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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
27 November - 1 December 2006

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of
the second to third periodic report of Belgium concerning
the rights covered by articles 1 to 15 of the International Covenant
on Economic, Social and Cultural Rights (E/C.12/BEL/3)**

I. GENERAL INFORMATION

1. Please provide additional and updated information on measures - legislative or otherwise - that the State party has undertaken to implement the suggestions and recommendations contained in the Committee's concluding observations on Belgium's previous periodic report, in particular with regard to those included in paragraphs 17, 18, and 19 (E/C.12/1/Add.54).
2. Please provide information on the measures the State party intends to undertake in order to achieve, by 2010, its objective of 0,7 per cent of the GDP to be devoted to international co-operation for development. Further, in relation to paragraph 31 of the Committee's previous concluding observations, please report on the ways the development co-operation policies of the State party contribute to the realisation of economic, social and cultural rights in developing countries (E/C.12/BEL/3, page 19, para. 3).
3. Please provide information on whether Covenant provisions have been invoked before, or directly enforced by, the courts, other tribunals or administrative authorities.

4. Please outline in more details how civil society organizations have been involved in the process of preparing the State party's periodic report (E/C.12/BEL/3, para. 5).

5. Please provide information on whether the State party's bilateral and multilateral trade policies take into account the obligations under the Covenant.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2(2): Non-discrimination

6. According to the 2005 report of the Centre for Equal Opportunities and the Fight against Racism, racial discrimination as well as discrimination based on - inter alia - sexual orientation, disability, or health conditions are on the rise in the country. Please provide updated information on the implementation of the Anti-Discrimination Act adopted in February 2003, including information on cases of discrimination for which civil and criminal proceedings were instituted (E/C.12/BEL/3, paras. 21 ff.).

7. Please indicate whether the State party intends to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Please also provide detailed information - including statistical data disaggregated by sex, age and country of origin - on migrant workers presently in the territory of the State party.

Article 3: Equal rights of men and women

8. Please provide further information on the role and functions of the Institute for the Equality of Men and Women, in particular with regard to its mandate to initiate lawsuits when a violation of the equality legislation in the field of economic, social and cultural rights occurs. (E/C.12/BEL/3, paras. 57-58).

9. Please provide updated information on the measures taken to reduce the persistent gap between the employment rate of men and women and the discrepancy between them with regard to wages (E/C.12/BEL/3, paras. 113, 117 ff.).

IV. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6: The right to work

10. In 2003, the employment rate of young persons, i.e. persons between 15 and 24 years of age, and of persons over 55 years of age, was still very low as compared to the general employment rate. Please indicate the measures, legislative or otherwise, that the State party has since taken or intends to take to increase employment opportunities for persons belonging to these age groups (E/C.12/BEL/3, paras. 118 and 157 ff.).

11. The Committee would like to receive information, including statistical data on a disaggregated and annual basis, concerning the results of recent national, regional and communal efforts aimed at combating discrimination at work and supporting the employment and professional training of members of ethnic minorities (E/C.12/BEL/3, paras. 119, 164 ff. and 171 ff.).

Article 7: The right to just and favourable conditions of work

12. According to the State party report, a woman unlawfully dismissed for reasons connected with pregnancy or maternity is not entitled to reinstatement, and compensation payable in these cases is subject to a ceiling. Please indicate whether the State party intends to modify its legislation on unlawful dismissal in order to bring it in line with the provisions of articles 3, 7 and 10 of the Covenant (E/C.12/BEL/3, para. 380).

Article 8: Trade union rights

13. According to information received, the State party has not amended its legislation that reportedly undermines the legitimate use of the right to strike. Please indicate whether the Government intends to eliminate restrictions on the right to strike arising from judicial decisions and ensure the protection of workers against dismissal as a consequence of their participation in a strike.

Article 9: The right to social security

14. Please provide detailed statistical information on an annual basis on the financing of the Ageing Fund established in 2001, as well as on other measures the State party intends to take to cover the higher pensions and health costs arising from the ageing Belgian population (E/C.12/BEL/3, para. 305).

15. Please provide information on measures undertaken by the federal and regional authorities to implement the right to social security, including social assistance, with regard to nationals of States which are not party to the European Union or the European Economic Area.

Article 10: Protection of the family, mothers and children

16. Please provide updated information on measures, legislative or otherwise, undertaken by the State party to render domestic violence a criminal offence. In this regard, please provide detailed information on the implementation of the Plan of Action to combat domestic violence for the years 2004-2007, including information on cases of domestic violence for which criminal proceedings were instituted and disaggregated data on an annual basis on the number of persons who have been victims of gender-based violence. (E/C.12/BEL/3, para. 377)

17. Please provide specific information - as requested by the Committee in paragraph 25 of its previous concluding observations - on the measures taken by the State party to combat paedophilia, child prostitution, child pornography and violence against children. In this regard, please also report on the State party's efforts to seek bilateral and transnational co-operation to address these issues.

Article 11: The right to an adequate standard of living

18. Please provide more detailed and specific information on the situation of social housing as urgently requested by the Committee in paragraph 26 of its previous concluding observations, and the extent to which the State party has implemented the Committee's specific recommendations on this issue.

19. Please provide information regarding the State party's policy in relation to property acquisition, and its impact on social housing.

Article 12: The right to physical and mental health

20. Please provide updated information on the amount of the healthcare budget spent by the regions and communities on health education, the promotion of healthy dietary habits and prevention of diseases, including information on health insurance schemes provided by the Government.

Articles 13 and 14: The right to education

21. According to information received, the Belgian educational system is characterised by some divergences in terms of performance owing to the devolution of exclusive competences for the formulation of educational policies to the three linguistic communities. Please provide specific information - as requested by the Committee in paragraph 27 of its previous concluding observations - on the measures taken by the State party to ensure consistency in the quality of education throughout the State party (E/C.12/BEL/3, paras. 651 ff.).

22. Please provide detailed information, including statistical data on a disaggregated and annual basis, on the enrolment and attendance in primary and secondary schools by Manush, Rom and Travellers in the State party. In addition, please provide information, including statistical data on a disaggregated and annual basis, on the literacy rates among adult Manush, Rom and Travellers in the State party.

Article 15: Cultural rights

23. Please provide information on whether the linguistic groups existing in the State party have the right to use their language before the courts and other public authorities, in particular outside the region where their communes of residence are located.
