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Collective Complaint 21/2003 under the Social Charter against Belgium

Written question No 493 to the Committee of Ministers
presented by Mrs Bargholtz

In a decision first reported to the Committee of Ministers in January 2005 and made public in May 2005, the European Committee of Social Rights concluded in relation to Collective Complaint no. 21/2003 against Belgium that there was a violation of Article 17 of the Charter.

The Committee noted that its case-law is to the effect that the prohibition of all forms of violence must have a legislative basis. The prohibition must cover all forms of violence regardless of where it occurs or of the identity of the alleged perpetrator. Furthermore the sanctions available must be adequate, dissuasive and proportionate.

The Committee concluded that none of the provisions in the Belgian Constitution, penal law or civil law, taken together or in isolation, is set out in sufficiently precise terms to suffice to enable parents and "other persons" (such as those working with children in non-institutional childcare facilities and arrangements) to model their conduct on Article 17 of the Charter and to attain the result required by that provision.

Mrs Bargholtz

To ask the Committee of Ministers,

What action is the Committee of Ministers taking to ensure that children in Belgium are effectively protected from all corporal punishment in the home and in non-institutional childcare facilities and arrangements, as required by the Social Charter?

In view of the fact that this decision concerns the basic protection of the rights of children, whom the human rights mechanisms of the Council of Europe have recognized as particularly vulnerable, what action does the Committee of Ministers propose to take to expedite action?

*Signed*¹:

BARGHOLTZ, Helena, Sweden, ALDE

¹ SOC: Socialist Group
EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group