the person must make a complaint resulting in the conviction of the perpetrator, but given that the problem of diplomatic immunity arose in the case of domestic work in the diplomatic service, proposals were currently being considered to waive that condition for victims in the diplomatic context.

27. Mr. VANDAMME (Belgium) said that the reason Belgium had not ratified ILO Convention No. 160 concerning labour statistics was that the national statistics agency did not consider itself competent to handle all of the areas covered by that Convention. However, under the European employment strategy, the State party continued to furnish a maximum of statistics on the effectiveness of its measures in that area and collaborated closely with Eurostat in that regard. The State did not consider that to be an urgent problem, and was not coming under any pressure from the ILO to ratify the Convention.

28. The CHAIRPERSON invited members of the Committee to raise any further questions concerning articles 10 to 12 of the Covenant.

29. Mr. RIEDEL, noting that the manner in which information concerning the federal and community levels had been presented in the State party report made it difficult for the Committee to assess the overall situation with regard to economic, social and cultural rights in Belgium, suggested that, in the next periodic report, there should be more coordination among the drafters of the various sections to ensure that commonalities and differences were clear. He encouraged the State party to ensure the application of a more structured methodology in future, perhaps with greater involvement of a possible national human rights institution. He expressed regret that the previous Government's initiative had not come to fruition in that regard.

30. Noting that, according to the report, some persons could not afford the annual contribution to an insurance fund and that reimbursement for health care was insufficient to cover essential services, he asked what was being done to improve the situation of the marginalized groups affected.

31. He suggested that, in future, the mental health data provided to the Committee should follow more closely the format of the mental health report produced by the World Health Organization and focus more on what money allocated for mental health was being spent on and where the problems in that area lay. He wished to know the results of the anti-smoking fund established in 2004 to finance projects to combat smoking. He also asked how the national nutrition plan for 2003-2006 had addressed the problem of obesity. He stressed that the Committee was interested in hearing the results of the various programmes implemented.

32. Noting that little information had been provided on HIV/AIDS, he said that in the next report more detailed analysis would be required, particularly on the results of measures taken to combat the disease, and how the feminization of HIV/AIDS was being addressed. He would also be interested to hear the impact of the series of measures adopted to combat breast cancer.

33. Mr. PILLAY asked what percentage of the population lived below the poverty line and whether Belgium's poverty reduction plan included measures for the enjoyment of economic, social and cultural rights. Information from poverty studies showed that social assistance benefits were insufficient to ensure that people living in poverty and their families had a decent standard of living, and he therefore wished to know whether the State party intended to increase those benefits. He asked the State party to comment on the fact that the right to housing was not justiciable. There was a persistent shortage of social housing in Belgium, particularly in Flanders, and in Brussels, where there was an eight-year waiting list. In its replies to question 19 on the list of issues, the State party had not provided sufficient information on the impact of property acquisition incentives on social housing. Those incentives also had a negative impact on rented accommodation. He asked whether the State party intended to implement measures to ensure fair rent, since there was currently no rent control system in place and the amount of rent charged seemed to be unrelated to the quality of accommodation received. The average cost of housing as a proportion of average income was increasing, and given that rent was high, he wondered whether forced evictions were common, and whether there was a problem of homelessness.

34. Ms. BARAHONA RIERA said that insufficient information had been given on the means available to persons in an irregular situation to exercise their rights, and in particular what measures were taken to protect children's rights in cases of forced eviction of families. The rights to health care and education for those children were particularly important. Irregular migrants did not have access to regular health care, and their state of health therefore remained unknown. Legislation alone was not sufficient, and broader respect for economic, social and cultural rights was required in practice. She wished to know whether the State party intended to introduce legislation to prohibit corporal punishment against children. She wondered what protection was provided for unaccompanied minors in situations of irregularity, specifically to protect them against trafficking and sexual exploitation. She acknowledged the efforts that had been made to adopt new legislation that criminalized domestic violence, and asked what the penalties were for acts of domestic or conjugal violence. She wished to know how many cases

had been brought before the courts since the entry into force of that new legislation, and what sentences had been handed down. She wished to know what efforts were being made to combat paedophilia, particularly through the use of the Internet. She also enquired what measures were in place to prevent abortions among adolescent girls.

35. Ms. WILSON said that it would have been preferable for the State party to have resubmitted statistics, even in condensed form, rather than referring the Committee to previous reports and reports to other treaty bodies. Despite the adoption of a programme of action on conjugal violence for the period 2004-2007, the statistics showed a steady increase in cases of domestic violence. She wished to know whether that trend indicated that the programme of action had been ineffective, and whether any additional measures were being taken to combat that scourge.

36. Turning to the question of forced evictions, she asked to what extent the Committee's general comments 4 and 7 were taken into account in the establishment of housing policies and policies on the forced eviction of persons of no fixed abode. She wondered whether there was any specific reason for the number of homeless people. She wished to know what facilities existed for travellers.

37. Mr. SADI asked what the impact of the new legislation on trafficking had been, how many cases had been prosecuted under that legislation, and whether it had made a difference to the situation of trafficking in persons. Those provisions were a significant breakthrough in trafficking legislation, since they had extraterritorial application, and should serve as an example to other European countries.

38. He asked why the age of sexual consent was lower than the minimum age for marriage. He wished to know whether the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9/Add.1), which had been written in 2002, and had brought to light serious problems in Belgium, had sparked activities to combat those practices. He had been astonished to hear that the police had identified 144 criminal organizations involved in trafficking in persons. He asked why such problems persisted in Belgium, and what could be done to rectify that situation. He welcomed the information that the majority of hospitals were private and non-profit-making, and asked how that system functioned. He asked what the waiting period was to be seen by a doctor and what was being done to rectify the shortage of hospital beds for elderly patients.

39. Ms. BONOAN-DANDAN said that, in the next periodic report, statistics on maternal mortality rates would be appreciated, including, where possible, rates of maternal mortality among the foreign community, the Roma and travellers. Turning to the issue of spousal rape, she said that the Committee had been informed that spousal rape was illegal in Belgium. Of the 2,559 rape cases registered by the police in 2005, she wished to know how many had been marital rape. She wondered whether men or women were willing to come forward and report that they had been raped by their spouse. She asked what was the scope of the State programme on reproductive health, what was the State policy on abortion, and whether reproductive health rights were included in human rights education. Since the term "right to adequate food" was not included in the report, she wished to know what had been done to guarantee that right, and

ensure that the poor had access to food. Travelling communities were particularly vulnerable to deprivation of their right to food, and she wondered what measures were taken to overcome that problem.

40. Mr. VANDAMME (Belgium) said that his delegation had taken note of the Committee's concerns, particularly regarding improvements in the method of drafting periodic reports. The right to health was a fundamental right, which was not regionalized in Belgium, but rather was guaranteed through federal policies.

41. Mr. MAENAUT (Belgium) said that an investigation conducted into the relation between public health and socio-economic status had shown that there was a higher incidence of mental health among people with limited education. Homeless people and asylum-seekers were particularly vulnerable to infectious diseases such as tuberculosis, viral hepatitis, sexually transmitted infections, HIV/AIDS and parasitic illnesses. The investigation had shown that nutritional problems differed in accordance with education and revenue. Regarding mammography, a larger proportion of women with higher education underwent mammograms than did women with basic education, and the same trend had been noted in vaccination levels and tests for cervical cancer. The investigation had been carried out in the context of the policy for poverty reduction, as part of a review of the programme of action introduced in 2005, and had been based on the principles of participation, prevention and inclusion.

42. Mr. VANDAMME (Belgium) said that the Belgian hospital network consisted mainly of public institutions that were managed by the public services. Private institutions were also available. All patients were free to choose their hospital and their physician. Agreements concluded between medical institutions, insurance providers and the public authorities did not constitute an obstacle to that freedom, and guaranteed equal reimbursement for patients, irrespective of the hospital where they were treated. Some patients chose to take out insurance to cover medical care which went beyond the services guaranteed by basic State health insurance. There was a network of mutual insurance companies, which informed their customers of all of their rights in respect of health care and insurance, and held awareness-raising campaigns on health risks and appropriate prevention measures. Owing to the efficiency of the Belgian health services, patients were not obliged to wait for treatment, except in the case of certain specific operations. There was a shortage of hospital beds for the elderly, as well as a shortage of places in private-care homes. Public social assistance centres were obliged to care for those who required assistance, and managed a number of shelters for those in need.

43. Mr. MAENAUT (Belgium) said that rates of infant vaccination against major diseases had increased by 98 per cent over the past 10 years. Regarding measures to combat HIV/AIDS and other infectious diseases, he said that asylum-seekers and persons at high risk of infection, such as sex workers, were tested as a matter of priority by the Institute of Tropical Medicine in Antwerp.

44. Ms. MONCAREY (Belgium) said that Belgium offered a wide range of social assistance benefits, consisting not only of financial aid but also of other measures applied according to each situation. Excessive debt was currently a major problem, leading to difficulties in such areas as meeting energy bills. State-funded public welfare centres (CPASs) provided mediation services to help people solve their debt problems and to start again on a sound footing. A payment

of €195 was available for purchasing 1,500 litres of fuel oil. The cost of rent security, usually equal to three months' rent, could be covered for those persons without the necessary means, and aid could be provided to cover the costs of starting a home, such as buying furniture.

45. In addition to such measures, CPASs provided financial aid. Although such aid was not currently sufficient, the Belgian Government was in the process of increasing it, by 2 per cent in 2007 and by a further 2 per cent in 2008. The adjustments followed the consumer price index and Belgium's own sustainable development index.

46. With regard to homeless persons, CPASs could provide temporary accommodation during the search for more permanent accommodation. The right to human dignity was paramount and must be respected in each case.

47. On the situation of migrant children, she noted that persons who were in an illegal situation in Belgium with no possibility of regularization and who had children could go to federal reception centres for help with accommodation, health care and education.

48. Mr. VANDAMME (Belgium) said that the poverty rate in Belgium was 8 per cent. The Government participated actively in work at the European level on social inclusion and eliminating poverty within the framework of the Lisbon Strategy, and had recommended methods which had been adopted in the work, such as holding annual meetings between government representatives and persons in situations of poverty. Belgium supported all measures and welcomed all the recommendations made by the European Union as a result of such dialogue, including measures to facilitate access to work and to provide income support.

49. Mr. OUVRY (Belgium) said that Belgium had recently submitted a detailed response to a questionnaire on implementation of the OHCHR Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies, including comments on how they could be refined.

50. Mr. VANDAMME (Belgium) said that, although Belgium had encouraged access to property, with outstanding results compared to other countries, that did not mean that social housing initiatives did not exist. Such initiatives depended on partnership at the municipal and regional levels and on support by private partners. It was true that there were currently waiting lists due to an insufficient supply of social housing, but considerable efforts were being made in that area. In response to a question on the justifiability of the right to housing, he said that the right could not be invoked directly but that there was an obligation under the social assistance system to provide at least temporary accommodation to any individual requiring it.

51. Ms. GALLANT (Belgium), in response to a question about monitoring accommodation and rent, said that, since measures had been discussed by the previous Government but had not been adopted, the decision on whether to adopt them lay with the subsequent Government. Referring to the joint parallel report of the Coalition of Belgian Civil Society for Economic, Social and Cultural Rights, she pointed out that federal measures had been adopted in December 2006, including the provision of rent security to the most vulnerable groups.

52. Mr. VANDAMME (Belgium), in response to a question about forced eviction, said that eviction was carried out in accordance with clearly established legal procedures and that CPASs

could provide temporary accommodation for evicted persons, even if they were at fault. The delegation would seek further information regarding the extent to which the Committee's observations on eviction had been disseminated with a view to preventing future evictions.

53. Ms. FASTRÉ (Belgium) said that the Plan of Action to combat domestic violence for the years 2004-2007 had been positive in that all the federated bodies and the federal State had been working together to deal with the scourge and that the Plan had taken a multidisciplinary approach, involving the judicial, medical and social sectors. Although statistics suggested an increase in the number of cases of domestic violence, a measure had been adopted in April 2006 requiring that all cases of domestic violence must be identified as such, since previously such incidents had sometimes been subsumed in other offences. The procedure for reporting domestic violence had become much more reliable, and any reports must lead to prosecution, in line with Belgium's zero-tolerance policy. The measures taken were currently being evaluated and the results were to be published at the end of 2007, which would give a clear view of the measures' strengths and weaknesses in time for renewal of the Plan.

54. Ms. GALLANT (Belgium) referred the Committee to paragraphs 370 and 374 of the third periodic report (E/C.12/BEL/3), where the two main pieces of legislation on domestic violence had been described.

55. In response to a question on marital rape, she said that the figures available to her unfortunately did not indicate how many of the total cases of rape had been committed against a spouse or cohabiting partner.

56. In response to a question on why the minimum age for sexual relations (16 years) was lower than that for marriage (18 years), she pointed out that article 145 of the Civil Code allowed for possible exceptions to the minimum age for marriage.

57. Mr. VANDAMME (Belgium) said that it was inadmissible to conclude that Belgium had the highest concentration of child pornography in the world. Belgium, like other countries, had faced problems in that area, but it had spared no effort in combating the phenomenon over recent years. Following discussion of the second periodic report, a comment had been made in the somewhat emotional context which had been created by a media case that had received worldwide coverage. Unfortunately, such problems did occur in many other countries and there was no reason to believe that child pornography was worse in Belgium than elsewhere. Belgium enjoyed the benefits of an open press which was sensitive to the problems of society, and such cases were more extensively reported than in other countries.

58. Ms. GALLANT (Belgium) said that the Criminal Code established penalties for the offences of sexual abuse of children, rape of children and child prostitution which varied according to the age of the child involved and which were heavier if the offender had authority over the child. Additional measures were in place for those convicted of paedophilia and child prostitution, including a lifelong ban on exercising certain political rights and restrictions on offenders' movements so that they could not enter certain areas in which children were found.

59. In response to a question about the extraterritorial competence of courts, she said that it covered such offences as rape, prostitution and trafficking in human beings. She would ask the relevant authorities for figures and details of specific cases.

60. On the question of child pornography, she said that the Criminal Code established penalties for the creation, dissemination and possession of such pornography, including virtual material. The federal and local police were responsible for combating child pornography on the Internet. A protocol had been signed in 1999 for cooperation between the federal State and the association of Internet service providers, which had recently been evaluated and had led to a new protocol that should be signed by the next Government. If an Internet service provider detected illicit material, it was required to inform the federal police's new Internet complaints office, which had been set up in 2007 to deal with offences relating to pornography, racism, xenophobia, spam and other abuses. The information would then be investigated and proceedings initiated where appropriate.

61. Mr. OUVRY (Belgium) drew attention to a recent case in which a Belgian citizen who had committed paedophilia offences in Thailand had been prosecuted by the Belgian authorities on an extraterritorial basis.

62. Ms. GALLANT (Belgium) added that extraterritorial competence covered any case in which a person in Belgium, whether a citizen or non-citizen, had committed certain offences, such as prostitution and rape, against children abroad. She said she could provide specific figures and case-law examples if necessary.

63. Ms. BONOAN-DANDAN, following a request for clarification of her question on reproductive health by Mr. VANDAMME (Belgium), asked if data were available regarding the incidence and extent of maternal mortality, and suggested such data should be gathered if not. She further asked for details about the State party's policy on abortion, and about any initiatives undertaken to raise awareness of reproductive health rights, especially among young people.

64. Mr. RZEPLINSKI, on the matter of forced evictions, said the fact that evicted persons had the right to call on local authorities for assistance was positive. However, given that such persons were often afraid or reluctant to contact the authorities because they felt marginalized on account of such factors as age, ill health, poverty or lack of knowledge of French or Dutch, he asked what assistance could be provided ex officio.

65. Secondly, since, according to European statistics, Belgium was in last place with respect to water sources, he asked for information on the federal State policy to save and to protect water and thereby to guarantee access to water for drinking, agriculture and industrial production now and in the future.

The meeting rose at 6.05 p.m.