

Kinderrechtencoalitie Vlaanderen

Universal Periodic Review 2020: Contribution from the 'Flemish Child Rights Coalition'.



KINDERRECHTENCOALITIE
VLAANDEREN

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The Flemish Child Rights Coalition or ‘Kinderrechtencoalitie Vlaanderen’ is a network of 27 NGO’s monitoring the implementation of the Child Rights Convention in the Flemish part of Belgium¹. Every 5 years the Child Rights Coalition writes an Alternative Report on the situation of child rights in Belgium for the UN Committee on the Rights of the Child².

MAIN TOPIC: CHILD POVERTY AND HOMELESSNESS IN FLANDERS (BELGIUM)

Context

1. Child poverty is a severe violation of human and children's rights.
2. Despite the UN Sustainable Development Goals (SDG 1.1, 1.2 and 1.B) and the adopted recommendations 138.96 (Portugal) and 138.116 (Costa Rica) from the previous UPR of Belgium (2nd – 24th session), we have to establish that child poverty is **not a priority** within the Flemish Youth-and Children's rights policy (Jeugd-en Kinderrechtenbeleidsplan JKP) or within the Flemish Actionplan against Poverty (Vlaams Actieplan Armoedebestrijding VAPA) from the Flemish Government.
3. The most recent **Local and Flemish Povertybarometer (Lokale en Vlaamse Armoedebarmeter)** shows an increase in the risk of poverty in **275 out of 300** Flemish communities³.

Child poverty entails a very high risk for homelessness and poverty at a later age. In Flanders 15% of all minors grow up in poverty, one out of seven children is born in an underprivileged family and one out of three homeless persons is a minor. Behind those numbers are the most vulnerable children and youngsters in our society.

Child poverty has many faces but one thing is certain: growing up in poverty affects children in all aspects of their life. This has excessive consequences for their development and future. Children in poverty don't exercise that much and participate less in activities in their spare time. They often fall behind in school and drop more out of school. They face more health issues and feel more lonely, anxious and have more stress.

4. The covidcrisis had a big impact on child poverty and child homelessness. The Flemish government issued efficient measurements regarding this like the suspension of home evictions and the solutions of instalment payments.

Recommendations of the UN Committee on the Rights of the Child (02/2019)

*“37. Taking note of target 1.3 of the Sustainable Development Goals and recalling its previous recommendations (CRC/C/BEL/CO/3-4, paras. 65 and 73), **the Committee urges the State party to intensify its efforts to eradicate child poverty and particularly to:***

- a. **Develop and implement a comprehensive rights-based poverty strategy in relation to children**, with a set of time-bound and measurable indicators and a particular focus on children from disadvantaged families;*
- b. **Ensure that all children in the State party enjoy the right to adequate housing** and that children from Roma families benefit from housing adapted to their lifestyle;*
- c. **Take comprehensive measures to effectively address the root causes of begging**, ensure that the children concerned are maintained in school;*
- d. **Review the system of welfare benefits for all children and disadvantaged families in all regions and communities to ensure that they guarantee a decent standard of living**, while taking into account different family situations, and enable all children to access their rights under the Convention without discrimination.”*

Excerpt from the Concluding Observations on the combined fifth and sixth reports of Belgium (2019)⁶

Specifically affected groups ask specifically adapted policies

6. **The population of homeless people is drastically rejuvenating.** 1 out of 3 homeless persons is a child. Not only do a lot of children stay in homeless shelters, in 1 out of 4 evictions there's a child involved. Moreover there's an increase of families with children living on the street.

The primary need for youngsters in this hard

situation is a private place to live. A decent and safe house that provides the basic conditions for privacy and protection. Besides that, youngsters want to experience autonomy and feel trusted. Support and guidance should be customized and shouldn't be a condition for assistance. For a lot of youngsters the gap with the existing aid is too big because this aid mainly focusses on adults.

7. One of the main causes of child poverty and child homelessness is the severe crisis in the housing market⁴. Research of the Vlaams Huurdersplatform

of 2019 shows a fast increase of the lowest housing rents. The past five years there's an increase of 20% of the lowest housing rents while the most expensive housing rents have increased with 7,1%. Affordable houses are rare in Flanders and at the same time there's a big deficiency in social housing. The waiting lists for social housing are in some municipalities equal to the total number of inhabited social houses.

8. Some groups of children face a greater risk of ending up in poverty than others. Children living in families with a limited family budget, with parents out of jobs or who don't work very often, children of families renting a house, or families with severe debts, children living with family members who have health issues.

9. The UN Committee on the Rights of the Child expressed for that reason her remaining concern that children living in poverty remain subjected to discrimination, in particular with regard to access to healthcare, education, housing and leisure (COB 16 (02/2019)). According to the Committee the measures taken by the State party have **not had the desired impact on the reduction of child poverty**, with up to 18.6 per cent of children at risk of poverty. It is also concerned at: (a) a particularly high risk of poverty in families with two unemployed parents, single-parent families and families of non-EU origins; (b) the extent of inadequate housing,

homelessness and forced evictions, as well as cuts in welfare benefits that make children vulnerable to begging (COB 36 (02/2019)).

Knowledge of the housing-and family context is crucial to conduct an efficient policy with measurements specifically customized for groups who are at risk. For example, if 70% of children living in poverty are living in a rented house, a grant for rent would be more effective than benefits in taxes for the property of a first home of one's own.

10. The covidcrisis had **dramatic consequences** for homeless children and children who are at greater risk of ending up in poverty. It affects their access to shelter, nutrition, education, medical aid and in their rights to be heard and on their family. The report 'child's perspective during covid #youngstersoncorona' confirms this⁵.

The covidcrisis reinforced the problems on the housing market: because a lot of tenants have become unemployed and saw their income reduced, the rental burden on family incomes have increased. As a result the rental back stall has risen in Flanders. A possible solution might be a (temporary) rental supplement for those tenants who are eligible for social housing but are obliged to rent a house in the private market.

Positive are two effective measurements the Flemish Government has issued: the suspension of home evictions till 17th of July 2020 and the deployment of a fund for tackling home evictions.

Measurements which require a prolongation till the end of the covidcrisis.

SMART RECOMMENDATIONS

Make child poverty and child homelessness a priority.

- Implement a **poverty review (armoedetoets)** on all policy levels regarding all decisions that have an impact on the situation of people living in poverty and especially on children living in poverty.
- Implement a **child reflex (kindreflex)**. That way caregivers and the administration who work with (grand)parents can get a clear view on the family situation and the children. This is the only way the child's interest is the main focus in every decision that affects the child.
- Implement a **home reflex (thuisreflex)**. The home reflex makes sure that the police, the administration and caregivers automatically question the home situation with every intervention. The purpose of this is to provide (temporary) shelter for minors when parents or other caretakers are being admitted in hospitals, prisons or other centers.

Expand social rights.

- Provide for an automatic allocation of social rights in order to avoid non-take. Raise life wages and other benefits above the European poverty line. Never ever suspend life wages for people who have to support children.
- Eliminate waiting lists in social housing. Take the child's interest and the urgent need for a house as the most important criterium in assigning a house.
- Provide a monthly **rental supplement** for those tenants who are eligible for social housing but are obliged to rent a house in the private market.
- Oblige a **conformity examination** for every house that's on the market. Stimulate landlords to

make their houses safe and conform the obliged standards with renovation permiums.

Tackle child poverty and child homelessness.

- Prohibit the **dismissal of children** from hospitals, psychiatric institutions, boarding schools and youth institutions without warranties for after-care and providing a solution for their housing situation.
- Prohibit **home evictions** in which children are involved without warranties for counselling and providing a solution for their housing situation.
- Provide sufficient, adjusted shelters for homeless (families with) children. Provide residential solutions and detach these solutions from mandatory aid programs.
- Provide sufficient safe havens for homeless children where they can connect with caregivers and peers to have access to broader aid programs.

Implement temporary covid measures.

- Provide a temporary **rental supplement** to guarantee that the rent can get paid when people lose their jobs or are temporarily on welfare because of the covidcrisis.
- Keep investing in solutions for repayments when there's a rental back stall by the **Fund for the countering of home evictions (fonds ter bestrijding van uithuiszettingen)**
- Suspend all **home evictions until the end of the covidcrisis**, when there's no solution for the housing situation.

SHORT TOPIC: CHILD VISIT FOR CHILDREN WITH A PARENT IN DETENTION

Context

1. The visiting rights of children with a parent in detention provide advantages **for children and their parents**.

For children: research shows that the negative impact of having a parent in detention can be moderated by child visits. This contact can be helpful in dealing with the variety of emotions when having a parent in detention. These are socio-economic problems, feelings of deprivation, stigmatization and feelings of shame⁷.

For the parent in detention: research shows that prisoners because of their captivity feel limited in three important dimensions of their parental identity: emotional care, physical presence and economic support⁸. The child visit gives the parent in detention opportunities to enhance their involvement in the life of their child. On top of that, the chance for relapse is declining when the parent has a good contact with his or her children⁹. The intimacy and closeness which would not be possible

without the child visit, have a positive impact¹⁰.

2. During the previous UPR (2nd cycle – 24th session) Belgium accepted the recommendations 138.80 (Slovakia), 138.81 (Australia) and 138.82 (Azerbaijan) to **improve conditions in prisons**. We want to encourage this commitment of the Belgian authorities and want to emphasize that regulating and facilitating child visit in detention centres will realise important steps forward.

3. The **frequency and the quality** are the deciding factors for the positive gains of the visits. The national law of Belgium determines the minimum number of weekly visits for suspects in detention under remand and for sentenced prisoners. Within this framework, prisons can work out a regulation of their own (f.e the timeslot, the rooms that can be used, the child visit)

4. Some prisons organise **child visits with 'child animation'** by volunteers on Wednesday afternoon, Saturday and Sunday. The animation provides a safe and creative framework which encourages parents to interact and play with their children. This is a

good stimulation for the contact between parent and child. Moreover this child animation can lower the threshold for children visiting their parent in the prison for the first time because this creates a feeling of safety. The animations provide more action during the child visit and emphasize the activity instead of the environment of the prison.

5. The national legislation provides that the parent in detention as well as the person who takes care of the children out of the prison can apply for child visits. **For the child itself there's no legal ground to apply for a child visit in the constitutional law.** This is a shame because visiting rights with a parent in detention is a human right of

the child itself. (art. 9 CRC en art. 8 ECHR).

6. The child visitation has its limitations. Only children under 12 have this right. Besides that, children must be accompanied by an adult. A child who doesn't have an adult to accompany him, does not get to visit his parent.

7. The **covidcrisis** had a negative impact on child visitation in prison. Fortunately, the government took further measures on 14th September to loosen the restrictions for prisons and allow prisoners to see their families again. To do this in a safe way, there still are specific measures.

Recommendations of the UN Committee on the Rights of the Child (02/2019)

"19. (...) The Committee recommends that the State party:

*a. **Improve participation of all children** in particular by abolishing any age limit on the right of children to express their views in all issues concerning them, in legislation and ensure that due weight is given to their views according to their age and maturity; (...)"*

"28. (...) the Committee notes with concern that institutional care still remains the first response to children in need of care, particularly for children with disabilities, children from socially and economically disadvantaged families and for very young children. Referring to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party:

*a. **Support and facilitate family-based care for all children, including those from disadvantaged families; (...)"***

Exerpt from the Concluding Observations on the combined fifth and sixth reports of Belgium (2019)¹¹

SMART RECOMMENDATIONS

The right to child visitation.

- Provide for the legal possibility for children to ask for a child visitation in prison from themselves.
- Make the right of autonomous from the condition of guidance by an adult. This is the only way, children in a non-classic family situation can visit their parent in prison too.
- Pull up the age limit to 18 years so all children have the right of child visitation.

Quality of the child visitation

- Provide the obligation for prisons to organise child visitations more than once a week.
- Facilitate the obligation for prisons to organise activities for parents in detention and their children more than once a week.
- Organise courses for the prison staff and volunteers to install effective activities with child animation for parents in detention and their children.

Visitation rights for children in times of covid.

- Guarantee the right of contact between children and their parent in detention, even in times of covid.
- Facilitate specific measures to prevent the virus from spreading. Keep the rights of the parent on detention as well as the child's rights in mind while installing these measures.

*Universal Periodic Review 2020:
contribution from the Flemish Child
Rights Coalition.*



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Endnotes

- 1 The Flemish Child Rights Coalition member organisations at the time this report is written are: Arktos, Awel, Cachet, Bednet, Child Focus, Chiro, Gams, Ecpat, Gezinsbond, Grip, Jonge Helden, Kiyo, Kind en Samenleving, Liga voor Mensenrechten, Minor Ndako, Plan International België, Parcours, SAM, Vlaams Welzijnsverbond, Tumult, tZitemzo, UNICEF, Uit De Marge, VCOV, Welzijnszorg, SOS Kinderdorpen en Domo.
- 2 NGO Alternative Report on the implementation in Belgium of the Convention on the Rights of the Child, 2018, in English: <https://www.kinderrechtencoalitie.be/wp-content/uploads/2018/12/Alternatief-rapport-Kinderrechtencoalitie-2018-English.pdf>.
- 3 Armoede verbreedt en verdiept, de 300 Vlaamse gemeenten kleuren eind 2019 oranje, Decenniumdoelen, Brussel, 2020, 25 p., zie https://www.komafmetarmoede.be/wp-content/uploads/2020/09/LAB_Persdossier-1.pdf.
- 4 Standpunt Huurdersplatform, 'Huurprijzen blijven ook in 2018 verder stijgen' van 19 mei 2019, zie <http://huurdersplatform.be/hb/actualiteit-hb/huurprijzen-blijven-ook-in-2018-verder-stijgen/>.
- 5 Zie Rapport resultaten online-enquête van 27 mei 2020, https://www.kinderrechtencoalitie.be/wp-content/uploads/2020/05/20200525_Rapport_jongeren_over_corona.pdf; en Advies gebaseerd op resultaten online-enquête van 26 mei 2020, https://www.kinderrechtencoalitie.be/wp-content/uploads/2020/05/Advies_2019_2020_12_Jongeren_over_corona.pdf.
- 6 Committee on the Rights of the Child. (2019, februari). Concluding observations on the combined fifth and sixth reports of Belgium. https://www.kinderrechtencoalitie.be/wp-content/uploads/2019/02/20190207_Slotbeschouwingen-Belgi%C3%AB.pdf
- 7 Zie Arditti, J.A., Lambert-Shute, J., & Joest, K. (2003). Saturday Morning at the Jail: Implications of Incarceration for Families and Children. *Family relations*, 52(3), 195-204; en Hairston, C. F. (2002). Fathers in prison: responsible fatherhood & responsible public policies. *Marriage & Family Review*, 32(3/4), 111-135.
- 8 Zie Demeersman, T. (2006). Een verblijf in de gevangenis: de ouder- kind relatie onder druk. *Tijdschrift voor Strafbeleid en gevangeniswezen*, Fatik, 24(112), 7-10.
- 9 Cunningham, A. (2001). Forgotten families: the impacts of imprisonment. *Family Matters* (59) 35-38.

10 Clarke, L., O'Brien, M., Day, R. D., Godwin, H., Connolly, J., Hemmings, J., et al. (2005). Fathering behind bars in English prisons: imprisoned fathers' identity and contact with their children. *Fathering*, 3(3), 221-241.

11 Committee on the Rights of the Child. (2019, februari). Concluding observations on the combined fifth and sixth reports of Belgium. https://www.kinderrechtencoalitie.be/wp-content/uploads/2019/02/20190207_Slotbeschouwingen-Belgi%C3%AB.pdf



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