

Mapping child protection systems in the EU (27)

Belgium

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1. Legislative and regulatory framework and policies

1.1. Overview of normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

At constitutional level the rights of the child, including the child's right to the respect of his/her moral, physical, psychological and sexual integrity and the right to benefit from measures and services contributing to his/her development are guaranteed in Article 22*bis* of the Constitution.¹

At national and subnational level the normative legal and regulatory framework is diffuse. Belgium is a federal state, composed of communities (the Flemish Community, the French Community and the German-speaking Community) and regions (the Flemish Region, the Walloon Region and the Brussels Region).² The federal state and communities provide, each within their competences, a wide range of rules, institutions, facilities and services to assist parents and legal guardians in the performance of their child-rearing responsibilities, thereby promoting and ensuring the wellbeing and development of children. For example, the federal government is responsible for social security, while the communities are responsible for family benefits.³

However, in a number of situations, these general youth welfare regulations cannot prevent children's welfare from being seriously threatened. When the developmental or welfare needs of minors would benefit from additional or specific interventions, it is justified, or even required, for the authorities to intervene in form of specific youth care, which consists of child protection and juvenile delinquency law.

Child protection focuses on children in a problematic situation. As a result of the state reform in Belgium in the beginning of the 1980s, the communities are responsible for almost the entire area of this personal matter.⁴ However, the federal state remains responsible for several related matters: the civil law rules relating to the status of minors and the family; the organisation of the youth courts, their territorial jurisdiction and the administration of justice before them; and the deprivation of parental authority and the supervision of family benefits or other social benefits. These federal aspects are mainly regulated by the Old Civil Code, the Criminal Code and the Act of 8 April 1965 on youth care and the charging of minors who committed an act qualified as offence and the reparation of damage caused by this act.

Given that it is a community competence, four systems of child protection are possible: the system of the Flemish Community, of the French Community, of the German-speaking Community and of the Brussels Capital Region.

In the **Flemish Community** child protection is mainly regulated by the Flemish Community Decree of 12 July 2013 on integrated child protection and the Flemish Government Order of 21 February 2014 on integrated child protection. The mission of the Flemish integrated child protection is to offer flexible and tailor-made help and care to children, their parents and, when applicable, the persons responsible for their upbringing

¹ Article 22*bis* of the Constitution is available in English at www.dekamer.be/kvvcr/pdf_sections/publications/constitution/GrondwetUK.pdf.

² Articles 1-3 of the Constitution.

³ Articles 5, § 1, IV and 6, § 1, VI, fifth paragraph, 12° of the Special Act of 8 August 1980 on institutional reform.

⁴ Article 128, § 1 of the Constitution; article 5, § 1, II, 6° of the Special Act of 8 August 1980 on institutional reform.

and the relevant people in their living environment, who, for various reasons, have a demand or need for professional help, or who find themselves in a situation of danger or difficulty. Such help can be organised on a voluntary basis or through judicial intervention, and is offered in directly and not directly accessible modules by accredited and subsidised care providers of different sectors (special child protection, family care, general welfare work, mental health care, care for persons with disabilities, the education sector and foster care).⁵

The current Flemish objectives and priorities on child protection can be found in the Flemish government coalition agreement 2019-2024,⁶ the policy and budget note of 2023 on welfare, public health and family⁷ and the Flemish Youth and Children's Rights Policy Plan 2020-2024.⁸ For example, combatting child poverty and child abuse are priorities on the policy agenda.

In the **French Community** child protection is mainly regulated by the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care. The aim of child protection is to provide assistance to children in difficulties, as well as persons having serious difficulties in accomplishing their parental duties, and to any child whose health, safety or educational conditions are threatened by his/her behaviour or his/her family's or close person's behaviour.⁹ The assistance can be organised on a voluntary basis or through judicial intervention,¹⁰ and is offered by care providers accredited and subsidised by the community government.¹¹

The current French community objectives and priorities on child protection can be found in the Community Policy Statement 2019-2024¹² and the Children's Rights Action Plan 2020-2024.¹³ For example, combatting child poverty and child abuse are priorities on the policy agenda.

In the **German-speaking Community** child protection is mainly regulated by the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures and the German-speaking Community Order of 14 May 2009 on youth assistance and youth care. It provides specialised educational assistance to any child whose physical or psychological integrity, social, moral or affective development or upbringing is endangered by his/her own behaviour or the behaviour of the persons in charge of his/her upbringing or a third party, by his/her life circumstances, by relational conflicts or by special events. It further applies to any person who has significant difficulties in the exercise of parental authority or child-rearing.¹⁴ The assistance can be organised on a voluntary basis or through judicial intervention,¹⁵ and is carried out by the care providers accredited and subsidised by the community government. In justified exceptional cases, a care provider located outside the German language area may

⁵ Articles 3, 5 and 13-14 of the Flemish Community Decree of 12 July 2013 on integrated child protection; articles 3-10 of the Flemish Government Order of 21 February 2014 on integrated child protection; Flemish Government Order of 9 December 2005 on modulation in integrated child protection.

⁶ Flemish government coalition agreement 2019-2024.

⁷ Flemish policy and budget note 2023 - Welfare, public health and family.

⁸ Flemish Youth and Children's Rights Policy Plan 2020-2024.

⁹ Articles 20 and 38 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

¹⁰ Article 1, 7° of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

¹¹ Articles 139-149 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

¹² French Community Policy Statement 2019-2024.

¹³ French Community Children's Rights Action Plan 2020-2024.

¹⁴ Articles 1 and 2 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

¹⁵ Articles 1, 8 and 15 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

be charged with implementing the judicial measure.¹⁶ No specific priorities of the German-speaking Community on child protection were identified.

In the **Brussels Capital Region**, the application of the community decrees poses problems, as that region cannot be considered as belonging to a particular community because of the presence of different language groups on its territory. This problem was solved by defining bipersonal and monopersonal matters. This leads to the system that for voluntary child protection, people living in Brussels-Capital can turn to voluntary child protection in either the Flemish or French Community. Judicial child protection is, however, regulated separately for the Brussels Capital Region by the Joint Community Commission in the Brussels Capital Region Ordinance of 29 April 2004 on child protection. It is worth mentioning, that the ordinance of 2004 in the future will be replaced by the Brussels Capital Region Ordinance of 16 May 2019 on child protection and youth care.¹⁷

The Brussels judicial child protection of 2004 is aimed at children whose health or safety is immediately and seriously at risk and where voluntary assistance has been refused or has failed, and at children who are in a situation where urgent action is required due to the immediate and direct exposure to a serious danger to their physical or psychological integrity.¹⁸ The judicial measures imposed are implemented by the facilities of or recognised by the Flemish and French Community.¹⁹ No specific priorities of the Brussels authorities on child protection were identified.

For information on the human and financial resources allocated to child protection, see Section III.

1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection

Question	YES	NO	Comments
1.2.1. Does the constitution contain any provisions on children's rights and child protection?	X		The rights of the child, including the child's right to the respect of his/her moral, physical, psychological and sexual integrity and the right to benefit from measures and services contributing to his/her development, are guaranteed in Article 22 <i>bis</i> of the Constitution.
1.2.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children's Act?		X	Belgium is a federal state and child protection is mainly a competence of the communities. As a result, various community legislations regulate child protection and children rights. In addition, federal regulations also regulate aspects concerning child protection and the Constitution provides basic rights to children. Consequently, there is no single legal instrument devoted to child protection such as a Children's Act.

¹⁶ Articles 18 and 22-25 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

¹⁷ Article 91 of the Brussels Capital Region Ordinance of 16 May 2019 on child protection and youth care.

¹⁸ Articles 8 and 9 of the Brussels Capital Region Ordinance of 29 April 2004 on child protection.

¹⁹ Article 13 of the Brussels Capital Region Ordinance of 29 April 2004 on child protection; website of the Joint Community Commission; Cooperation Agreement of 11 May 2007 between the French Community, the Flemish Community and the Common Community Commission on child protection.

1.2.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

Legislation	Date passed	Child protection areas covered
<u>Constitution of 17 February 1994</u>	Entered into force on 27 February 1994	Rights of the child.
<u>Old Civil Code of 21 March 1804</u>	Entered into force on 13 September 1807	Legal capacity of the child, parental authority, right of siblings not to be separated from each other, foster care and adoption.
<u>Criminal Code of 8 June 1867</u>	Entered into force on 15 October 1867	Criminalisation of offences against children.
<u>Act of 8 April 1965 on youth care and the charging of minors who committed an act qualified as offence and the reparation of damage caused by this act</u>	Entered into force on 1 September 1966	Deprivation of parental authority, supervision of family benefits and other social benefits and judicial procedure in case of youth care.
<u>Act of 25 November 1991 approving the entering into force of the Convention on the Rights of the Child adopted in New York on 20 November 1989</u>	Entered into force on 27 January 1992	Approval of the entry into force in Belgium of the Convention on the Rights of the Child.
<u>Flemish Community Decree of 15 May 1991 approving the entering into force of the Convention on the Rights of the Child adopted in New York on 20 November 1989</u>	Entered into force on 23 July 1991	Approval of the entry into force in the Flemish Community of the Convention on the Rights of the Child.
<u>Flemish Community Decree of 7 May 2004 on the legal status of minors in integrated child protection and within the framework of the decree on juvenile delinquency law</u>	Entered into force on 1 July 2004	Rights of children in the Flemish child protection system.
<u>Flemish Community Decree of 12 July 2013 on integrated child protection</u>	Entered into force on 1 March 2014	Organisation and regulation of the child protection system in the Flemish Community.

<u>French Community Decree of 3 July 1991 approving the entering into force of the Convention on the Rights of the Child adopted in New York on 20 November 1989</u>	Entered into force 15 September 1991	Approval of the entry into force in the French Community of the Convention on the Rights of the Child.
<u>French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care</u>	Entered into force in 1 January 2019	Organisation and regulation of the child protection system in the French Community.
<u>German-speaking Community Decree of 25 June 1991 approving the entering into force of the Convention on the Rights of the Child adopted in New York on 20 November 1989</u>	Entered into force on 19 August 1991	Approval of the entry into force in the German-speaking Community of the Convention on the Rights of the Child.
<u>German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures</u>	Entered into force on 1 January 2009	Organisation and regulation of the child protection system in the German-speaking Community.
<u>Brussels Capital Region Ordinance of 29 April 2004 on child protection</u>	Entered into force on 1 October 2009	Organisation and regulation of the judicial child protection system in the Brussels Capital Region.
<u>Brussels Capital Region Ordinance of 16 May 2019 on child protection and youth care</u>	Not yet entered into force	Organisation and regulation of the judicial child protection system in the Brussels Capital Region.
<u>Flemish Government Order of 21 February 2014 on integrated child protection</u>	Entered into force on 28 February 2014	Organisation and regulation of the child protection system in the Flemish Community.
<u>German-speaking Community Order of 14 May 2009 on youth assistance and youth care</u>	Entered into force on 1 November 2009	Organisation and regulation of the child protection system in the German-speaking Community.

1.3. Policy framework

Question	YES	NO	Comments
1.3.1. Is there a specific national or sub-national policy framework and/or a national or sub-national strategy on child rights and/or child protection?	X		At national level, no current action plan on child rights and child protection has been identified. At community level, the Flemish Community has a specific action plan on child rights and child

<p>If <u>yes</u>, does it require an integrated approach to child protection?</p>		<p>protection: the Flemish Youth and Children's Rights Policy Plan 2020-2024.²⁰ An interim report on its implementation was published in 2022.²¹ The Flemish child protection is characterised by an integrated approach,²² and a more integrated approach with family support is currently also envisaged in a concept note 'Early and Nearby' (<i>Vroeg en Nabij</i>).²³</p> <p>The French Community also has a specific action plan on child rights and child protection: the French Community Children's Rights Action Plan 2020-2024.²⁴ A mid-term evaluation of the action plan has recently been carried out.²⁵ An integrated approach to child protection is not explicitly mentioned in this plan, nor in the French Community decree of 18 January 2018 on the code of prevention, child protection and youth care.²⁶</p> <p>The German-speaking Community adopted a third youth strategy plan 2023-2027, aimed at improving the situation of young people in the German-speaking Community.²⁷ It contains four themes (social participation, digitalisation, emotions and self-image and sustainable design of East Belgium as a living space), which are based on the actual needs of young people. An integrated approach to child protection is not mentioned in this plan, nor explicitly in the <u>German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures</u>.²⁸</p> <p>For the Brussels Capital Region no specific action plan was identified.</p>
<p>1.3.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular</p>	<p>X</p>	<p>At national level there is a National action plan for the European Child Guarantee 2022-2030,²⁹ aimed at combating child poverty and social exclusion.</p>

²⁰ Flemish Youth and Children's Rights Policy Plan 2020-2024.

²¹ Interim report Flemish Youth and Children's Rights Policy Plan 2020-2024.

²² Article 8, 7° of the Flemish Community Decree of 12 July 2013 on integrated child protection.

²³ Website of Child Protection Flanders; Communication to the Flemish Government concerning the concept note for an integrated family and child protection policy 'Vroeg & Nabij' (Early & Nearby).

²⁴ French Community Children's Rights Action Plan 2020-2024.

²⁵ Intermediate evaluation report on the 2020-2024 action plan of the Wallonia-Brussels Federation (= French Community) on the rights of the child.

²⁶ French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

²⁷ German-speaking Community Youth Strategy Plan 2023-2027.

²⁸ German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

²⁹ National action plan for the European Child Guarantee 2022-2030.

<p>areas, e.g. children with disabilities, children in care?</p>		<p>No other current action plans specifically and solely targeting specific groups of children were identified. However, more general action plans do exist that address all citizens, and consequently children. Examples are the national action plan in the fight against gender-based violence 2021-2025³⁰ and the Flemish Poverty Action Plan 2020-2024.³¹</p>
<p>1.3.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?</p>	<p>X</p>	<p>No policies solely on this specific matter were identified. However, it is addressed in other more general action plans. Some examples are the following: the Flemish Youth and Children's Rights Policy Plan 2020-2024 prioritises a coordinated and comprehensive approach to cyberbullying and improving children's digital media skills.³² The objectives of the national action plan in the fight against gender-based violence 2021-2025³³ include combating online (sexual) violence. The Inter-federal and intersectoral plan 'Women in Digital' 2021-2026 contains next strategic objective: ensure that more girls graduate in the digital sector.³⁴</p>
<p>1.3.4. Is there a (regular) child participation policy and/or mechanism and/or body related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children's rights forum, child surveys, child participation platform? If <u>yes</u>, are appropriate child protection and safety measures in place?</p>	<p>x</p>	<p>The Flemish Youth and Children's Rights Policy Plan 2020-2024, the French Community Children's Rights Action Plan 2020-2024, the Walloon Children's Rights Action Plan 2020-2024 and the German-speaking Community Youth Strategy Plan 2023-2027 all stress the importance of children's participation.³⁵ The Flemish Community Decree of 20 January 2012 on a renewed youth and children's rights policy stipulates that the Flemish action plan would only be approved by the Flemish government after youth participation.³⁶ The German-speaking Community Decree of 6 December 2011 in support of youth work stipulates that young people are involved in defining the central themes, the evaluation and the implementation of the Youth Strategy Plan.³⁷</p> <p>There are also mechanisms and bodies that enable children to have a voice in or to (in)directly influence policy making, such as the Flemish Office of the Children's Rights Commissioner</p>

³⁰ National action plan in the fight against gender-based violence 2021-2025.

³¹ Flemish Poverty Action Plan 2020-2024.

³² Flemish Youth and Children's Rights Policy Plan 2020-2024, 18 and 42-48.

³³ National action plan in the fight against gender-based violence 2021-2025.

³⁴ Inter-federal and intersectoral plan 'Women in Digital' 2021-2026.

³⁵ Flemish Youth and Children's Rights Policy Plan 2020-2024, 11 and 29; French Community Children's Rights Action Plan 2020-2024, 24-27; German-speaking Community Youth Strategy Plan 2023-2027, 15.

³⁶ Article 3, § 2 of the Flemish Community Decree of 20 January 2012 on a renewed youth and children's rights policy.

³⁷ Article 4 of the German-speaking Community Decree of 6 December 2011 in support of youth work.

		<p>(Kinderrechtencommissariaat), the French Community General delegate for children's rights (<i>Délégué général aux droits de l'enfants</i>), the Flemish Youth Council (<i>Vlaamse Jeugdraad</i>), the French Community Youth Forum (<i>Forum des jeunes de la Communauté française</i>) and the Youth Council in East Belgium (<i>Jugendrat in Ostbelgien</i>). Their operation is specifically tailored to children (e.g. use of leaflets and websites adopted to youth). See Section VII, questions 7.1.1. and 7.2.1. for more information on these bodies.</p> <p>Client representatives are also important for policy participation of children. See Section V, question 5.1.5.</p>
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1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant action plan, protocol, procedure, or guidance issued by competent authorities. Please always specify how children's participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children's right to be heard).

1.4.1. Children victims of abuse, exploitation, or neglect

In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)

Policy developments	Legislative developments
At national level, a national action plan in the fight against gender-based violence 2021-2025 was adopted. It sets actions to combat gender-based violence and prioritises, among other things, the protection, guidance and support of victims of gender-based violence and their environment	At national level, the Act of 21 March 2022 on amendments to the Criminal Code relating to the sexual criminal law modernised Belgian sexual criminal law and introduced tougher penalties for certain sexual offences. ⁴⁹ In addition, the College of Prosecutors-General of the Courts of Appeal has

⁴⁹ Act of 21 March 2022 on amendments to the Criminal Code relating to the sexual criminal law.

(including children exposed to such violence) by centring follow-up around them.³⁸

The new national action plan fight against human trafficking 2021-2025 was adopted. It includes actions refining the protection status of victims of human trafficking.³⁹

The federal government has adopted about 80 measures to combat racism ('Federal measures of the national action plan against racism 2021-2024').⁴⁰ The future national plan against racism will therefore include a common section (with cross-cutting themes) and various measures, with each government developing its own section independently.

At community level, combating child abuse is a priority in the Flemish Youth and Children's Rights Policy Plan 2020-2024 and the French Community Children's Rights Action Plan 2020-2024.⁴¹

In the Flemish Community a specific Flemish action plan to combat sexual violence in 2020-2024 was also adopted.⁴² It formulates three strategic objectives for a strengthened horizontal policy: (1) to invest in prevention in a targeted way and to guide citizens and professionals when they seek information or support; (2) to focus on appropriate measures when sexual violence actually occurs; (3) to enhance the qualities of professionals and relevant sectors in the fight against sexual violence. A Flemish resolution on the comprehensive approach to child abuse was also adopted in 2021.⁴³ Also worth mentioning in the Flemish Community is the roll-out of a chain-approach and Family Justice

adopted a circular COL 5/2022 aimed at the prosecution's application of this act.⁵⁰

At community level, the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care⁵¹ replaced the French Community Decree of 4 March 1991 regarding assistance to the youth.⁵² This revised and updated the rules on child protection in the French Community. Another noteworthy legislative development is the adoption of the French Community Decree of 3 May 2019 on combating violence against women, which also targets underage girls.⁵³

No other significant developments have been identified.

³⁸ National action plan in the fight against gender-based violence 2021-2025.

³⁹ Nation action plan fight against human trafficking 2021-2025.

⁴⁰ Federal measures national Action plan against racism 2021-2024.

⁴¹ Flemish Youth and Children's Rights Policy Plan 2020-2024; French Community Children's Rights Action Plan 2020-2024.

⁴² Flemish action plan to combat sexual violence 2020-2024.

⁴³ Flemish resolution of 12 May 2021 on the comprehensive approach to child abuse.

⁵⁰ Circular nr. COL 5/2022 of the College of Prosecutors-General of the Courts of Appeal on the Act of 21 March 2022 on amendments to the Criminal Code relating to sexual criminal law, published in the Belgian Official Gazette of 30 March 2022, with entry into force on 1 June 2022.

⁵¹ French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

⁵² French Community Decree of 4 March 1991 regarding assistance to the youth.

⁵³ French Community Decree of 3 May 2019 on combating violence against women.

<p>Centres involving multidisciplinary collaboration to combat domestic violence.⁴⁴</p> <p>In the French Community a specific action plan to combat inequality between men and women, and also boys and girls was adopted.⁴⁵ The plan is based on four main areas: (1) combating violence against women; (2) deconstructing stereotypes and acting on representations; (3) ensuring better representation of women in all professional sectors and at all levels in decision-making bodies and positions of responsibility; (4) facilitate the reconciliation of private and professional life. Besides, a specific action plan to combat violence against women was adopted.⁴⁶</p> <p>In the Brussels Capital Region, there is also an action plan on combatting violence against women.⁴⁷</p> <p>In the German-speaking Community, the Youth Strategy Plan 2023-2027 formulates as an action point the prevention (and aftercare) of negative consequences of digitalisation, including cyberbullying.⁴⁸</p> <p>No other significant developments have been identified.</p>	
<p>1.4.2. Children with disabilities</p> <p>Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>At national level, the Federal action plan handicap 2021-2024 was adopted. It aims to remove all barriers faced by persons with disabilities so that they can live their lives fully and autonomously shape their lives and develop to their full potential.⁵⁴</p>	<p>At national level, the Act of 17 March 2021 revising the Constitution to insert in Title II of the Constitution an Article 22ter guaranteeing the right of persons with disabilities to full inclusion in society inserted a new Article 22ter in the</p>

⁴⁴ Website of [Safe Home](#).

⁴⁵ [French Community Women's Rights Plan 2020-2024](#).

⁴⁶ [Intra-francophone plan to combat violence against women 2020-2024](#).

⁴⁷ [Brussels plan to combat violence against women 2020-2024](#).

⁴⁸ [German-speaking Community Youth Strategy Plan 2023-2027](#).

⁵⁴ [Federal action plan disability 2021-2024](#).

At community level, the Flemish Youth and Children's Rights Policy Plan 2020-2024 includes a specific goal targeting children with disabilities: through targeted efforts complementary to a target group-specific approach will be worked towards more inclusive leisure activities for children with disabilities.⁵⁵ An action point on mental health is also formulated: the mental resilience of children is promoted.⁵⁶ In the Flemish Community, an action plan 'Caring for tomorrow' (*Zorgen voor morgen*) was also approved by the Flemish government to deal with the psychosocial consequences of the corona crisis.⁵⁷ Furthermore, a horizontal integration and equal opportunities policy plan 2020-2024 was adopted in the Flemish Community, which also prioritises the inclusion of persons with disabilities.⁵⁸

In the French Community, the French Community Children's Rights Action Plan 2020-2024 contains action points related to the inclusion of children with disabilities and the improvement of the cooperation on mental health.⁵⁹

One of the four themes of the German-speaking Community Youth Strategy Plan is 'emotions and self-image', under which action points on mental health are formulated.⁶⁰

No other significant developments were identified.

Constitution with a right to full inclusion for all persons with disabilities.⁶¹

At community level, the Flemish Community Decree of 18 May 2018 containing the Flemish social protection is worth mentioning.⁶² This decree launched Flemish Social Protection, which brought some changes regarding allowances for all people with disabilities.

No other significant developments were identified.

1.4.3. Children in the context of migration

Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented – irregular migrant families; asylum seeking children; refugee children

Policy developments

At national level, the national action plan in the fight against gender-based violence 2021-2025 also mentions the need to ensure that gender-based

Legislative developments

In response to the war in Ukraine, the Flemish Community adopted legislation on the accommodation of Ukrainian refugee children and

⁵⁵ [Flemish Youth and Children's Rights Policy Plan 2020-2024](#), 41.

⁵⁶ [Flemish Youth and Children's Rights Policy Plan 2020-2024](#), 21-22.

⁵⁷ Website of [Caring for tomorrow](#).

⁵⁸ [Flemish horizontal integration and equal opportunities policy plan 2020-2024](#).

⁵⁹ [French Community Children's Rights Action Plan 2020-2024](#).

⁶⁰ [German-speaking Community Youth Strategy Plan 2023-2027](#), 21-23.

⁶¹ [Act of 17 March 2021 revising the Constitution to insert in Title II of the Constitution an Article 22ter guaranteeing the right of persons with disabilities to full inclusion in society](#).

⁶² [Flemish Community Decree of 18 May 2018 containing the Flemish social protection](#).

<p>violence is taken into account in asylum and migration policies.⁶³</p> <p>At community level, policies on the reception of Ukrainian refugees, including children, were adopted in response to the war in Ukraine.⁶⁴</p> <p>No other significant developments were identified.</p>	<p>their families⁶⁵ and on access to education for these children.⁶⁶</p> <p>No other significant developments were identified.</p>
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1.4.4. Children in alternative care

Specific thematic areas: residential – institutional care; foster care; adoption (including international adoption)

Policy developments	Legislative developments
<p>At community level, the Flemish Youth and Children's Rights Policy Plan 2020-2024 includes two specific goals on residential care: (1) a learning pathway 'Positive Living Climate' in residential facilities for children is being developed and (2) a participatory process with children in care is set up to provide appropriate responses to their needs, requirements and questions in terms of leisure activities, in the facilities themselves and outside them.⁶⁷</p> <p>In the field of adoption, it is also worth mentioning that the Flemish government has set up an expert panel on between-country</p>	<p>At national level, the Act of 20 May 2021 amending the Old Civil Code, concerning personal ties between siblings has inscribed in the Civil Code a right for siblings not to be separated from each other and to maintain personal contact in case of out-of-home placement under the child protection system.⁷⁰</p> <p>At community level, the Flemish Community Decree of 15 February 2019 on juvenile delinquency law putted in the Flemish Community an end to the possibility of joint placement of juvenile offenders and children in an alarming situation in a closed unit of a community institution when subjected to the residential measure of</p>

⁶³ [National action plan in the fight against gender-based violence 2021-2025](#), 117.

⁶⁴ E.g. [Memorandum to the Flemish Government on Flanders helps Ukraine. Approval of creation of task force Emergency shelter Ukraine and plan of action](#); [Memorandum of the Flemish Government on Flanders helps Ukraine. Approval scale-up strategy, financial and facility framework temporarily displaced persons Ukraine](#); [French Community resolution on the aggression of Ukraine by the Russian Federation, its repercussions in the Wallonia-Brussels Federation and the support to be given to the people of Ukraine](#); [German-speaking Government Communication of 24 March 2022 on 'Measures taken by the Government to receive refugees from Ukraine'](#); [Letter from Agency Growing Up of 17 March 2022 on the reception policy regarding refugees from Ukraine](#).

⁶⁵ E.g. [Flemish Community Decree of 18 March 2022 regulating temporary housing for families or single people who are homeless or at risk of becoming homeless following the war in Ukraine](#); [Flemish Government Order of 18 March 2022 regulating the temporary housing of families or singles who are homeless or at risk of becoming homeless as a result of the war in Ukraine](#); [Flemish Government Order of 8 April 2022 to grant a subsidy to local governments for the creation of reception capacity for temporarily displaced persons from Ukraine, amending several orders of the Flemish Government and repealing the Flemish Government Order of 14 March 2022 to grant a subsidy to local governments for the creation of additional reception places for the temporarily displaced persons from Ukraine](#).

⁶⁶ E.g. [Flemish Community Decree of 22 April 2022 adopting urgent measures in education in response to the Ukraine crisis, amending the Flemish Community Decree of 8 June 2007 on study grants from the Flemish Community and amending the Flemish Codex Higher Education of 11 October 2013 for pupils and students covered by Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and measures promoting a balance of effort between Member States in receiving and bearing the consequences of receiving such persons](#).

⁶⁷ [Flemish Youth and Children's Rights Policy Plan 2020-2024](#), 20 and 37.

⁷⁰ [Act of 20 May 2021 amending the Old Civil Code, concerning personal ties between siblings](#).

<p>adoption in 2019 in response to questions on malpractices in between-country adoptions. Their report was published in 2021.⁶⁸</p> <p>In the French Community, the French Community Children's Rights Action Plan 2020-2024 sets as an action point to support parents to stay in touch with their children in case of residential care.⁶⁹</p> <p>No other significant developments were identified.</p>	<p>closed placement.⁷¹ These institutions are now exclusively closed and inaccessible to children in an alarming situation, who can now only be accommodated within private institutions. The range of those private facilities did expand to include a secure accommodation offer (<i>beveiligend verblijf</i>).</p> <p>Relevant for foster care and adoption is the Flemish Community Decree of 26 April 2019 establishing a parentage centre and a DNA database which tries to realise the international right to parentage information.⁷²</p> <p>In the French Community, the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care⁷³ replaced the French Community Decree of 4 March 1991 regarding assistance to the youth.⁷⁴ This revised and updated the rules on child protection - and thus alternative care as well.</p> <p>In the German-speaking Community, the German-speaking Community Decree of 27 April 2020 on the adoption of children⁷⁵ was adopted, which replaced the old German-speaking Community Decree of 21 December 2015 on adoption.⁷⁶ This new decree renewed the rules on the preparation, mediation and aftercare of within-country and between-country adoption for the German-speaking Community. A German-speaking Community order executing this decree was also adopted.⁷⁷</p> <p>No other significant developments were identified.</p>
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1.4.5. Children affected by custody disputes, including parental abduction

Policy developments	Legislative developments
No significant developments were identified.	At national level, the Act of 20 May 2021 amending the Old Civil Code, concerning personal ties between siblings has inscribed in the civil code a right for siblings not to

⁶⁸ Final report of expert panel on between-country adoption 14 August 2021.

⁶⁹ French Community Children's Rights Action Plan 2020-2024, 34.

⁷¹ Flemish Community Decree of 15 February 2019 on juvenile delinquency law.

⁷² Flemish Community Decree of 26 April 2019 establishing a parentage centre and a DNA database.

⁷³ French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

⁷⁴ French Community Decree of 4 March 1991 regarding assistance to the youth.

⁷⁵ German-speaking Community Decree of 27 April 2020 on the adoption of children.

⁷⁶ German-speaking Community Decree of 21 December 2015 on adoption.

⁷⁷ German-speaking Community Order of 25 March 2021 implementing the decree of 27 April 2020 on the adoption of children.

	<p>be separated from each other and to maintain personal contact in cases regarding parental authority (including accommodation and contact arrangements).⁷⁸</p> <p>The Act of 20 July 2022 implementing Council Regulation 2019/1111 of 25 June 2019 on jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, and on international child abduction (recast) has provided the necessary amendments to the Belgian Judicial Code, Civil Code and Private International Law Code in view of the introduction of the new Brussels IIter regulation, that replaces the former Brussels IIbis regulation.⁷⁹</p> <p>No other significant developments were identified.</p>
1.4.6. Missing children	
Policy developments	Legislative developments
<p>At national level, in 2018, a resolution was adopted on the "BE-Alert" mass notification system for the population in order to also report the disappearance of minors.⁸⁰ It aims at improving the tracing of missing minors.</p> <p>No other significant developments were identified.</p>	<p>At national level, the College of Prosecutors-General of the Courts of Appeal in 2022 issued a circular COL 4/2022 with guidelines on searching for missing persons⁸¹</p> <p>No other significant developments were identified.</p>
1.4.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (AROPE)	
Policy developments	Legislative developments
<p>At national level the National action plan for the European Child Guarantee 2022-2030 is adopted.⁸² It aims at combating child poverty and social exclusion and has four focusses: (1) children in need have effective access to free</p>	<p>At community level, the Flemish Community Decree of 27 April 2018 regulating family policy allowances is worth mentioning.⁸⁸ With this decree, Flanders abandoned the federal child benefit system and embedded the management and payment of Flemish</p>

⁷⁸ Act of 20 May 2021 amending the Old Civil Code, concerning personal ties between siblings.

⁷⁹ Act of 20 July 2022 implementing Council Regulation 2019/1111 of 25 June 2019 on jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, and on international child abduction (recast).

⁸⁰ Flemish resolution of 15 June 2018 on the "BE-Alert" mass notification system for the population in order to also report the disappearance of minors.

⁸¹ Circular nr. COL 4/2022 of the College of Prosecutors-General of the Courts of Appeal on the search for missing persons.

⁸² National action plan for the European Child Guarantee 2022-2030.

⁸⁸ Flemish Community Decree of 27 April 2018 regulating family policy allowances.

quality health care; (2) vulnerable children have free access to early childhood care and children in need have access to accessible quality education and school activities; (3) children in need have effective access to sufficient and safe food, including through the community programme for vegetables, fruits and school milk; (4) children in need have effective access to adequate housing.

At community level, combating child poverty and social exclusion is a priority and action area in the French Community Children's Rights Action Plan 2020-2024.⁸³ The French Community has also adopted a plan to combat (child) poverty and reduce social inequalities.⁸⁴ This plan is divided into three main strategic areas: (1) ensuring accessibility to services of the Wallonia-Brussels Federation and the services of partner operators for people experiencing poverty; (2) prevent situations of vulnerability throughout the life course of people in the remit of the Wallonia-Brussels Federation; (3) develop the Wallonia-Brussels Federation's expertise in the fight against poverty and the reduction of social inequalities.

In the Flemish Community, the Flemish Poverty Action Plan 2020-2024 was adopted. It contains actions aimed at combating child poverty and social exclusion.⁸⁵ In addition, a horizontal integration and equal opportunities policy plan 2020-2024 was adopted in the Flemish Community and aims at improving social inclusion.⁸⁶ Finally, an action plan to combat homelessness has also been adopted in the Flemish Community.⁸⁷

No other significant developments were identified.

family benefits in the 'growth package' (*groeipakket*). The growth package includes some social corrections that, among other things, help combating poverty and social exclusion.

In the French Community, a framework decree on combating poverty and reducing social inequalities was adopted in 2019.⁸⁹ That decree aims to establish a framework for the implementation, monitoring, evaluation and promotion of a cross-cutting policy to combat poverty, including child poverty, and to promote the reduction of social inequalities in matters within the competence of the French Community.⁹⁰

No other significant developments were identified.

1.4.8. Children belonging to minority ethnic groups, e.g. Roma, Sami, etc.

⁸³ [French Community Children's Rights Action Plan 2020-2024.](#)

⁸⁴ [French Community plan to combat poverty and reduce social inequalities 2020-2025.](#)

⁸⁵ [Flemish Poverty Action Plan 2020-2024.](#)

⁸⁶ [Flemish horizontal integration and equal opportunities policy plan 2020-2024.](#)

⁸⁷ [Flemish action plan to combat homelessness 2020-2024.](#)

⁸⁹ [French Community framework decree of 3 May 2019 on combating poverty and reducing social inequalities.](#)

⁹⁰ [Website of the Wallonia-Brussels Federation.](#)

Policy developments	Legislative developments
<p>At federal level, an action plan against racism 2021-2024 was adopted and contains about 80 measures to combat racism ('Federal measures of the national action plan against racism 2021-2024'⁹¹). The future national plan against racism will include a common section (with cross-cutting themes) and various measures, with each government developing its own section independently.</p> <p>In June 2022, Belgium submitted its National Roma Integration Strategy 2020-2030 to the European Commission. This strategy is part of the Council of Europe's recommendation to achieve 'Roma equality, inclusion and participation'. The strategy focuses on four objectives: health, education, employment and housing. The goal is to prevent anti-gypsyism, the specific racism towards Roma and Travellers⁹². Belgium has also submitted a report to the European Commission on progress made in this area in June 2023, and has committed to submit a biennial report from 2023 onwards.⁹³</p> <p>No other significant developments were identified.</p>	<p>No significant developments were identified.</p>

1.4.9. Children involved in judicial proceedings as victims or witnesses or parties

Policy developments	Legislative developments
<p>No significant developments were identified.</p>	<p>Minors that are interrogated as a suspect must have access to a lawyer, independent if they are deprived or not of their liberty (see the articles 47bis CPP and article 2bis of the Law of 20 July 1990 on pretrial detention). Article 52bis and Article 54bis Federal Youth Law stipulate that children are to be accompanied by a youth lawyer whenever they appear in front of the youth</p>

⁹¹ [Federal measures national Action plan against racism 2021-2024.](#)

⁹² "The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies", website of the Council of Europe.

⁹³ [National Roma Inclusion Strategy 2020-2030; website of POD Social Integration.](#)

judge. The Federal Youth Act clearly states that where a person who is less than 18 years of age is a party in the procedure and has no lawyer, they will be assigned one.

Secondary legal aid is defined as aid granted to a natural person for “detailed legal advice or legal assistance within the framework of court and out-of-court proceedings”. It is organised by the legal aid offices accountable to the bar associations and is provided exclusively by barristers. Minors benefit from a irrebuttable presumption that they have not enough resources. Therefore totally free legal aid is granted in every case. A minor who becomes an adult and has to appear under the Law of 1965 for acts committed during his minority continues to be regarded as a minor and benefits from the irrefutable presumption of indigence.

At national level, the College of Prosecutors-General of the Courts of Appeal in 2018 issued a circular on the organisation of the right of minor victims, witnesses and suspects to access to a lawyer.⁹⁴ It replaces the older circular COL 12/2011 and explains among other things the right to information of minor victims and witnesses. In addition, the same College issued in 2021 a circular on the audiovisual recording of the interrogation of minor and vulnerable adult victims or witnesses of crimes. It replaces the older ministerial circular of 16 July 2001 and provides the various actors involved with clear guidelines on the way and conditions to be followed regarding the use of this technique.⁹⁵

At community level, the Flemish Community Decree of 15 February 2019 on juvenile delinquency law was adopted and provides a strengthened position for victims of juvenile offences in the Flemish Community.⁹⁶ The same development was realised in the French Community with the adoption of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.⁹⁷

No other significant developments were identified.

1.4.10. Children involved in judicial proceedings as suspects or accused persons

⁹⁴ Circular nr. COL 11/2018 of the College of Prosecutors-General of the Courts of Appeal - Addendum 2 to circular COL 8/2011 on the organisation of the right of access to a lawyer - situation of minors and those suspected of having committed an offence defined as a crime before the age of 18.

⁹⁵ Circular nr. COL 3/2021 of the College of Prosecutors-General of the Courts of Appeal on the audiovisual recording of the interrogation of minor and vulnerable adult victims or witnesses of crimes.

⁹⁶ Flemish Community Decree of 15 February 2019 on juvenile delinquency law.

⁹⁷ French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

Policy developments	Legislative developments
<p>No significant developments were identified.</p>	<p>At national level, the College of Prosecutors-General of the Courts of Appeal in 2018 issued a circular on the organisation of the right of minor victims, witnesses and suspects to access to a lawyer.⁹⁸ It replaces the older circular COL 12/2011 and explains the right to information, consultation and assistance of interrogated juvenile suspects.</p> <p>The Act of 16 November 2022 amending the Police Service Act of 5 August 1992 to introduce clear safeguards regarding the handcuffing of minors was adopted.⁹⁹ This act aims to attach additional safeguards to the use of handcuffs on minors.</p> <p>The Act of 27 April 2018 on the railway police was adopted.¹⁰⁰ It contains obligations for the public and passengers regarding the use of the railway. It provides for a mixed penalty regime of criminal sanctions and administrative fines. The latter may be imposed on minors aged 14 or over at the time of the offence. It also contains some procedural provisions in this regard.</p> <p>At community level, the Flemish Community Decree of 15 February 2019 on juvenile delinquency law introduced an own Flemish juvenile delinquency law.¹⁰¹ That system moved away from an exclusive protection model, consolidates the restorative justice track as a fully-fledged response to juvenile delinquency and provides for the possibility of a clear, norm-affirming response to juvenile offences, approaching the juvenile as growing in responsibility. The College of Prosecutors-General of the Courts of Appeal issued a circular COL 9/2019 with tools for the prosecution to apply this decree uniformly.¹⁰² Also worth mentioning is the Flemish Government Order of 23 October 2020 on the use of videoconferencing for the appearance of juvenile suspects which was adopted in implementation of the decree of 15 February 2019. The Order allows – under</p>

⁹⁸ Circular nr. COL 11/2018 of the College of Prosecutors-General of the Courts of Appeal - Addendum 2 to circular COL 8/2011 on the organisation of the right of access to a lawyer - situation of minors and those suspected of having committed an offence defined as a crime before the age of 18.

⁹⁹ Act of 16 November 2022 amending the Police Service Act of 5 August 1992 with a view to introducing clear safeguards regarding the handcuffing of minors.

¹⁰⁰ Act of 27 April 2018 on the railway police.

¹⁰¹ Flemish Community Decree of 15 February 2019 on juvenile delinquency law.

¹⁰² Circular nr. COL 9/2019 of the College of Prosecutors-General of the Courts of Appeal on the Flemish Community decree of 15 February 2019 on juvenile delinquency law.

	<p>certain circumstances – for digital communication with the youth court.</p> <p>In the French Community, the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care introduced an own French Community juvenile delinquency law.¹⁰³ The protection model remains the main reference but is complemented by elements from the restorative and sanction model.</p> <p>No other significant developments were identified.</p>
<p>1.4.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>At national level, a resolution on combating female genital mutilation was adopted in 2018.¹⁰⁴ In addition, the national action plan in the fight against gender-based violence 2021-2025 also mentions action points on combating genital mutilation, honour-based violence and forced marriages, among others through awareness-raising.¹⁰⁵</p> <p>At community level, in the French Community Children's Rights Action Plan 2020-2024¹⁰⁶, the French Community Women's Rights Plan 2020-2024¹⁰⁷ and the Intra-francophone plan to combat violence against women 2020-2024¹⁰⁸ actions are formulated that specifically address combating genital mutilation, honour-based violence and forced marriages.¹⁰⁹</p> <p>In the Brussels Capital Region, the plan to combat violence against women 2020-2024 contains an action point that states that the general public and local actors need to be</p>	<p>At national level, the Act of 18 June 2018 on addressing violence because of culture, custom, religion, tradition or so-called 'honour', including genital mutilation adapts the regulations around professional secrecy so that professionals can – under certain circumstances – also break their professional secrecy in the case of certain crimes committed on a person who is vulnerable as a result of use of force, committed because of cultural motivations, customs, traditions, religion or so-called 'honour'. It also mandates the registration of genital mutilation in the patient's hospital record.¹¹²</p> <p>No other significant developments were identified.</p>

¹⁰³ French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

¹⁰⁴ Flemish resolution of 22 October 2015 on combating female genital mutilation.

¹⁰⁵ National action plan in the fight against gender-based violence 2021-2025, 43.

¹⁰⁶ French Community Children's Rights Action Plan 2020-2024.

¹⁰⁷ French Community Women's Rights Plan 2020-2024.

¹⁰⁸ Intra-francophone plan to combat violence against women 2020-2024.

¹⁰⁹ Flemish Youth and Children's Rights Policy Plan 2020-2024; French Community Children's Rights Action Plan 2020-2024.

¹¹² Act of 18 June 2018 on addressing violence because of culture, custom, religion, tradition or so-called 'honour', including genital mutilation.

<p>sensitised around the issue of violence against women and girls in a migration context: forced marriages, genital mutilation and honour killings.¹¹⁰</p> <p>It is also worth mentioning that an action plan to prevent violent radicalisation, extremism, terrorism and polarisation 2020-2024 was adopted in the Flemish Community.¹¹¹</p> <p>No other significant developments were identified.</p>	
<p>1.4.12. Children whose parents are in prison/custody</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>At community level, in the French Community, the French Community Children's Rights Action Plan 2020-2024 and the French Community Women's Rights Plan 2020-2024 pay attention to children with a parent in prison.¹¹³</p> <p>No other significant developments were identified.</p>	<p>At community level, in the French Community, the Protocol of agreement of 23 May 2014 relating to the reception of young children with their detained parent and the support of pregnant women in detention was updated on 5 May 2022.¹¹⁴</p> <p>No other significant developments were identified.</p>
<p>1.4.13. Children who drop out of compulsory education and working children under the legal age for work</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>At community level, the Flemish Youth and Children's Rights Policy Plan 2020-2024 sets as an action point the setting up of targeted pathways through which, through partnerships, efforts are made to reaching (early) school leavers.¹¹⁵ In the Flemish horizontal integration and equal opportunities</p>	<p>At national level, the Act of 23 March 2019 amending the Act of 29 June 1983 regarding compulsory education to establish it from the age of five years has reduced the age at which a child in Belgium is subject to compulsory education from 6 to 5 year.¹¹⁸</p> <p>No other significant developments were identified.</p>

¹¹⁰ Brussels plan to combat violence against women 2020-2024, 75.

¹¹¹ Flemish action plan to prevent violent radicalisation, extremism, terrorism and polarisation 2020-2024.

¹¹³ French Community Children's Rights Action Plan 2020-2024, 35-36; French Community Women's Rights Plan 2020-2024, 32.

¹¹⁴ Protocol of agreement of 23 May 2014 relating to the reception of young children with their detained parent and the support of pregnant women in detention.

¹¹⁵ Flemish Youth and Children's Rights Policy Plan 2020-2024, 20.

¹¹⁸ Act of 23 March 2019 amending the Act of 29 June 1983 regarding compulsory education to establish it from the age of five years.

<p>policy plan 2020-2024 reducing school dropouts is stressed.¹¹⁶</p> <p>In the French Community, the French Community Children's Rights Action Plan 2020-2024 sets as an action point combating the phenomenon of children dropping out of school.¹¹⁷</p> <p>No other significant developments were identified.</p>	
<p>1.4.14. Please insert any other group of children that is not listed above, such as children with drug or alcohol addictions (<i>add rows as needed</i>)</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>Not applicable</p>	<p>Not applicable</p>

1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards that have been pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

In its latest concluding observation on Belgium (2019), the UN Committee on the Rights of the Child recommended Belgium to *“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, in accordance with their age and maturity”*.¹¹⁹

The Flemish Office of the Children's Rights Commissioner (*Kinderrechtencommissariaat*) has also indicated in its 2021-2022 annual report that children's hearing rights should be improved by inviting all children to a meeting and giving more weight to their voice.¹²⁰

The Committee on the Rights of the Child also recommended Belgium *“to explicitly prohibit corporal punishment, however light, by law, at home and in alternative care throughout the country and to promote*

¹¹⁶ Flemish horizontal integration and equal opportunities policy plan 2020-2024, 17.

¹¹⁷ French Community Children's Rights Action Plan 2020-2024, 8.

¹¹⁹ Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Belgium, 28 February 2019.

¹²⁰ Flemish Office of the Children's Rights Commissioner, Annual report 2021-2022: Putting more weight on children's rights.

positive, non-violent and participatory forms of childrearing and discipline, including by means of awareness-raising programmes and campaigns, targeting children, parents and childcare professionals”.

The Flemish Office of the Children's Rights Commissioner, in its 2021-2022 annual report, pointed to the underestimation of the impact of intrafamily violence on children. It also called for the legal enshrinement of children's right to a non-violent upbringing and an explicit prohibition on the use of physical and/or degrading punishment as a method of upbringing. The French Community General delegate for children's rights (*Délégué général aux droits de l'enfants*) also mentioned in its activity report for 2021-2022 a desire for a civil regulation on non-violent upbringing.¹²¹

The Committee on the Rights of the Child also noted in 2019 with concern that (1) institutional care remains the first response for children in need of care, particularly for children with disabilities, children from socially or economically disadvantaged families and for very young children, (2) that care waiting lists are long for children with disabilities, and (3) that unaccompanied and separated children have been confronted with a lack of systematic referral to the guardianship service and other child protection authorities.

In its 2021-2022 annual report, the Flemish Office of the Children's Rights Commissioner reiterated the problem of waiting lists in child protection and the shortage of suitable reception places for unaccompanied foreign minors. The French Community General delegate for children's rights mentioned the need to reduce the duration of out-of-home placements and the lack of suitable reception places for unaccompanied foreign minors.

No recent international case law has been identified accusing Belgium of problems within the child protection system.

1.6. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

The child protection policy and legislation in Belgium is fragmented as a result of falling mainly within the competence of the communities: each community has own policies and legislation on child protection. In addition, the federal government also remains competent for certain aspects of child protection on which it has its own policies and legislation. Besides, there are many public and private bodies that are active in the organisation of child protection and also have their own policy documents and internal regulations.

All policies and legislations however show that the child protection system is oriented towards prevention. Child protection services focus their efforts in finding a solution in agreement with the child and the family (voluntary measures) and to avoid turning to judicial intervention.

1.7. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection legislation and policies in the past 8 years, incl. achievements and (persisting) gaps and challenges.

¹²¹ French Community General delegate for children's right, *Activity report 2021-2022*.

A positive development is the persistent and increased focus on children in vulnerable situations. This is reflected, among other things, in the tightening of criminal legislation on sexual crimes committed against children; the introduction of a new Article 22ter in the Constitution with a right to full inclusion for all persons with disabilities; the inscription in the Civil Code of a right for siblings not to be separated from each other and to maintain personal contact in case of out-of-home placement under the child protection system; and the development in the Flemish Community of a secure accommodation offer (*beveiligend verblijf*) for children who want to evade child protection and who, under the influence of a negative context, exhibit transgressive behavior, and therefore need to be temporarily removed from their environment (e.g. victims of teenage pimps).

Waiting lists for child protection unfortunately still persist, corporal punishment of children at home or in alternative care is still not explicitly prohibited by law and pain points about children's hearing rights and the accommodation of unaccompanied foreign minors are also still mentioned (see Section I, question 1.5.).

1.8. Promising practices

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In the **Flemish Community** following promising practices in the area of child protection were identified:

- there is currently a policy process ongoing to realise family homes. This is a small-scale form of residential child protection in which a very small group of children live with a professional family parent and their family 24/7. It can be compared to professional foster care.¹²²
- there is currently a policy process ongoing on the development of an intersectoral framework for action on seclusion and restraint in the area of child protection.¹²³
- there are plans to review the regulations on contributions that clients in child protection have to pay for the assistance, with a view to setting up a uniform, transparent system that takes into account poverty issues.¹²⁴
- the concept note 'Early and Nearby' (*Vroeg en Nabij*) was adopted and provides plans to better align family care and child protection to achieve more integrated care and support.¹²⁵
- a policy and legislation on the protection of the unborn child in the event of a worrying pregnancy is being considered within the Flemish government.¹²⁶

¹²² [Proposed resolution of 1 February 2019 on the introduction of family homes in Flanders.](#)

¹²³ D. BEECKMANS, G. DROOGMANS, N. MERTENS, T. OPGENHAFFEN, J. VANHOOF, B. MAES, T. VAN ACHTERBERG, S. NIJS, J. PUT, C. VAN AUDENHOVE and K. DE CUYPER, [The development of an intersectoral guideline for the prevention and application of seclusion and fixation in broad residential child protection](#), Leuven, Steunpunt Welzijn, Volksgezondheid en Gezin, 2021, 379 p.

¹²⁴ [Flemish policy and budget note 2023 - Welfare, public health and family](#), 83.

¹²⁵ [Website of Child Protection Flanders; Communication to the Flemish Government concerning the concept note for an integrated family and child protection policy 'Vroeg & Nabij' \(Early & Nearby\).](#)

¹²⁶ [Concept note for new regulations on building a policy to protect the unborn child in the event of a distressing pregnancy; Concept note for new regulations on the supervision of the unborn child of a pregnant woman with an addiction problem as a new child protection measure.](#)

- there is a process ongoing to expand the Family Justice Centres. There are now Family Justice Centres in Antwerp and region Kempen,¹²⁷ Mechelen¹²⁸ and region Limburg.¹²⁹ By 2023, they also plan to have one in Leuven, Halle, Ghent, Kortrijk and Ostend.¹³⁰

In the **French Community**, a new decree is being prepared to explicitly prohibit educational violence against children in all the professional sectors – the decree of 2018 has been amended to increase the rights of the children in protection systems. Furthermore, a plan against poverty is being drafted with specific actions regarding child poverty.

In the **German-speaking Community**, a new decree on youth care and youth assistance, including child protection, is being developed. The preliminary draft of the decree was sent to the Legislative Department of the Council of State (*Raad van State*) for an opinion on 28 March 2023. The new decree is scheduled to enter into force on 1 January 2024.¹³¹ Furthermore, within the framework of the Regional Development Concept of the German-speaking Community (REK III), a comprehensive project on the topic of poverty is being prepared. This project includes, among other things, the preparation of a decree on poverty reduction, the preparation of a strategic plan to combat poverty in the German-speaking Community, the preparation of a poverty monitor for the German-speaking Community and the preparation of indicators to measure the impact in the context of poverty reduction. Child poverty is part of this project.¹³²

In the **Brussels Capital Region** the Ordinance of 16 May 2019 on child protection and youth care will – as soon as it enters into force - introduce new rules on judicial child protection in Brussels.¹³³

¹²⁷ Website of the FJC of Antwerp and region Kempen.

¹²⁸ Website of the FJC of Mechelen.

¹²⁹ Website of the FJC of region Limburg.

¹³⁰ Report of the meeting on 28 February 2023 of the Committee on General Policy, Finance, Budget and Justice.

¹³¹ Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

¹³² Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*); website of Ostbelgien.

¹³³ Brussels Capital Region Ordinance of 16 May 2019 on child protection and youth care.

2. Governance, coordination structures, and services

2.1. Primary institutions and main service providers responsible for child protection

Question	Yes	No	Comments
<p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p><u>If yes</u>, please provide the name in the comments box.</p>		X	<p>Belgium is a federal state and the competence on child protection matters are divided between the federal state on the one hand and the three communities on the other. As a result, there is no single institution/body primarily responsible for child protection at the national level.</p> <p>The communities are competent for assistance to persons, including child protection. However, the federal state remains competent for several aspects of that child protection, including the organisation of the youth courts, their territorial jurisdiction and the judicial procedures.¹³⁴ This is particularly relevant for judicial child protection, which involves the intervention of the youth court at the request of the public prosecutor. The youth court can impose measures on the child and/or its parent(s) or person(s) responsible for the upbringing, including placement of the child into care.</p> <p>The implementation of child protection measures, both voluntary and judicial, is regulated and organised by the communities under the auspices of the competent minister.</p>

¹³⁴ Special Act of 8 August 1980 on institutional reform.

<p>2.1.2. Are there different structures sharing the primary responsibility (e. g. departments in the same or different ministries, different agencies etc.)?</p> <p><u>If yes</u>, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions.</p>	X	<p>As explained in the previous question (see Section II, 2.1.1.), child protection is largely a community competence. Thus, in every community government, a minister is responsible for child protection. Currently, the following ministers are competent for child protection:</p> <ul style="list-style-type: none"> - Flemish Community (<i>Vlaamse Gemeenschap</i>): the minister of Welfare, Health and Family. <ul style="list-style-type: none"> ➤ In the Flemish Community, there is also a minister for Brussels, Youth, Media and Poverty Alleviation. With regard to youth, this portfolio relates more generally to children's rights and thus not to child protection, for which the Flemish minister of Welfare, Health and Family is competent. - French Community (<i>Communauté Française-Fédération Wallonie-Bruxelles</i>): the minister for Higher Education, Social Welfare Education, University Hospitals, Child Protection, Houses of Justice, Youth, Sport and Promotion of Brussels. - German-speaking Community (<i>Ostbelgien</i>): the minister for Culture and Sport, Employment and Media. <p>In the Flemish Community, each ministerial policy area consists in turn of a department and one or more agencies. Thus, the policy area of Welfare, Health and Family consists of the department of Welfare, Health and Family and several agencies, including the agency Growing Up (<i>Opgroeien</i>). Growing Up helps to realise the right to a promising upbringing for every child in Flanders and Brussels. Its services and assistance are wider than solely child protection and also cover aspects like juvenile delinquency and adoption (see also further, under Section II, question 2.1.5).</p> <p>In the French Community, the work of the various ministers is implemented by the ministry (<i>ministère</i>), which in turn is divided into a general secretariat and five general administrations, including the general administration general of Youth Assistance.</p>
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Under the general administration of Youth Assistance, several decentralised services (*services publics décentralisés*) operate, which include the Child assistance services (*Services de l'aide à la jeunesse*), directed by the Child assistance counsellor (*Conseiller de l'aide à la jeunesse*), on the one hand and the Child protection services (*Services de la protection de la jeunesse*), directed by the Child protection director (*Directeur de l'aide à la jeunesse*), on the other.

In the **German-speaking Community**, the work of the various ministers is implemented by the ministry (*ministerium*), which is in turn divided into various departments, including the department of Youth Care. Several decentralised services operate under the department of Youth Care, including the Child protection service (*Jugendhilfedienst*), the Judicial protection service (*Jugendgerichtsdienst*) and the Service for foster care (*Pflegefamiliendienst*).

In the three communities, the departments and agencies competent for child protection and its services work closely together with mostly private non-profit organisations who carry out the agreed or imposed measures/protection (hereinafter referred to as 'youth care services'). An overview of the youth care services is given under Section II, question 2.1.5. The accreditation, subsidisation and inspection of the youth care services is discussed under Section II, question 2.2.2. The cooperation/communication between the above-mentioned community authorities related to child protection is discussed under Section II, question 2.3.1.

The competence of youth care services, e.g. the intersectoral access points of the Agency Growing Up (see further), is determined by the domicile of the child in question. Domicile does not mean actual residence, but legal domicile of the child. This is also the case for judicial child protection. This choice is not without problems. For instance, unaccompanied (foreign) minors (usually) do not have a legal domicile. If they have been assigned a guardian, the guardian's domicile is decisive for the competence of youth care services.

<p>2.1.3. Are there child focal points or similar in different ministries or agencies?</p> <p><u>If yes</u>, in which ministry are they located, what are they called, and what role/functions do they have? How do they coordinate?</p>	X	<p>In both the Flemish and French communities, child focal points can be identified in the administration:</p> <ul style="list-style-type: none"> - In the Flemish Community, a contact point (civil servant) for youth and children's rights policy is appointed in each department and agency. These contact points have the following tasks: to contribute to the preparation of the Flemish youth and children's rights policy plan; to monitor and report on the implementation of the Convention on the Rights of the Child and the Flemish youth and children's rights policy plan; to assess the effects on children and young people and their rights of policies prepared or implemented by their department or agency. - In the French Community, the Research Director at the Observatory for Childhood, Youth and Child Protection (<i>l'Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la jeunesse</i>) functions as the child focal point within the government of the French Community. The Observatory for Childhood, Youth and Child Protection is, amongst other tasks, the reference administration for the monitoring of the implementation of the International Convention on the Rights of the Child and the evaluation of public policies on children and young people in the French Community (see box below). <p>As far as we know, there are no child focal points in the German-speaking Community.</p> <p>These child focal points relate to children's rights in general, and not specifically to child protection.</p>
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Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

Name of the body	Level (national/regional/local).	Area of responsibility and roles in child protection <i>(for example coordination, legislation, policy making, training, monitoring, financing, implementing)</i>	Comments <i>(for example in case of ombuds institution, compliance with the Paris Principles)</i>
Federal minister and federal public service (FPS) of Justice	National	The federal minister of Justice and its public service are, amongst other things, responsible for organising the youth courts, their territorial jurisdiction and the judicial procedures.	More information on: https://justitie.belgium.be/nl
National Commission for the Rights of the Child (<i>Nationale Commissie voor de Rechten van het Kind</i>) ¹³⁵	National	The National Commission for the Rights of the Child is responsible for contributing to Belgian reporting engagements to international bodies and formulating general policy recommendations.	The Commission was established following the recommendations of the United Nations Committee on the Rights of the Child. More information on: https://ncrk-cnde.be/nl/
Flemish minister and department of Welfare, Health and Family	Community (Flemish community)	The Flemish minister of Welfare, Health and Family and its department are responsible for: - Preparing, monitoring and following up on policy initiatives;	More information on: https://www.vlaanderen.be/organisaties/administratieve-diensten-van-de-vlaamse-overheid/beleidsdomein-welzijn-volksgezondheid-en-gezin

¹³⁵ Law of 1 May 2006 approving the cooperation agreement establishing a National Commission for the Rights of the Child, concluded in Brussels, on 19 September 2005, between the State, the Flemish Community, the Flemish Region, the French Community, the Walloon Region, the German-speaking Community, the Brussels-Capital Region, the Common Community Commission and the French Community Commission.

			<ul style="list-style-type: none"> - Accrediting, subsidising and inspecting healthcare facilities, including youth care services; - Offering support services (IT, financial, logistics, personnel, etc.) to staff members. 	
Flemish Council on Welfare, Public Health and Family (<i>Vlaamse Raad voor Welzijn, Volksgezondheid, Gezin</i>) ¹³⁶	Community Community)	(Flemish	The Flemish Council on Welfare, Public Health and Family has a sectoral chamber Family and Child Protection. This sectoral chamber advises, provides reflections and policy proposals and consults (with a view to concluding agreements) on family and child protection policy. The Council is composed of, amongst others, representatives of youth care services and independent experts.	More information on: https://vlaamseraadwvg.be/vlarwvg
Intersectoral and Regional Child Protection Consultation (<i>Intersectoraal Regionaal Overleg Jeugdhulp</i>) ¹³⁷	Community Community)	(Flemish	An Intersectoral and Regional Child Protection Consultation is established in each region designated by the Flemish government. The Intersectoral and Regional Child Protection Consultation directs the implementation in the region of the objectives defined in the Decree on integrated child protection, and for that purpose it organises consultation and cooperation between the youth care services	More information on: https://iroj.jeugdhulp.be/

¹³⁶ Decree of 20 June 2018 establishing the Flemish Council on Welfare, Public Health and Family.

¹³⁷ Decree of 12 July 2013 on integrated child protection.

		<p>in the region. To implement this task, the Intersectoral and Regional Child Protection Consultation may establish networks in the region and conclude agreements with local authorities and the Flemish Community Commission. The Intersectoral and Regional Child Protection Consultation is composed, amongst others, representatives of youth care services, as well as children, parents, ethnic and cultural minorities and persons with disabilities. There are six Intersectoral and Regional Child Protection Consultations in the Flemish Community (Antwerp; Brussels; Limburg; East-Flanders; West-Flanders; Flemish Brabant).</p>	
<p>Office of the Children's Rights Commissioner (<i>Kinderrechtencommissariaat</i>) ¹³⁸</p>	<p>Community (Flemish Community)</p>	<p>The Office of the Children's Rights Commissioner monitors compliance with children's rights in Flanders. It does this by listening to children, young people, parents and professionals. The Office independently investigates complaints about possible violations of children's rights. The Office also mediates and gives individual advice. Lastly, it formulates concrete policy advice for the Flemish Parliament and other policymakers.</p>	<p>More information on: https://www.kinderrechten.be/</p>

¹³⁸ Decree of 15 July 1997 establishing the Office of the Children's Rights Commissioner and establishing a Supervisory Commission with regard to custodial care facilities for children and adolescents.

<p>French Community minister for Higher Education, Social Welfare Education, University Hospitals, Youth Care, Houses of Justice, Youth, Sport and Promotion of Brussels and general administration of Youth Care</p>	<p>Community (French Community)</p>	<p>The French Community minister for Higher Education, Social Welfare Education, University Hospitals, Child Protection, Houses of Justice, Youth, Sport and Promotion of Brussels and its general administration of Child Protection are responsible for:</p> <ul style="list-style-type: none"> - Developing a prevention policy, taking into account the evolution of social needs and the observations made by the actors in the field; - Accrediting, subsidising and inspecting youth care services; - Organising the care, by decision of the youth court judge, of young people who have committed an offence and managing the centre of Saint-Hubert (for boys who have been judged under adult criminal law); - Managing the competences of the French Community in the field of adoption. 	<p>More information on: https://www.aidealajeunesse.cfwb.be/index.php?id=8610</p>
<p>Community Council for Prevention, Child Care and Child Protection <i>(Conseil Communautaire de la Prévention, de l'Aide à la</i></p>	<p>Community (French Community)</p>	<p>The Community Council for Prevention, Child Care and Child Protection has the competence to issue opinions and proposals on all matters relating to prevention, assistance to children and child protection. It organises an annual</p>	<p>More information on: https://www.aidealajeunesse.cfwb.be/index.php?id=7746</p>

<i>Jeunesse et de la Protection de la Jeunesse (CCPAJP))</i> ¹³⁹		debate on relations between families and the various actors in the sector. The Community Council is composed of, amongst others, representatives of youth care services, as well as independent experts, judges,...	
Ethics Commission (<i>Commission de déontologie</i>) ¹⁴⁰	Community Community) (French	The Ethics Commission's task is to issue opinions on all ethical issues relating to prevention, child assistance and child protection.	More information on: https://www.aidealajeunesse.cfwb.be/index.php?id=7760
Observatory for Childhood, Youth and Child Protection (<i>Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse</i>) ¹⁴¹	Community Community) (French	The Observatory for Childhood, Youth and Child Protection is tasked with: <ul style="list-style-type: none"> - Exchange of information and consultation on initiatives and projects promoting and implementing children's rights; - The preparation of the French Community's contribution to the drafting of the reports to be submitted on the basis of the Convention on the Rights of the Child ; - The analysis and follow-up of the recommendations of the United 	More information on: https://oejaj.cfwb.be/

¹³⁹ Decree of 18 January 2018 on the Code of Prevention, Child Care and Child Protection.

¹⁴⁰ Decree of 18 January 2018 on the Code of Prevention, Child Care and Child Protection.

¹⁴¹ Decree of 12 May 2004 establishing the Observatory for Childhood, Youth and Child Protection.

		<p>Nations Committee on the Rights of the Child, in particular the development of a community action plan on the rights of the child;</p> <ul style="list-style-type: none"> - Preparation of the work of the National Commission on the Rights of the Child; - Taking into account the voice of children. 	
General Delegate for the Rights of the Child (<i>Délégué Général aux droits de l'enfant</i>) ¹⁴²	Community (French Community)	The General Delegate for the Rights of the Child ensures the promotion of the rights and interests of the child and ensures the correct application of the legislation regarding children. The General Delegate gives advices and opinions on many issues, including child protection.	More information on: http://www.dgde.cfwb.be/
German-speaking Community minister for Culture and Sport, Employment and department of Child Protection	Community (German-speaking Community)	The services of the department perform, amongst others, the following tasks: prevention, consensual child protection, judicial child protection and foster care. The department is responsible for the	More information on: https://ostbelgienlive.be/desktopdefault.aspx/tabid-283/12188_read-66785/

¹⁴² Decree of 20 June 2002 establishing the General Delegate for the Rights of the Child.

		accreditation, subsidisation and inspection of youth care services.	
Monitoring Committee for Youth Welfare (<i>Begleitausschuss Jugendhilfe</i>) ¹⁴³	Community (German-speaking Community)	Prevention is ensured in particular by the Monitoring Committee for Youth Welfare. It includes the organisation of a youth welfare forum, the continuous identification of the need for assistance, the promotion of initiatives, the examination of the opportuneness of planned initiatives, as well as the checking of the feasibility of prevention measures.	More information on: https://ostbelgienlive.be/desktopdefault.aspx/tabid-255/620_read-47713/

2.1.4. Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc. Please indicate notably if an integrated approach has been sought and/or achieved.

In the **Flemish Community**, the system of integrated child protection has existed since 2013 and is based on principles such as intersectoral cooperation, client participation and integrated approach. With the sixth state reform (in 2014), the communities were also made competent for the issuing of rules on juvenile delinquency. In the Flemish Community, those rules came in with the Decree of 15 February 2019 on juvenile delinquency law.¹⁴⁴ These new, Flemish regulations on juvenile delinquency also had a major impact on Flemish child protection. It provided namely for the separate placement of children in an alarming situation (in private facilities) on the one hand and young people who have committed an offence (in Community institutions) on the other, where previously children in an alarming situation were often placed in Community institutions together with young people who have committed an offence. From now on, children in an alarming situation will only be able to be placed in a Community institution for a so-called 'time-out' (see further, under Section II, question 2.1.5). In addition, a new category of placement (measure) was created for children who find themselves in an alarming situation, namely the 'secure placement'. These are children in an alarming situation who need a placement with security measures because they want to evade care and engage in transgressive behaviour under the influence of a negative context, and therefore need to be temporarily removed from their environment (e.g. victims of teenage pimps). This 'secure placement' module is offered by youth

¹⁴³ Decree of 19 May 2008 on child protection and transposing child protection measures.

¹⁴⁴ Decree of 15 February 2019 on juvenile delinquency law.

care services that are specifically accredited and subsidised by the agency Growing Up for this purpose.¹⁴⁵ All these provisions have come into force on 1 March 2023.

In the **French Community**, the sixth state reform and the transfer of juvenile delinquency law competences was used as an opportunity to draw up an entirely new 'Code' covering prevention, child protection and juvenile delinquency.¹⁴⁶ The basic principles of the previous regulations on child protection (dating from 1991), such as the priority for help/measures in the environment of the child concerned, were retained. Also the dichotomy between the Child assistance services and the Child protection services, and the tasks assigned to both services, are not new. However, the new 'Code' does involve certain novelties, such as an even stronger emphasis on prevention and the creation of specific bodies/institutions working on this topic, such as the Community Council for Prevention, Child Care and Child Protection (cf. *supra*). The Code is the epitome of an integrated approach to everything to do with youth care in the broad sense.

In the **German-speaking Community**, no important changes have been identified concerning the child protection mandate/roles/responsibilities. No legislative initiatives were taken yet after the sixth state reform transferring the competences on juvenile delinquency.

2.1.5. Please indicate, in the table below, the major service providers at national level in the area of child protection. Include family support services /measures (i.e. counselling, financial assistance) that are part of the overall social protection/welfare system for children in risk.

Service providers	Type of services	Target groups	Funding
<i>(include the name and the type of institution i.e. public authority, NGOs, religious institutions, private)</i>	<i>(Include counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness –training activities, etc.)</i>	<i>(For example, children with disability, children in risk of or living in poverty, immigrant children, children deprived form parental care, child victims of abuse or exploitation. When relevant, please indicate if third country nationals and irregular immigrants are entitled to such services)</i>	<i>(national budget, EU funded, other)</i>
Agency Growing Up (Agentschap Opgroeien)	The agency's core tasks are:	All children.	Flemish budget.

¹⁴⁵ J. PUT, *Handboek Jeugdbeschermingsrecht*, Brugge, die Keure, 2021, 228.

¹⁴⁶ Decree of 18 January 2018 on the Code of Prevention, Child Care and Child Protection.

<p>(internally autonomous agency within the department of Welfare, Health and Family) 147</p>	<ul style="list-style-type: none"> - The direction and strategy for the domains; - Childcare; - Preventive family support; - Family policy grants; - Domestic and inter-country adoption; - Foster care; - Integrated child protection; - Juvenile delinquency. <p>The organisational structure of Growing Up is as follows:</p> <ul style="list-style-type: none"> - Strategy and support services; - Department of Community institutions (<i>Afdeling</i>) 		
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¹⁴⁷ Decree of 30 April 2004 establishing the internally autonomous agency with legal personality Growing up direction.

	<p><i>Gemeenschapsinstelling</i> <i>n</i>);</p> <ul style="list-style-type: none"> ➤ Community institutions provide for the reception, orientation, observation, education and counselling of young people up to the age of 20 who have committed an offence, and minors who are in a problematic/difficult or dangerous educational situation; - Department of the Youth Care Support Centres and the Social services of the youth court (<i>Afdeling Ondersteuningscentra en Sociale Diensten Jeugdrechtbank</i>); ➤ This department provides substantive support to the Youth Care Support Centres 		
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	<p>and the Social services of the youth court;</p> <ul style="list-style-type: none"> - Department of Provisions Policy (<i>Afdeling Voorzieningenbeleid</i>); <ul style="list-style-type: none"> ➤ This department is, amongst other things, in charge of programming and accrediting the private non-profit organisations who carry out the agreed or imposed measures/protection (see further, under question 2.2.2). - Department of Continuity and Access (<i>Afdeling continuïteit en toegang</i>); <ul style="list-style-type: none"> ➤ Some forms of child protection are very invasive and specialised, e.g. a foster home. The number of places in these forms of child protection is limited. 		
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	<p>To bring together access to these forms of not directly accessible child protection, an intersectoral access point was established on 1 March 2014 in each province. The department of Continuity and Access replaces the former separate access points in special child protection and in care for people with disabilities.</p>		
<p>Community institutions (<i>Gemeenschapsinstellingen (G.I.'s)</i>)¹⁴⁸</p>	<p>Community institutions provide care, orientation, observation, education and counselling to children up to the age of 20 who have committed an offence, and to children in an alarming situation. For children in an alarming situation, the 'recovery-oriented time-out module' provides a highly structured and monitored offer for a fortnight.</p>	<p>Child offenders; children in alarming situations.</p>	<p>Flemish Budget (the Community institutions are a part of the agency Growing Up, cf. <i>supra</i>).</p>

¹⁴⁸ Decree of 5 April 2019 on the recognition conditions and subsidy standards for youth care services.

	<p>This allows children - for whom assistance in a less structured and secure setting threatens to block - to work towards resuming dialogue with the facility concerned. The Community institution acts as a mediator and ensures that the commitments of both parties are expressed and made concrete. The end goal is redirection of the child concerned to the facility or service of origin.</p>		
<p>Special Child Protection Organisations (<i>Organisaties voor bijzondere jeugdzorg</i>)¹⁴⁹</p>	<p>The Special Child Protection Organisations offer one or more of the following type modules:</p> <ul style="list-style-type: none"> - Context guidance module (low-intensity, broad-spectrum, short-term intensive, short-term force-focused or offence-focused) (<i>module contextbegeleiding</i>); - Context supervision module in function of autonomous living (<i>module</i> 	<p>Children in alarming situations.</p>	<p>Flemish budget.</p>

¹⁴⁹ Decree of 5 April 2019 on the recognition conditions and subsidy standards for youth care services.

	<p><i>contextbegeleiding in functie van autonoom wonen);</i></p> <ul style="list-style-type: none"> - Counselling module in a small-scale housing unit (<i>module begeleiding in een kleinschalige wooneenheid);</i> - Group day supervision module (<i>module dagbegeleiding in groep);</i> - (Secure) stay module (residential) (<i>module beveiligend verblijf);</i> - Supportive assistance module (<i>module ondersteunende begeleiding);</i> - Short stay (crisis) module (<i>module kortdurend (crisis)verblijf).</i> 		
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Centres for Integral Family Care (<i>Centra voor Integrale Gezinszorg (CIG)</i>) ¹⁵⁰	Centres for Integral Family Care offer help to families and (expectant) parents with serious parenting problems. The assistance focuses on the family as a whole. The assistance includes intensive parenting support and family care. The Centres for Integral Family Care also have a specific counselling offer for teenage parents.	Children in alarming situations.	Flemish budget.
Reception, orientation and observation centres (<i>Onthaal-, oriëntatie- en observatiecentra (OOC)</i>) ¹⁵¹	<p>A child is reported to a reception, observation and orientation centre with a request for a diagnostic examination. The reception, observation and orientation centre has two functions:</p> <ul style="list-style-type: none"> - Short-term orientation, focused on demand clarification and determining an appropriate care pathway; 	Children in alarming situations.	Flemish budget.

¹⁵⁰ Decree of 5 April 2019 on the recognition conditions and subsidy standards for youth care services.

¹⁵¹ Decree of 5 April 2019 on the recognition conditions and subsidy standards for youth care services.

	<ul style="list-style-type: none"> - More long-term observation, focused on more in-depth diagnosis, with attention to overall functioning and environmental problems. Clinical problems and behavioural difficulties are also addressed. 		
<p>Crisis Assistance at Home (<i>Diensten voor crisishulp aan huis</i>)¹⁵²</p>	<p>Crisis Assistance at Home is intended for families who are in an acute crisis situation, threatening an out-of-home placement of one or more children. The help is short-term and intensive, and takes place at home (mobile). The aim is to keep the family together and to prevent the imminent placement of the child(ren). Restoration of safety and stability is paramount.</p>	<p>Children and their families in acute crisis situations. The situation threatens to get so out of hand that help is needed to prevent an out-of-home placement of one or more children.</p>	<p>Flemish budget.</p>
<p>Recovery-oriented and constructive handling services (<i>Diensten voor herstelgerichte</i></p>	<p>The Recovery-oriented and constructive handling services provide restorative and constructive handling forms for children who have committed an</p>	<p>Mainly child offenders; services largely fall outside the scope of the integrated child protection.</p>	<p>Flemish budget.</p>

¹⁵² Decree of 5 April 2019 on the recognition conditions and subsidy standards for youth care services.

<p>en constructieve afhandeling)¹⁵³</p>	<p>offence. There are five forms: learning project; community service; restorative group consultation (HERGO); restorative mediation; positive project.</p> <p>Because the focus is mainly on children who have committed an offence, <i>de facto</i> these services largely fall outside the scope of the integrated child protection, unless they develop activities such as child protection mediation or learning projects with a broader target group.</p>		
<p>Organisations for seamless flexible pathways education-welfare (<i>Organisaties voor naadloze flexibele trajecten onderwijs-welzijn (NAFT)</i>)¹⁵⁴</p>	<p>Organisations for seamless flexible pathways education-welfare aim to combat school dropout and early school leaving in secondary education. These organisations have two aims:</p> <ul style="list-style-type: none"> - Providing positive guidance to pupils at risk of dropping out of school; - Supporting educational institutions and school 	<p>Pupils, (class) groups, teachers, teams and/or schools.</p>	<p>Flemish budget.</p>

¹⁵³ Decree of 5 April 2019 on the recognition conditions and subsidy standards for youth care services.

¹⁵⁴ Decree of 5 April 2019 on the recognition conditions and subsidy standards for youth care services.

	staff in dealing with these pupils.		
Observation and treatment centres (<i>Observatie- en behandelcentra</i>) ¹⁵⁵	Observation and treatment centres help children and their context when their development is stunted due to a complex interplay of individual and social factors. At an Observation and treatment centre, you can receive diagnostics, treatment and accommodation.	Children with psychosocial development needs and their context. In principle, the age of admission is between 3 and 21 years, but it can be adapted, taking into account the needs and possibilities of the children and their context, as well as the reception possibilities.	Flemish budget.
Centres for behavioural and emotional disorders (<i>Centra voor gedrags- en emotionele stoornissen (GES+)</i>) ¹⁵⁶	Centres for behavioural and emotional disorders provide adapted care for young people with extreme behavioural and emotional problems.	Children with extreme behavioural and emotional problems.	Flemish budget.
Child Care and Family Support Centres (<i>Centra voor Kinderzorg en Gezinsondersteuning (CKG)</i>) ¹⁵⁷	Child Care and Family Support Centres provide pedagogical support to families with parenting or family problems, as long as the problems are not yet of such a nature that they cannot be solved or improved in a short period of	Children aged 0 to 12 (as long as they are in primary education, with a particular focus on 0-6-year-olds) and their families.	Flemish budget.

¹⁵⁵ Decree of 5 April 2019 on the recognition conditions and subsidy standards for youth care services.

¹⁵⁶ Decree of 5 April 2019 on the recognition conditions and subsidy standards for youth care services.

¹⁵⁷ Decree of 9 November 2012 recognition and subsidisation of childcare and family support centres.

	<p>time. It mainly deals with situations where:</p> <ul style="list-style-type: none"> - The family presents a request for help; - The upbringing of parent and/or child gets stuck or is at risk of getting stuck; - A temporary offer of help offers sufficient perspective for change. 		
Walk-in teams (<i>Inloopteams</i>) ¹⁵⁸	<p>Walk-in team stands for Integral Accessible Parenting Support Point (<i>INtegraal Laagdrempeilig OpvoedingsOndersteuningsPunt</i>). The walk-in team reaches and supports (expectant) families with young children in a difficult living situation. With its group-oriented offer, the walk-in team responds to the strength of bringing families together.</p>	Families and prospective families who are in a socially vulnerable position and have children until the beginning of the school years.	Flemish budget.

¹⁵⁸ Ministerial decree of 6 April 2014 on rules for recognition and subsidising walk-in teams.

<p>Confidential Centres for Child Abuse (<i>Vertrouwenscentra Kindermishandeling</i>)¹⁵⁹</p>	<p>Confidential Centres for Child Abuse are mandated by the Flemish government as a centre for assistance in cases of child abuse, sexual abuse and/or neglect.</p> <p>A Confidential Centre can receive a mission of Social Necessity (<i>Maatschappelijke Noodzaak (MaNo)</i>), provided for within the Decree on integrated child protection. This can be requested by social workers when they can go no further in serious situations of child abuse, or by the youth section of the Prosecutor's Office. This procedure gives a family a last chance to do something about their situation voluntarily, together with social workers. When this fails, the Confidential Centre has the mandate to transfer the file to the youth section of the Prosecutor's Office, which can seize a youth court judge. The missions of the Confidential Centre in cases of Social Necessity are thus the</p>	<p>Child victims of abuse, sexual abuse and/or neglect.</p>	<p>Flemish budget.</p>
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¹⁵⁹ Decree of 12 July 2013 on integrated child protection.

	<p>following: consultation, investigation, feedback and referral.</p> <p>In addition, a Confidential Centre has two other tasks:</p> <ul style="list-style-type: none"> - Investigating reports of child abuse and suspicions of child abuse at the request of any person or institution; - Providing appropriate child protection to victims of child abuse and their families. <p>In every province of Flanders and in the Brussels Capital Region, there is a Confidential Centre for Child Abuse.</p>		
<p>Youth Care Support Centres (<i>Ondersteuningscentra Jeugdzorg</i>)¹⁶⁰</p>	<p>The Youth Care Support Centres fulfil the same missions as the Confidential Centres for Child Abuse, particularly in terms of handling situations of Social Necessity: consultation, investigation, feedback and</p>	<p>Children in alarming situations.</p>	<p>Flemish Budget (the Youth Care Support Centres are a part of the agency Growing Up, cf. <i>supra</i>).</p>

¹⁶⁰ Decree of 12 July 2013 on integrated child protection.

	<p>referral. Whereas the Confidential Centre has specific competence for child abuse situations, the Youth Care Support Centre acts in cases of – more broadly – an alarming situation for the child concerned (e.g. in case of parenting problems without abuse).</p> <p>There are several Youth Care Support Centres in every province of Flanders and in the Brussels capital region.</p>		
<p>Preventive family support by the local teams of the agency Growing Up; 'Child and Family' (<i>preventieve gezinsondersteuning door de lokale teams van het agentschap Opgroeien; 'Kind en Gezin'</i>)¹⁶¹</p>	<p>Bring a tailor-made offer, adapted to the local situation in a municipality or city and the needs of each family. Work closely with local partners (e.g. local government, such as cities and communities, House of the Child (<i>Huis van het Kind</i>)). Together with all partners, each team aims to support and give opportunities to all (expectant) parents and families.</p>	<p>All children.</p>	<p>Flemish Budget (the preventive family support is organised by local teams of the agency Growing Up, cf. <i>supra</i>).</p>

¹⁶¹ Decree of 30 April 2004 establishing the internally autonomous agency with legal personality Growing up direction.

<p>Centres for General Welfare Work (<i>Centra voor Algemeen Welzijnswerk (CAW)</i>)¹⁶²</p>	<p>Centres for General Welfare Work have the task of organising diversified and responsible assistance and services aimed at detecting, preventing, reducing, signalling and solving all factors that threaten or reduce the welfare opportunities of individuals, families or population groups. To this end, the Centres for General Welfare Work have three core tasks: general prevention, reception and psycho-social counselling.</p> <p>Specifically for minors, there are the Youth Advisory Centres (<i>JongerenAdviesCentra (JAC)</i>), part of the Centres for General Welfare Work.</p>	<p>All children.</p>	<p>Flemish budget.</p>
<p>Centres for Mental Healthcare (<i>Centra voor Geestelijke Gezondheidszorg</i>)¹⁶³</p>	<p>The mission of the Centres for Mental Healthcare is to offer responsible care aimed at restoring mental balance or making mental disorders bearable for patients and their environment, so that thus patients</p>	<p>Within a Centre for Mental Healthcare, there are specific sections for children aged 0 to 12 years and adolescents aged 12 to 18 years dealing with serious mental health problems.</p>	<p>Flemish budget.</p>

¹⁶² Decree of 8 May 2009 on general welfare work.

¹⁶³ Decree of 18 May 1999 on mental care; Decree of 17 December 1999 implementing the Decree of 18 May 1999 on mental care.

	acquire or develop competences that form the basis for their emancipation and socially integrated functioning.		
Multifunctional Centres (<i>Multifunctionele Centra</i>) ¹⁶⁴	Multifunctional centres provide counselling, day care, accommodation. A number of centres also offer diagnostics and intensive counselling.	Children with disabilities up to 21 years of age (exceptionally extendable up to 25 years of age) who need specific support.	Flemish budget.
Centres for Educational Guidance (<i>Centra voor Leerlingenbegeleiding (CLB)</i>) ¹⁶⁵	Every accredited school in the Flemish Community cooperates with a Centre for Educational Guidance. Parents, pupils, teachers and management can contact a team of doctors, nurses, psychologists, educationalists and social workers free of charge. The Centre for Educational Guidance works on a demand-driven basis: at the request of the pupil, parents or the school. A Centre for Educational Guidance can help with questions about: <ul style="list-style-type: none"> - Learning and studying: problems with reading, 	All school-aged children.	Flemish budget.

¹⁶⁴ Decree of 26 February 2016 recognising and subsidising multifunctional centres for minors with disabilities.

¹⁶⁵ Decree of 27 April 2018 on pupil guidance in primary education, secondary education and pupil guidance centres.

	<p>writing, arithmetic, learning ...;</p> <ul style="list-style-type: none"> - The educational career: questions about the choice of studies, fields of study, certificates and diplomas ...; - Psychological and social functioning: feelings of depression, stress, fear of failure, bullying problems, transgressive behaviour, a difficult home situation ...; - Preventive health care: health problems, vaccinations, growth disorders, drug use, obesity. 		
<p>Boarding Schools with Permanent Openings (<i>Internaten met Permanente Openstelling (IPO)</i>)¹⁶⁶</p>	<p>The Boarding Schools with Permanent Opening offer stays on school days and school-free days.</p>	<p>Children from 2.5 years to adolescents aged 21 years or older. It usually concerns children and young people with learning disabilities, (severe) mental impairment, multiple disabilities, behavioural and emotional problems.</p>	<p>Flemish budget.</p>

¹⁶⁶ Decree of 21 November 2014 on residence and supervision during school-free days in the boarding schools of Community education during the transition phase.

Boarding School and Home for Special Child Protection (<i>Internaat en Tehuis voor Bijzondere Jeugdzorg</i>) ¹⁶⁷	Kastor Kuurne is a (the only) Boarding School and Home for Special Child Protection. It offers residential special child care and other (not directly accessible) child protection.	Children and young people who need accommodation and supervision on school-free days and who are attending a nursery, primary or secondary school or training centre recognised for the purpose of part-time compulsory education.	Flemish budget.
Foster carers (<i>pleegzorgers of pleegouders</i>) ¹⁶⁸	Foster carers or foster parents care for a child or young person. They give them a new home, for short or long periods of time or occasionally during weekends and holidays.	Children in alarming situations.	Flemish budget.
Child assistance counsellor and their Child Assistance Services (<i>Services d'Aide à la jeunesse (SAJ)</i>) ¹⁶⁹	Counselling, assistance to children and their families, implement decisions of the youth care judge, voluntary placement into care.	Children in alarming situations.	French Community budget.
Child protection director and their Child Protection Services (<i>Services de la protection de la jeunesse (SPJ)</i>) ¹⁷⁰	Implementation of decisions of the youth court judge, including placement and monitoring of the child.	Children in alarming situations.	French Community budget.

¹⁶⁷ Decree of 28 August 2000 on the home of the Community education system responsible for taking in young people under the aid and assistance scheme.

¹⁶⁸ Decree of 29 June 2012 on the organisation of foster care.

¹⁶⁹ Decree of 18 January 2018 on the Code of Prevention, Child Care and Child Protection.

¹⁷⁰ Decree of 18 January 2018 on the Code of Prevention, Child Care and Child Protection.

Public institutions of child protection (<i>Institutions Publiques de Protection de la Jeunesse (IPPJ)</i>) ¹⁷¹	Care institution, implementation of decisions of the youth care judge, in particular placement of the child.	Children in alarming situations; child offenders.	French Community budget.
Open Support Services (<i>Services d'action en milieu ouvert (AMO)</i>) ¹⁷²	Day care, counselling; support to children and their family in their home environment.	All children.	French Community budget.
Teenagers' homes (<i>Maisons de l'Adolescent (MADO)</i>) ¹⁷³	A place of reception, listening, care, help, support, information and guidance.	Children and adolescents aged 11 to 22, but can also welcome parents, families and professionals who encounter difficulties in supporting adolescents.	French Community budget.
Specialised residential services (<i>Services résidentiels spécialisés (SRS)</i>) ¹⁷⁴	Care institution, day care.	Children with aggressive or violent behaviour, children with serious psychological problems; child offenders.	French Community budget.
General residential services (<i>Services résidentiels généraux (SRG)</i>) ¹⁷⁵	Care institution, day care.	Children who need specialised help outside their family environment.	French Community budget.

¹⁷¹ Decree of 18 January 2018 on the Code of Prevention, Child Care and Child Protection.

¹⁷² Decree of 18 January 2018 on the Code of Prevention, Child Care and Child Protection.

¹⁷³ Decree of 3 April 2019 on the special conditions for the recognition and awarding of grants for "Maisons de l'Adolescent" services.

¹⁷⁴ Decree of 5 December 2018 on special conditions for the recognition and subsidising of specialised residential services.

¹⁷⁵ Decree of 5 December 2018 on special conditions for the recognition and subsidisation of general residential services.

Residential emergency services (<i>Services résidentiels d'urgence (SRU)</i>) ¹⁷⁶	Care institution, day care for emergency assistance to children.	Children in alarming situations.	French Community budget.
Residential observation and guidance services (<i>Services résidentiels d'observation et d'orientation (SROO)</i>) ¹⁷⁷	Care institution, day care.	Children with behavioural problems.	French Community budget.
Residential observation and guidance services for abused children (<i>Services résidentiels d'observation et d'orientation au bénéfice d'enfants victimes de maltraitance (SROO EVM)</i>) ¹⁷⁸	Rehabilitation services for child victims of abuse, social, psychological and pedagogical support of the child and the persons in charge of the child.	Child victims of abuse or exploitation.	French Community budget.
Support services (<i>Services d'accompagnement</i>) ¹⁷⁹	Psycho-socio-educational and socio-educational services, as well as 'intensive' services for the child, his/her family and friends; in the family environment.	Children in alarming situations.	French Community budget.

¹⁷⁶ [Decree of 5 December 2018](#) on the special conditions for the recognition and granting of allowances to urgent residential services.

¹⁷⁷ [Decree of 5 December 2018](#) on the special conditions for the recognition and subsidising of residential observation and orientation services.

¹⁷⁸ [Decree of 5 December 2018](#) on the special conditions for the recognition and subsidising of residential observation and orientation services.

¹⁷⁹ [Decree of 5 December 2018](#) on the special conditions for the approval and subsidising of guidance services.

Foster care support services (<i>Services d'accompagnement en accueil familial (SAAF)</i>) ¹⁸⁰	Care institution, counselling, education and training, in charge of selecting families for placement of children, supervise the child's placement in the selected families.	Children in alarming situations.	French Community budget.
Birth and Childhood Office (<i>Office de la Naissance et de l'enfance (ONE)</i>) ¹⁸¹	Day care, counselling to families and future parents, preventive health care (detection of health risks and of abuse, vaccinations, etc.), (preventive) family support.	All children.	French Community budget.
Child protection service (<i>Jugendhilfedienst</i>) ¹⁸²	Counselling, assistance to children and their families, implement decisions of the youth court judge, voluntary placement into care, counselling, refer to specialised services.	Children in alarming situations.	German-speaking Community budget.
Judicial protection service (<i>Jugendgerichtsdienst</i>) ¹⁸³	Implementation of decisions of the youth court judge (including placement of the child into care).	Children in alarming situations.	German-speaking Community budget.

¹⁸⁰ Decree of 5 December 2018 on the special conditions for the recognition and subsidising of foster care support services.

¹⁸¹ Decree of 17 July 2002 reforming the "Office de la Naissance et de l'Enfance", abbreviated "ONE".

¹⁸² Decree of 19 May 2008 on child protection and transposing child protection measures.

¹⁸³ Decree of 19 May 2008 on child protection and transposing child protection measures.

Foster family service (<i>Pflegefamiliendienst</i>) ¹⁸⁴	In charge of selecting families for placement of children, supervising the child's placement in the selected families, counselling and family support.	Children in alarming situations.	German-speaking Community budget.
Kaleido - Centre for healthy development (<i>Kaleido - Zentrum für die gesunde Entwicklung</i>) ¹⁸⁵	Day care, counselling to families and future parents, preventive health care (detection of health risks and of abuse, vaccinations, etc.), (preventive) family support.	All children.	German-speaking Community budget.

2.1.6. Please indicate if any child participation or feedback mechanisms are part of child protection services.

In the **Flemish community**, the Intersectoral and Regional Child Protection Consultation aims at ensuring the intersectoral cooperation and consultation between youth care services (cf. *supra*). The Intersectoral and Regional Child Protection Consultation is composed of various actors, including youth care services, as well as children themselves. So that way, children can have their voices heard within this body.

In the **French Community**, the Observatory for Childhood, Youth and Child Protection has developed significant expertise in this area, funding research on children and young people's participation or giving them a voice, coordinating the development of tools to enable adults (practitioners and public decision-makers) to implement this participation, and, finally, initiating participatory schemes involving children.

In the **German-speaking Community**, as far as we were able to find, no child participation or feedback mechanisms are part of child protection services.

¹⁸⁴ Decree of 19 May 2008 on child protection and transposing child protection measures.

¹⁸⁵ Special decree of 20 January 2014 establishing a centre for the healthy development of children and young people.

Finally, the legislation concerning the National Commission for the Rights of the Child stipulates that children must be involved in the Commission's work in a structural and appropriate manner. In the five-year report submitted by the Commission, an overview of the efforts made to this end is given in each case.¹⁸⁶ For example, the 2021 activity report of the National Commission mentions the development of a national child-friendly version of the UN Children's Rights Committee's concluding observations. Among other things, a half-day working session with young people (walk) was organised in that context (originally it was to be a weekend, but due to the COVID-19 pandemic this had to be adjusted).

¹⁸⁶ Law of 1 May 2006 approving the cooperation agreement establishing a National Commission for the Rights of the Child, concluded in Brussels, on 19 September 2005, between the State, the Flemish Community, the Flemish Region, the French Community, the Walloon Region, the German-speaking Community, the Brussels-Capital Region, the Common Community Commission and the French Community Commission.

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

Question	YES	NO	Comments
<p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?</p> <p><u>If yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p>		X	<p>Many organisations operate in the child protection system in Belgium (cf. <i>supra</i>). No official registry was identified.</p> <p>For the Flemish Community, there is however a database 'The Social Map' ('<i>De Sociale Kaart</i>'), with an overview of active care providers and their identification details, contact details and operating data.¹⁸⁷</p> <p>To work within the child protection system, each organisation must also be accredited by the competent Community (see question below: Section II, question 2.2.2.).</p> <p>There is no general registry of civil society organisations for Belgium in its entirety.</p>
<p>2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?</p> <p><u>If yes</u>, which is the responsible authority? How frequent are reviews and inspections?</p>	X		<p>In the Flemish Community, (candidate) youth care services must apply for accreditation to the agency Growing Up. To be accredited, candidates must fulfil several general conditions (e.g. the facility must only admit and supervise minors), as well as specific conditions that are related to the category to which the candidate belongs (e.g. Child Care and Family Support Centres, Centres for Mental Healthcare,...; cf. <i>supra</i>). The accreditation is granted for an indefinite period. However:</p> <ul style="list-style-type: none"> - Each year, every accredited youth care service must submit a quality report; - Every accredited youth care service also has to develop a quality policy, describing, amongst other things, the mission and the core values of its organisation. <p>Withdrawal of accreditation is possible in accordance with a predefined procedure.</p>

¹⁸⁷ Decree of 3 May 2019 containing the social map.

		<p>The Care Inspection (<i>Zorginspectie</i>) is competent to inspect and report on all accredited youth care services.¹⁸⁸</p> <p>In the French Community, youth care services must apply for accreditation to the general administration of Youth Care, which decides on the basis of advices issued by the Accreditation Committee (<i>Commission d'agrément</i>). To be accredited, candidates must fulfil several general conditions, as well as specific conditions that are related to the category to which the candidate belongs. The accreditation is granted for an indefinite period. However:</p> <ul style="list-style-type: none"> - Each accredited service evaluates, at least every two years, its educational project. - The Decree also provides for an external evaluation of the sector as a whole. <p>Withdrawal of accreditation is possible in accordance with a predefined procedure.</p> <p>The general administration of Youth Care has a Child Assistance Services and Child Protection Services Inspection Directorate (<i>Direction de l'inspection des SAJ et des SPJ</i>), which consists of four sections: Inspection Service (<i>Service de l'inspection</i>); Inspection Support Service (<i>Service de l'appui de l'inspection</i>); Administrative Management Service (<i>Service de la gestion administrative</i>); Educational Support and Monitoring Service (<i>Service accompagnement et contrôle pédagogiques</i>). Whilst the Inspection Service controls the correct application of legislation, regulations and circulars applicable to the youth care services, the Educational Support and Monitoring Service monitors the quality of service provision and its ability to meet the needs and rights of beneficiaries.¹⁸⁹</p> <p>In the German-speaking Community, youth care services must apply for accreditation to the Youth Care department. The government determines conditions for accreditation. Once accredited, the youth care service and the department will sign a convention for a maximum of six years, which can</p>
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¹⁸⁸ Decree of 5 April 2019 on the recognition conditions and subsidy standards for youth care services.

¹⁸⁹ Decree of 18 January 2018 on the Code of Prevention, Child Care and Child Protection.

		<p>be prolonged for maximum six years. Suspension or withdrawal of the accreditation is possible. ¹⁹⁰</p> <p>No information could be identified on the inspection mechanism in the German-speaking Community.</p>
<p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p> <p>If <u>yes</u>, What is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services targeted, and financial aspects of such partnerships (i.e. if done in view of accessing EU funds).</p>	X	<p><i><u>Preliminary note:</u> it is assumed that this question means whether there are cooperation agreements/partnerships between the different governments involved on the one hand and youth care services on the other.</i></p> <p>At national level, the National Commission on the Rights of the Child is made up of about 90 representatives of the government at all levels on the one hand and youth care services – as well as many other stakeholders (non-governmental organisations working in children’s rights, universities, representatives of the legal profession, judges,...) – on the other hand. There are no European funds associated specifically with joining or being a member of the Commission.</p> <p>Next to this, partnerships are formed between the government and youth care services via the accreditation system described in the question above. Only accredited youth care services receive subsidies from the competent Community government.¹⁹¹ The youth care services may apply for EU funding but this is done separately to the accreditation system and the Community funding.</p> <p>We are not aware of any other specific cooperation agreements and/or partnerships.</p>

2.3. Inter-agency cooperation in the area of child protection

Question	YES	NO	Comments
<p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p>	X		<p>As mentioned in the question above, the National Commission on the Rights of the Child is made up of, amongst other stakeholders, about 90 representatives of the government at all levels.</p> <p>Apart from the National Commission, in principle, each Community legislates within its competence. In case a comprehensive policy needs to be</p>

¹⁹⁰ Decree of 19 May 2008 on child protection and transposing child protection measures.

¹⁹¹ E.g. for the youth care services accredited in/by the Flemish Community: art. 33 – 51 of the Decree of 5 April 2019 on the recognition conditions and subsidy standards for youth care services.

<p><u>If yes</u>, how is this done? Please comment on the strengths and weaknesses.</p> <p><u>For example</u>, is this cooperation – coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p>		<p>established (e.g. national action plans on children’s rights), each entity is involved into the adoption of the policy for the part that relates to its competence. One entity or service will take the lead in coordinating the contribution of each entity for the adoption of the policy. For example, the ministry of Justice coordinated the various contributions from all the entities (communities, regions and federal state) for the adoption of the National Action Plan on Children’s Rights. However, there is no one method of coordination as it depends on the policy matters and the actors that need to be involved.</p> <p>Next to this, some cooperation agreements were concluded between two or more communities:</p> <ol style="list-style-type: none"> 1. The <u>Cooperation Agreement of 11 May 2007 between the French Community, the Flemish Community and the Common Community Commission on child protection</u> describes the division of competences related to child protection in the Brussels Capital Region, given its bilingualism (French and Flemish). The competences of the French and Flemish communities in Brussels are exercised by the so-called ‘Common Community Commission’ (<i>Gemeenschappelijke Gemeenschapcommissie</i>). Since the Common Community Commission itself has no youth care services available, both communities make their youth care services available to it. Regarding judicial child protection, the execution of a court decision taken in Brussels concerning a minor, depends on the language of the court proceedings.¹⁹² 2. The <u>Sectorial Agreement of 27 April 2001 between the French Community and the German-speaking Community on child protection</u> establishes the rules for the cooperation between youth care services of the two communities. Due to the limited capacities of the German-speaking Community, it is common that children of the German-speaking Community are placed within or taken care of by youth care services of the French Community.
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¹⁹² Decree of 15 February 2008 approving the Cooperation Agreement of 11 May 2007 between the French Community, the Flemish Community and the Common Community Commission, on assistance to young people.

		<p>The authority who ordered the measure remains competent even when the decision is implemented by the other community. The agreement foresees that local representatives of the youth care services meet twice a year. In addition, the German-speaking Community is invited as observer in certain meetings organised by the French Community and, regularly, trainings are organised for youth care workers from both communities.¹⁹³</p> <p>In terms of strengths, it is positive that initiatives have been taken, in the form of agreements, to settle specific matters (e.g. the situation in the Brussels Capital Region). On the other hand, it should be noted that there seems to be no (formal) cooperation and/or coordination in certain other (important) areas (e.g. between the Flemish and French communities) – at least that there is very little transparency about any such cooperation/coordination.</p>
<p>2.3.2. Is there inter-agency cooperation between the relevant actors having responsibility in the area of child protection (including civil society organisations)?</p> <p><u>If yes, please mention how this is done</u> (for examples are there standing inter-agency committees or meetings, are digital tools used?). Which actor has a leading role?</p>	X	<p>In the Flemish community, the Intersectoral and Regional Child Protection Consultation aims at ensuring the intersectoral cooperation and consultation between youth care services. The mission of the consultations are to implement the Decree on integrated child protection at the regional level. The Intersectoral and Regional Child Protection Consultation can create local networks and sign agreements with local authorities and the Flemish Community Commission.</p> <p>In the French Community, Prevention Councils (<i>Conseils de Prévention</i>) are established in each judicial district and are composed of, amongst others, different types of youth care services, youth court judges and the Child assistance counsellor and the Child protection director. The Prevention Councils establish an action plan for the district every three years and ensure exchange of information and consultations between the different youth care services. The work of the various Prevention Councils is coordinated within the Prevention College (<i>Collège de Prévention</i>), which has as one of its primary missions to encourage the exchange and harmonisation of good practices, while respecting the specificities</p>

¹⁹³ Information provided by stakeholder consultation with the German-speaking Community.

		<p>of each of them, in particular through the development of common prevention tools.¹⁹⁴</p> <p>In addition, in the French Community, several specific inter-agency agreements were concluded, which includes the <u>Agreement between the Quality Life Agency (Agence pour une Vie de Qualité (AVIQ)) and the general administration of Child Protection</u>. This agreement forms a framework to conduct in depth studies around specific themes, to ensure maximum coherence in the support of children who receive AVIQ services and who are also monitored by youth care services. A Strategic Committee has been established, which meets once a year and is composed of representatives of both authorities.¹⁹⁵ The other inter-agency agreements established in the French Community can be consulted on the website of the general administration of Child Protection, via: https://www.aidealajeunesse.cfwb.be/index.php?id=7784.</p> <p>In the German-speaking Community, no inter-agency cooperation has been identified. This is most likely due to the fact that German-language Community youth care services serve a small population and have fewer agencies and services involved in child protection.</p>
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2.3.3. What are the main challenges regarding effective cooperation and coordination? (For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?

As shown above, many steps have already been taken to implement and improve cooperation and coordination in the field of child protection. However, it was also already mentioned that in some (important) areas, (formal) cooperation and/or coordination does not yet exist. Some concrete examples:

- Situations where multiple communities are involved, e.g. due to the relocation of the child and/or parent(s) or person(s) responsible for the upbringing. This gives rise to questions regarding competence, data sharing, etc., which are currently not covered by any formal agreement.
- The problem of so-called 'unaccompanied minors' (*niet-begeleide minderjarigen*). Despite the fact that this issue is currently very acute, there is no concrete regulation on who takes in these minors, where they are placed, etc. Moreover, this is a problem that not only affects child protection, but also civil and immigration law, among others, and is therefore very complex.

Question	YES	NO	Comments
2.3.4. Are child protection authorities engaging in	X		See below.

¹⁹⁴ Decree of 18 January 2018 on the Code of Prevention, Child Care and Child Protection.

¹⁹⁵ Document available via : https://www.brudoc.be/opac_css/doc_num.php?explnum_id=532.

<p><u>transnational cooperation</u> in the area of child protection, for example with regards to missing children, parental abduction, or migrant children?</p>			
<p>If <u>yes</u>, please briefly comment and include information on transnational agreements-protocols of cooperation as well as on the interaction between child protection authorities and other actors involved in transnational cooperation processes, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any challenges relating to transnational cooperation? Are the challenges different for cross-border cases among EU countries or with third countries?</p> <p>Please provide information on main relevant agreements – cooperation schemes in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children (family tracing-family reunification –return-relocation).</p>			
<p>The federal government and the communities are members of and participate in all standard international and European conventions and other collaborations in the field of child protection, including those on missing children and international parental abduction.</p> <p>Regarding international parental abduction, the Federal Contact Point for International Child Abductions (<i>Federaal Aanspreekpunt Internationale Kinderontvoeringen / Point de contact federal Enlèvement international d'enfants</i>) was established within the FPS Justice in 2005. The main tasks of the Federal Contact Point are:</p> <ul style="list-style-type: none"> - To provide information on international child abductions and cross-border rights of access; - To refer persons confronted with them to the other competent authorities; - To deal with individual cases of international child abduction or cross-border access rights, applying international instruments. <p>More information via: https://justitie.belgium.be/nl/themas_en_dossiers/kinderen_en_jongeren/internationale_kinderontvoering/ https://justice.belgium.be/fr/themes_et_dossiers/enfants_et_jeunes/enlevement_international_denfants.</p> <p>Lastly, the organisation Child Focus has to be mentioned. Child Focus is the Foundation for Missing and Sexually Exploited Children, which was established in 1998. The objective of Child Focus is to recover missing children and combat sexual exploitation of children. Anyone can contact Child Focus 24h/24, 7d/7 to report the disappearance of a child via a toll-free emergency number. Child Focus then takes the necessary steps to work with the police and judicial authorities to locate the child and return him or her safely home. Child Focus also supports and guides the relatives of the child concerned in this crisis situation. The work of Child Focus involves both missing/abducted children and cases of international parental abduction. More information via: https://childfocus.be/nl-be/.</p>			

2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

The complex division of competences in the field of child protection and the resulting multitude of youth care services (and other actors) has already been outlined above. It has also been pointed out several times that in many areas a regulation concerning cooperation and coordination is still missing and/or the existing regulation is insufficient and/or unclear/too complex.

A specific and persistent concern is also the lack of space in youth care services, both in terms of residential and non-residential guidance. Incidentally, this is a recurring problem not only in child protection, but also in child and youth psychiatry and the sector of (adult) internees and detainees (prisons). Inevitably, all this is strongly linked to the budgets released (or not) from the competent governments for this purpose.

2.5. Promising practices

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In terms of positive developments, one can point to the greatly increased societal interest in vulnerable victims, including children, in the recent years. This has resulted in several, diverse initiatives and achievements, including, among others, a tightening of (criminal) legislation on crimes committed against children (e.g. impairment of their sexual or physical integrity) and the establishment of so-called 'Family Justice Centres'. In the Family Justice Centre, various services (psychologist, Centre for General Welfare Work, CPAS, etc.) are located in one place. The core of the concept is to offer better, coordinated services to victims of intra-family violence. The aim is to stop violence and prevent further escalation. It is the Flemish government's intention to roll out these Family Justice Centres across Flanders in the coming months and years. More information via: <https://fjc-veiligthuis.be/>. Also the concept of 'secure placement', already explained above, frames in this societal shift, since the target group of this placement is children who want to evade child protection, engage in transgressive behaviour under the influence of a negative context or who put themselves at risk (e.g. victims of teenage pimps, children with auto destructive behaviour, etc.). Lastly, the work of Child Focus can be mentioned in this context (cf. *supra*).

3. Capacities (human and financial resources)

3.1. Information on budget allocation and funding

Question	YES	NO	Comments
3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments?	X		<p>In the Flemish Community, budget allocated to child protection is incorporated in the legislative acts stating the annual Regional budget.¹⁹⁶ The exact data is openly available and covers the following institutions (as defined in Section I.1): integrated child protection, youth care, child and family (see Department WVG programs E and F, as well as Department Youth Welfare).¹⁹⁷¹⁹⁸</p> <p>In the French Community, budget allocated to child protection is incorporated in the legislative acts stating the annual Community budget. The exact data is available in point D.O.17 in the budget overview.¹⁹⁹ The budget allocated to child protection (as defined in Section I box 1) covers the following aspects:</p> <ul style="list-style-type: none"> - Youth assistance, in so included residential institutions (public institutions), general prevention, information and protection programmes for young people at risk and young offenders, adoption related support. (point D.O. 17 of the budget); - Subsidies for accredited institutions involved in : youth assistance and youth protection programmes, training with regards to youth protection (see institutions listed in section II) (point D.O. 17 of the budget); - Up until 2018: National Office for Childhood (point D.O. 19 of the budget). <p>In the German-speaking Community, the budget allocated to child protection is incorporated in the legislative acts stating the</p>

¹⁹⁶ The Flemish Community and the Flemish Region are merged into one single entity with one single budget.

¹⁹⁷ Please see section II on the actors and missions of these institutions.

¹⁹⁸ Flemish Community Decrees on the annual budget, available at <https://fin.vlaanderen.be/>.

¹⁹⁹ The yearly budget overviews (original and adjusted) are available at: <https://budget-finances.cfwb.be/budget-et-comptabilite/ressources/>.

		<p>annual Community budget.²⁰⁰ See, for example, Annex II.1 and II.2 of the German speaking Community Decree of 15 December 2022 containing the budget of the German speaking Community for financial year 2023. The budget for the child protection is listed under organisational area (OB) 50, programme (PR) 14 and covers the following aspects:</p> <ul style="list-style-type: none"> - EWK 12.11: Child protection measures, functional costs of the services of the child protection department, general prevention, adoption related support, National Office for Childhood, ... - EWK 12.21: Budget for the cost settlement of residential childcare in implementation of the Sectoral Agreement with the French Community in the field of child protection and adoption. - EWK 33.01: Budget for the subsidisation of 2 accredited institutions in the field of child protection ("VoG CAJ "Intego Wohnen" and "VoG SIA"). <p>EWK 43.00 and 43.21: Budget for the subsidisation of the ÖSHZ Eupen - Mosaik Centre, an accredited institution in the field of child protection (43.21) and budget for the promotion of specific projects of this institution (43.00).</p>
<p>3.1.2. Is the budget allocated to child protection (alternatively on children's rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific</p>	<p>X</p>	<p>Child protection falls within the competence of Communities.</p>

²⁰⁰ German-speaking Community Decree of 11 December 2014 containing the budget of the German-speaking Community for financial year 2015; German-speaking Community Decree of 17 December 2015 containing the budget of the German-speaking Community for financial year 2016; German-speaking Community Decree of 15 December 2016 containing the budget of the German-speaking Community for financial year 2017; German-speaking Community Decree of 14 December 2017 containing the budget of the German-speaking Community for financial year 2018; German-speaking Community Decree of 13 December 2018 containing the budget of the German-speaking Community for financial year 2019; German-speaking Community Decree of 12 December 2019 containing the budget of the German-speaking Community for financial year 2020; German-speaking Community Decree of 10 December 2020 containing the budget of the German-speaking Community for financial year 2021; German-speaking Community Decree of 16 December 2021 containing the budget of the German-speaking Community for financial year 2022; German-speaking Community Decree of 15 December 2022 containing the budget of the German-speaking Community for financial year 2023.

<p>budget item allocated to this in 2022?</p>		<p>The UN Committee on the Rights of the Child reported repeatedly that that budget allocation to children lacks transparency.²⁰¹</p> <p>In both the Flemish and French Communities, the budget allocated to child protection is evident from the annual budget of both Communities. For more details see point 1.1.</p> <p>In 2022 the Flemish Community provided €696.699.000 to the facilities subsidised within youth aid from Agency Growing Up (<i>Agentschap Opgroeien</i>). Starting from 2023 the budget ‘CKG’ (Centres for Child and Family Support - <i>Centra kinderopvang en gezinsondersteuning</i>) is integrated with the other resources within youth aid: all initiatives are now included in one specific allocation. This budget does not include funds for support to children with disabilities or child care.²⁰²</p> <p>The French Community allocated €339.288.000 to child protection in 2022 and €427.440.000 in 2023.²⁰³</p> <p>In the German-speaking Community, the budget allocated to child protection is evident from the annual budget. For more details see point 1.1. In order to meet the growing needs in the sector, the Government of the German-speaking Community has, for several years now, constantly increased the resources allocated to youth care and protection. In 2022 a budget of €7.299.000 was allocated.²⁰⁴</p>
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3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on the budget allocated to social protection/social welfare in general.

²⁰¹ UN Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention - Third and fourth periodic report of States parties due in 2007 – Belgium, December 2009, Doc CRC/C/BEL/CO/3-4; UN Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention – Fifth and sixth periodic report of States parties due in 2017 – Belgium, July 2017, Doc CRC/C/BEL/CO/5-6.

²⁰² Interview with Flemish Department of Well-Being, Youth and Family.

²⁰³ The yearly budget overview for 2022 is available at: https://budget-finances.cfwb.be/fileadmin/sites/dgbf/uploads/documents/budget_comptabilite/ressources/budgets/2022/Expose_general_2022_-_Ajustement.pdf and interview with the General administration of youth welfare and the centre for relinquished minors of the French Community.

²⁰⁴ Interview with the Department of Youth Welfare for the German-speaking Community (*Fachbereich Jugendhilfe*).

The budget is adopted based on the expenses from the previous years, the needs of the sector (including based on the number of cases dealt with in the previous year) and the objectives of the child protection policies (e.g. prevention projects). However, no information has been identified on the exact basis for the calculation of the budget in the Communities.

In the **Flemish Community**, the budget for child protection in 2022 was 1,2% of the total budget of the Flemish Region (which comprehends both the Flemish Region and the Flemish Community) (€620.834/€51.560.129). When the budget allocated to child support (*Groeipakket*), child care and children with disabilities is included the budget was 12% of the total budget (±€6.000.000).²⁰⁵

In the **French Community** the budget for child protection in 2020 (OD17) was €363.149.000 out of a total of €11.890.985.000, i.e. 3,05%. In 2021 the budget was €369.077.000 out of a total of €12.264.288.000, i.e. 3,01%. In 2022 the budget was €399.288.000 out of a total of €14.707.099.000, i.e. 2,71%. For 2023 child protection has been budgeted for €427,440,000 out of a total of €14,420,834,000, i.e. 2,96%.

In the **German-speaking Community**, the budget allocated to child protection was €5.498.000 in 2019, €5.938.000 in 2020, €6.402.000 in 2021, €7.299.000 in 2022 and €7.369.000 in 2023.

Question	YES	NO	Comments
<p>3.1.4. Is the existing budget and funding of child protection services/institutions considered sufficient <u>and</u> sustainable (as compared to only project based for a limited period of time)?</p> <p><i>(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		X	<p>The existing budget and funding is sustainable since the same budget has been reserved in recent years and the government does not expect it to decrease in the future.²⁰⁶</p> <p>However, with regards to the sufficiency in Belgium overall, it was repeatedly reported by the UN Committee on the Rights of the Child “that budget allocation to children remains inadequate, specifically with regard to children in vulnerable situations, and lacks transparency. It is furthermore concerned at a persistently high level of child poverty, marked by regional disparities.” The report mentions amongst others insufficient documenting of child abuse and insufficient number of available places for child care. These reports lead to the conclusion of the insufficiency of both human and financial resources.²⁰⁷ The 2018 alternative report by NGOs on the implementation of the UN Convention on the Rights of the Child in Belgium</p>

²⁰⁵ Interview with Flemish Department of Well-Being, Youth and Family.

²⁰⁶ Interview with Flemish Department of Well-Being, Youth and Family.

²⁰⁷ UN Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention – Concluding observations: Belgium, June, 10th 2010, Doc [CRC/C/BEL/CO/3-4](#); UN Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth reports of Belgium, February, 1st 2019, Doc [CRC/C/BEL/CO/5-6](#).

			<p>encouraged the Belgian governments to urgently address their budget transparency in the allocation of public money for children and ensure that strategic budget lines for vulnerable children are ensured.²⁰⁸</p> <p>In the Flemish Community, the Office of the Children’s Rights Commissioner is advocating urgently for a structural solution to the shortage of places and financial resources in all areas of youth assistance.²⁰⁹</p> <p>In the German-speaking Community, the German-speaking Community youth care service (<i>Jugendhilfedienst</i>) acknowledges that difficult periods arise where children in need are put on waiting list given significant overload in demand in both the German-speaking Community and the services of the French Community with which they closely cooperate (given insufficient need and demands in the German-speaking community for specific institutions). With that regards, human resource can at time be insufficient across the services in charge with taking care of the children (<i>Service d’aide à la jeunesse, service de protection de la jeunesse</i>).²¹⁰</p>
<p>3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies?</p> <p>Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).</p>		X	<p>EU funds are used with regards to support to young unaccompanied migrants (the European Fund for Refugees financed several programs on the integration of young migrants, as well as support for under aged unaccompanied asylum seekers).²¹¹ Besides this specific area, EU funds have not played a significant role in the development of targeted policies on child protection.²¹²</p>
<p>3.1.7. Is corporate social responsibility developed at national level in</p>		X	<p>CSR is not developed at national or Community level with regards to child protection services.</p>

²⁰⁸ The Flemish Children Ombudsman [*Kinderrechtencommissariaat*] and The Children Ombudsman of the French Community [*Délégué général aux droits de l’enfant*], *Alternative Report to the UN Committee on the Rights of the Child*, February 28th, 2018.

²⁰⁹ The Flemish Children Ombudsman [*Kinderrechtencommissariaat*], *Annual Report 2021-2022: more weight to children’s rights*, November 17th, 2022.

²¹⁰ Interview with the Department of Youth Welfare for the German-speaking Community (*Fachbereich Jugendhilfe*).

²¹¹ Website about the [Flemish projects](#) funded by AMIF.

²¹² French Community Annual Budget; Flemish Community Annual Budget; Interview with Flemish Department of Well-Being, Youth and Family; Interview with the *Jugendhilfedienst* from the German-speaking Community.

<p>relation to child protection services?</p> <p>If <u>yes</u>, please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by public-private schemes/ synergies.</p>			<p>Private sector organisations which are carrying out child protection activities are accredited private institutions which must fulfil specific criteria laid down by the Communities governments (see Section II and Section IV). CSR is hence not developed for these organisations. With regards to general CSR for any private sector organisations, structured policies incorporating human rights criteria (including child protection) have been developed at various levels in Belgium. At federal level, a working group was set up within the Interdepartmental Commission for Sustainable Development (CIDD/ICDO) to develop a more structured policy on CSR with a specific CSR Action Plan incorporating human rights aspects for public institutions. This scheme was implemented at Regional level.²¹³</p>
<p>2.1.8. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted by government/local authorities to provide services.</p> <p>If <u>yes</u>, please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are covered. Provide information based on indicative examples.</p>		<p>X</p>	<p>Over the last eight years no significant change in the involvement of the private sector was identified in the area of child protection. Indeed a large number of civil society organisations are involved in child protection in Belgium (see Section II.2), and although projects are developing in these organisations, there was no significant evolution in their involvement in child protection. No development over private sector involvement was reported.²¹⁴</p> <p>In Belgium, an important number of services for child protection are provided by accredited civil society organisations entirely dependent on public funding (emergency shelter centres, first shelter centres, specialised shelters, centres for abused children, day shelters, foster care, etc). These institutions covering all groups of children are regulated by governmental orders specifying their missions and budget (see Section II.2.1.5). Accordingly, there are no projects or programmes in charge of child protection services which outsource the services for which they have been accredited.</p>

²¹³ Walloon Region and Flemish Region with the Sustainability Challenge, as part of their Pact 2020. <https://economie.fgov.be/en/themes/enterprises/develop-and-manage-business/responsible-business-conduct>

²¹⁴ Interviews with Flemish Department of Well-Being, Youth and Family and with the Department of Youth Welfare for the German-speaking Community (*Fachbereich Jugendhilfe*).

3.2. Information on human resources, qualification requirements, and training

Question	YES	NO	Comments
<p>3.2.1. Are the allocated human resources in the area of child protection at all levels sufficient? (services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		X	<p>In Belgium overall, it was repeatedly reported by the UN Committee on the Rights of the Child, that insufficient number of places for child care were available, that a lengthy waiting lists were regularly occurring and that Belgium presents the highest number of infants in child protection placements compared to EU average. In 2021 there were 19.964 children in alternative care, of which 8.412 in residential care and 11,552 in formal family-based care. This equals to a rate of children in alternative care of 863 per 100.000, of which 364 in residential care and 500 in formal family-based care. Thus a 42.1% of the total amount of children in alternative care stay in residential care.²¹⁵ In 2016 there were 2.830 children in boarding schools and 1.194 in community institutions in the Flemish Community and 10.439 children in residential care in the Wallonia-Brussels Federation. For Belgium there were registered 9.317 children with disabilities in residential care in that same year (2016).²¹⁶ Such report begs the conclusion of the insufficiency of both human and financial resources in the sector.</p> <p>In the Flemish Community, the Commissariat for Children’s rights is advocating for more financial support and flexibility in the policies related to youth assistance. The 2018 alternative report by NGOs on the implementation of the UN Convention on the Rights of the Child in Belgium stressed that in the Flemish Community demand for help remains much higher than the available offer. More systematic assessment on the allocation of personnel was however not provided in the report.²¹⁷</p> <p>The Flemish Office of the Children's Rights Commissioner, in its 2021-2022 annual report, pointed to signals they are receiving about services no longer registering children and</p>

²¹⁵ UNICEF and EurChild, *Better data for better child protection systems in Europe*, [technical report of the datacare project](#), 2021, pages 9, 33, 66, 92-94.

²¹⁶ European Commission, *Feasibility Study for a Child Guarantee*, [Target Group Discussion Paper on Children in Alternative Care](#), 2019, pages 21 and 57.

²¹⁷ The Flemish Children Ombudsman [*Kinderrechtencommissariaat*] and The Children Ombudsman of the French Community [*Délégué général aux droits de l'enfant*], *Alternative Report to the UN Committee on the Rights of the Child*, February 28th, 2018.

			<p>young people because waiting lists mean there is no prospect of effective support.²¹⁸</p> <p>In the German-speaking Community, the Jugendhilfedienst acknowledges that difficult periods arise where children in need for placement (either emergency or long term) or assistance are put on waiting list most importantly with regard to youth care services and judicial protection services given significant overload in demand. With that regard, human resources can at times be insufficient across the services in charge of taking care of the children (<i>Service d'aide à la jeunesse, service de protection de la jeunesse</i>).</p>
<p>3.2.2 Are the allocated human resources competent in the area of child protection and appropriately trained?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		X	<p>In its latest concluding observation on Belgium (2019), the UN Committee on the Rights of the Child recommended Belgium to “strengthen training of relevant stakeholders, including teachers, law enforcement officials, judges, lawyers, health-care professionals and social workers, and children” and “improve training of relevant staff, especially in the French-speaking community”.²¹⁹</p>
<p>3.2.3. Is there a <u>compulsory certification or licencing process</u> for social workers and other professionals who work for child protection?</p> <p><u>If yes</u>, briefly describe the process.</p>		X	<p>Workers in the field of child protection must be qualified (appropriate diploma in social studies or equally relevant discipline) and be in possession of a clean judicial record.</p> <p>In the Flemish Community, for a professional organisation active in the child protection sector to be accredited by the public Agency Growing Up (<i>Agentschap Opgroeien</i>), it must respect conditions related to quality policy as prescribed by the legislation. (see section II on Structures and Actors, point 2.2.2, see also specific requirements for alternative care).²²⁰ Social workers must hold a degree related to social</p>

²¹⁸ Flemish Office of the Children's Rights Commissioner, *Annual report 2021-2022: Putting more weight on children's rights*.

²¹⁹ Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Belgium*, 28 February 2019.

²²⁰ Flemish Community, Well-Being, Population Health and Family Department (*Welzijn, Volksgezondheid en Gezin*), Quality Policy, available at <http://wvg.vlaanderen.be/jongerenwelzijn/professionelen/private-voorzieningen/kwaliteitsbeleid/>.

		<p>science. Specific functions may require a certain number of years of work experience.²²¹</p> <p>In the French Community, vetting and inspection procedures are compulsory for civil society organisations willing to be allocated the responsibility for child protection services (see section on Structures and Actors, point 2.2.2, see also specific requirements for alternative care).²²² No further information was provided either in the interview on certification process or in the applicable legislation. Social workers must hold a degree related to social science. Specific functions may require a certain number of years of work experience.²²³</p> <p>In the German-speaking Community, any individual or juridical person who regularly admits or accompanies young people within the framework of child protection must be accredited by the government for this purpose, see Articles 29 to 41 of the German-speaking Community Order of 14 May 2009 on Youth Assistance and Youth Care.</p>
<p>3.2.4. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers working with children in various areas?</p> <p>If <u>yes</u>, please describe briefly.</p>	<p>X</p>	<p>In the Flemish Community, the decree on voluntary work in the areas of well-being, health and family lays down the conditions which volunteers must fulfil. The conditions set obligations on the organisation using volunteers (compulsory insurance, training and information of volunteers) rather than on the volunteers themselves. It does not seem like child-/youth-specific experiences and skills are required in the training.²²⁴</p> <p>In the French Community there are no volunteers and student jobs at the level of the SAJ-SPJ. The only students allowed are those studying social work, psychology or education options, which are the qualifications allowed for the job of delegate. It goes without saying that this is covered by the college. They are subject to professional secrecy and the code of ethics during the internship. As far as the workers are</p>

²²¹ Article 11 and the Annex of the Flemish Government Decree of 13 July 1994 on accreditation procedure and financing conditions for special youth assistance organisation.

²²² Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse, interview.

²²³ Article 7 of the French Community Government Decree of 15 March 1999 on the general conditions for accreditation and subsidies for the services referred to in Article 43 of the Decree of 4 March 1991 on assistance to youth care.

²²⁴ Decree by the Flemish Government of April 3rd, 2009 on voluntary work in the areas of well-being, health and family, Articles 4 -9.

		<p>concerned, it is compulsory to provide a certificate of good conduct model 2.</p> <p>As for the approved services, the trainees are secondary school students as well as higher education students with a social or educational option, or perhaps a childcare worker. The regulations set out the conditions for working professionally, voluntarily or as a trainee in the approved services. Each person must provide a "model 2" criminal record and have the interpersonal skills necessary for their services. The functions within the services are so varied that many qualifications are possible. Specific experience is not systematically required but may be necessary to be hired in certain functions; this is either a requirement of the regulations or a requirement of the recruiter. The teams regularly take on trainees and some are taken on at the end of their training.</p> <p>In the German-speaking Community Chapter 3, section 2 of the Decree of the German-speaking Community of 6 December 2011 on the promotion of youth work contains the requirements of training for volunteers.²²⁵ Article 39 of the Decree contains the specific conditions of basic training that volunteers need to complete. This basic training consists of two cycles, of which the second cycle aims to deepen the knowledge acquired during the first cycle. Young people may take part in the first cycle leading to the recognized "voluntary youth leader" certificate at the earliest at the age of 15.</p> <ul style="list-style-type: none"> - The first training cycle includes at least 40 hours of theory and additional training in first aid. It prepares the trainees to responsibly lead a group of young people and to support this group in the realization of their projects, to independently plan and implement animations or projects, to observe group processes - with a focus on the special care of youth leaders to protect young people from neglect, violence and sexual abuse - and to adequately respond to them pedagogically if necessary. The cycle also provides trainees with knowledge about the structures of youth work in the German-speaking Community.
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²²⁵ Decree of the German-speaking Community of 6 December 2011 on the promotion of youth work.

		<ul style="list-style-type: none"> - The second cycle comprises at least 30 teaching hours and optionally consists of an internship, in which the person to be trained is supported by an internship supervisor and independently leads a youth group for at least 15 hours; an apprenticeship, in which the person to be trained is supported by an apprenticeship supervisor and independently leads a youth group for at least eight hours, as well as a theoretical training of at least 16 teaching hours, or a theoretical training course. <p>The RDJ (<i>Rat der deutschsprachigen Jugend</i> - Council of German-speaking Youth) was commissioned by the Ministry of the German-speaking Community in 2020 to organize the first cycle of basic training for volunteer youth leaders and has been fulfilling this task on a structural basis since 2021. In order to be able to guarantee high-quality training in terms of organization and content, the RDJ 2020 has set up a new working group.²²⁶</p>
<p>3.2.5. Is there <u>regular training</u> on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area?</p> <p><u>If yes</u>, please include information on the training of law enforcement officials (judges, persecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors).</p> <p>Please provide information on the mandatory nature of training, its frequency, funding, if it relates to specific needs of children, etc.</p>	X	<p>The national Institute for Judicial Training (<i>Instituut voor Gerechtelijk Opleiding - Institut de Formation Judiciaire</i>) offers trainings in a wide range of areas including child protection. Non-compulsory trainings on child protection are organized on a yearly basis, during two days and cover mostly procedural topics.²²⁷</p> <p>At the community level, voluntary based trainings exist which are open to participants from the various Belgian communities and other EU Member States, with participants from various sectors of activities (judicial, educational and social workers). These external trainings are either funded by the State or organised based on a private initiative. The content greatly varies. For example, a specific training can be organised on dealing with cases of abuse (from detection to referral mechanism).²²⁸</p> <p>In the French Community, continued training exists and is available on a voluntary basis, in</p>

²²⁶ Interview with the Youth Assistance Services (*Jugendhilfedienst*) from the German-speaking Community.

²²⁷ Website of the [national Institute for Judicial Training](#).

²²⁸ Interview Flemish Department for Well-Being, Health and Family ; Interview with German-speaking Community Youth Assistance Services. The interviewees could not provide more detailed information.

		<p>addition to the mandatory training referred to in question 3.2.6. This is not regulated centrally, but rather at the local level and/or at the level of e.g. school groups or professional associations so the government could not provide an overview of it, nor further information on its content.</p> <p>Within the framework of individual and team supervision, the social workers of the services of the Youth Welfare Department of the German-speaking Community reflect on their work in individual case support. The aim is to guarantee professional action within family systems, which often follow their own logic and rules. The staff of the services of the Youth Welfare Department also keep up to date with new topics, working methods and concepts through regular participation in further training, specialist conferences and seminars. These include events on radicalism, cultural diversity and its challenges, attachment, parental mental illness, sexual abuse, kinship care, etc. Participation in further training is not compulsory.</p> <p>Article 30 §1 number 3 of the German-speaking Community Order of 14 May 2009 on Youth Assistance and Youth Care, which regulates the conditions of recognition of service providers in the field of youth welfare and protection, also stipulates that these service providers must regularly participate in specialised further training. Proof of this is provided to the Youth Welfare Department of the Ministry of the German-speaking Community within the framework of the activity report mentioned in number 5 of the same article.²²⁹</p> <p>Article 39 number 4 of the German-speaking Community Order of 14 May 2009 on Youth Assistance and Youth Care, which regulates the obligations of foster families, also stipulates that the recognised foster families must regularly participate in discussion groups, organised further training or other offers of the foster family service. These offers are organised 1-2 times a year by the foster family service.</p>
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²²⁹ [German-speaking Community Order of 14 May 2009](#) on youth assistance and youth care.

<p>3.2.6. Are child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists involved in child protection systems? (Please include information regarding law enforcement officials, judges, prosecutors, lawyers, health, and education personnel)</p> <p><u>If yes</u>, please describe briefly.</p>	<p>X</p>	<p>X</p>	<p>No such compulsory topics on child protection were identified as part of the curriculum of studies of professionals.²³⁰</p> <p>In law school ‘juvenile justice’ and ‘children’s rights’ are elective subjects.</p> <p>In the education ‘Criminology’ at the university the course ‘juvenile justice’ is elective.</p> <p>There is no legal framework for the establishment and organization of specialized youth brigades within the police force.</p> <p>Prosecutors and judges dealing with juvenile cases are required to undergo mandatory training at the national Institute for Judicial Training (<i>Instituut voor Gerechtelijk Opleiding - Institut de Formation Judiciaire</i>) on family and juvenile justice, child hearing and sexual and intrafamily violence.²³¹</p> <p>In the Flemish Community the Order of Flemish Bar Associations (<i>Orde van Vlaamse Balies</i>) organizes a training course for youth lawyers every two years. There is a guideline that lawyers handling juvenile cases (child protection and youth delinquency) must have attended this training, but this is not applied equally strictly at all local bar associations.</p> <p>In the French Community there’s a compulsory training for every new worker active in youth assistance under a 6-month or longer contract, as well as for every new director in the sector.²³² Subject to the priority given to new workers and managers, the training modules are also accessible on a voluntary basis to workers who are not/no longer under the conditions of obligation (the so-called "old" ones).</p> <p>For new employees there are three different types of training depending on the position:</p>
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²³⁰ Interview Flemish Department for Well-Being, Health and Family ; Interview with French Community Observatory for Childhood, Youth and Youth Assistance; Interview with French Community Federation of Foster Care Families; Interview with German-speaking Community Youth Assistance Services.

²³¹ Website of the Institute for Judicial Training.

²³² Article 1, 14° of French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care, article 22 of the Order of the Government of the French Community on the general conditions of approval and granting of subsidies for the services referred to in Article 139 of the Decree of 18 January 2018 on the Code on prevention, youth assistance and youth protection

		<ol style="list-style-type: none"> 1. Basic training stewardship - technical staff 2. Basic training administration – administrative staff 3. Basic socio-educational training – staff with educative and psychosocial tasks <p>Every new director must attend at least seven days of training, consisting of one day compulsory core curriculum and (minimum) two modules of three days of their choice.</p> <p>All trainings are organized by the Federation AJ Formation.²³³</p>
<p>3.2.7. Are there <u>joint training activities</u> involving professionals and personnel from various disciplines in place?</p> <p>Please provide some examples.</p>	X	<p>The national Institute for Judicial Training (<i>Instituut voor Gerechtelijk Opleiding - Institut de Formation Judiciaire</i>) organizes a wide variety of trainings for judges, clerks and prosecutors. For clerks no training specifically on child rights and child protection is offered. For judges and prosecutors there are modules regarding family and youth law, as well as how to speak with children. However none of these are specifically about child rights.</p> <p>At the police school, a subject on youth protection law is provided for chief inspectors but this does not address child rights, merely Belgian procedure.²³⁴ In the Flemish Community, joint training activities are organised (e.g. 2022 training on the role of the youth lawyer in voluntary child protection for both lawyers, judges and counsellors; several debate lunches regarding child protection for lawyers, youth and welfare workers, policy staff and youth organisations²³⁵).</p> <p>In the French Community meetings, exchanges and one-day trainings involving professionals and personnel from various sectors exist. The trainings referred to in question 3.2.6. involve the participation of workers from all child protection related fields. Beside the compulsory</p>

²³³ Website of the [Federation AJ Formation](#).

²³⁴ [Educational program for chief inspectors of the police](#): module 10 regarding youth protection.

²³⁵ Website of the contact committee of youth welfare organisations ([Contactcomité van Organisaties voor Jeugdzorg](#))

		<p>basic training, participation to continued trainings works on a voluntary basis.</p> <p>In the German-speaking Community, meetings, exchanges and one-day trainings involving professional and personnel from various sectors exist. The interviewee could not think of specific examples.²³⁶</p>
<p>3.2.8. Outline briefly the <u>main challenges and/ or gaps relating to human resources, qualification requirements and training</u> underlined the relevant authorities and/ or child protection civil society organisations.</p>		<p>In its latest concluding observation on Belgium (2019), the UN Committee on the Rights of the Child recommended Belgium to “<i>strengthen training of relevant stakeholders, including teachers, law enforcement officials, judges, lawyers, health-care professionals and social workers, and children</i>” and “<i>integrate interdisciplinary children’s rights education into curricula at all levels of education</i>”.²³⁷</p> <p>In the Flemish Community, the Office of the Children’s Rights Commissioner is advocating for training of police officers with a distinct approach to minors where the child test should be a common thread throughout police action.²³⁸</p>

3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements and (persisting) gaps and challenges

The Flemish and German-speaking Communities are increasing the resources allocated to youth care and protection. In the French Community the budget for child protection represented a smaller percentage of the total budget, but in 2023 a new increase has been budgeted.

3.4. Promising practices

Please list and briefly describe any promising practice in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The **Flemish Community** is working on expanding the Family Justice Centres and *OverKop-huizen*. The Family Justice Centres (FJC) house several services in one place. The core of the concept is to offer victims

²³⁶ Interview with the Department of Youth Welfare for the German-speaking Community (*Fachbereich Jugendhilfe*).

²³⁷ Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Belgium, 28 February 2019.

²³⁸ The Flemish Children Ombudsman [*Kinderrechtencommissariaat*], Annual Report 2021-2022: more weight to children’s rights, November 17th, 2022.

better, coordinated services. The aim is to stop violence and prevent further escalation. There are now Family Justice Centres in Antwerp and region Kempen²³⁹, Mechelen²⁴⁰ and region Limburg²⁴¹.

In an *OverKop-huis* (overhead house), young people up to 25 years old can walk in and do all kinds of fun activities. It is a safe place where they can also find someone to talk to and seek professional therapeutic help, without being labelled.²⁴² Currently there are 30 physical *OverKop-huizen* in Flanders and Brussels and an online chat that is available Monday-Saturday from 18-22 o'clock.²⁴³

The Flemish Expertise Centre for Child Abuse (*Vlaams Expertisecentrum Kindermishandeling – VECK*)²⁴⁴ has been given an advisory role for potential hazard situations in child care as part of the enforcement policy of the Agency Growing Up.²⁴⁵

²³⁹ Website of [FJC of Antwerp and region Kempen](#).

²⁴⁰ Website of [FJC of Mechelen](#).

²⁴¹ Website of [FJC of region Limburg](#).

²⁴² Website of the [OverKop-huizen](#).

²⁴³ Information on the [location of the OverKop-huizen](#).

²⁴⁴ Website of the [Flemish Expertise Centre for Child Abuse](#).

²⁴⁵ [Annual Report of 2021](#) by the Flemish Expertise Centre for Child Abuse.

4. Care

4.1. Prevention measures and services

4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?

The social welfare and social protection system, on the one hand, and the child protection system, on the other hand, are separate systems, each with their own philosophies, competences, service providers and competent authorities. For example, as mentioned under Section I, question 1.1., the competences regarding social welfare and social protection are divided between the federal state and the communities, while child protection is mainly a community competence.

However, both systems have an impact on each other. For instance, the use of child protection can have an impact on the allocation to the parents of social benefits, such as family benefits unemployment benefits and living wage.²⁴⁶

4.1.2. Is there evidence that families are supported in their role of primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through universal and targeted services and through every stage of the intervention, particularly through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need.

Yes, families are supported in their role of primary caregivers.

The federal state and communities provide, each within their competences, a wide range of rules, institutions, facilities and services to assist families in the performance of their role of primary caregivers, thereby promoting and ensuring the well-being and development of children. Examples of this assistance are maternity leave, financial support through family benefits and preventive parenting support by specialised services such as Homes of the child (*Huizen van het kind*) in the Flemish Community and the Birth and Childhood Office (*Office de la Naissance et de l'Enfance (ONE)*) in the French Community.²⁴⁷

When the developmental or welfare needs of children would benefit from additional or specific interventions, the child protection system can be called in. Even then, the role of parents as primary caregiver is put first. Child protection prioritises putting the child's and family's own strengths first and finding a solution in agreement with the child and the family (voluntary measures), and thus, aims at avoiding turning to judicial intervention. In doing so, participation is very important. Subsidiarity of out-of-home-placements is also prioritised.²⁴⁸ In addition, deprivation of parental

²⁴⁶ L. HOFKENS, L. POLFLIET, R. SIERENS, N. VAN DEN CRUYCE, J. PUT, K. HERMANS and T. OPGENHAFFEN, Costs and contributions of clients in child protection, Leuven, Opgroeien, 2022, 208 p.

²⁴⁷ Flemish Community Decree of 29 November 2013 on the organisation of preventive family support; French Community Decree of 17 July 2002 reforming the "Office de la Naissance et de l'Enfance", abbreviated "ONE"; J. PUT, V. VERDEYEN and Y. STEVENS (eds.), Social security practice book, Mechelen, Wolters Kluwer, 2022, 1178 p.

²⁴⁸ Articles 6 and 8 of the Flemish Community Decree of 12 July 2013 on integrated child protection; Article 1 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care; Articles 1 and 4 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures; Article 10 of the Brussels Capital Region Ordinance of 29 April 2004 on child protection.

authority can only be imposed in exceptional cases when the parent has endangered his/her child and the deprivation is in the best interests of that child.²⁴⁹ Finally, Belgium – and the child protection system – should respect the provisions of the Convention on the Rights of the Child of which Article 5 states that parents are the primary caregivers and the government should support parents in that role.²⁵⁰

4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

As mentioned in Section I, question 1.1., when a child is in need of care, support and protection is provided by the child protection system. Such help can be organised on a voluntary basis - the child and his/her family need to agree - or through judicial intervention, and is implemented by care providers. Who coordinates the help (and how) depends on the community regulations that apply, the method of referral to the child protection system and the type and urgency of help to be deployed. For example, in the Flemish Community some modules of voluntary child protection are due to their degree of intrusiveness not directly accessible. This means that the child and his/her family has to pass through the intersectoral gateway (*intersectorale toegangspoort*) which will make a child protection decision and thus, coordinates the non-directly accessible voluntary child protection.²⁵¹

4.1.4 What are the crisis emergency responses in place?

In the **Flemish Community** a subsidiary ‘crisis course’ of child protection exists, consisting of a central permanent crisis hotline, an ambulatory or mobile crisis intervention offer, an ambulatory or mobile crisis counselling offer and a residential crisis offer.²⁵² Care providers and youth magistrates can turn to it if they are faced with a crisis situation and cannot find an appropriate solution in a timely manner. Exceptionally, a client can call on it directly if he/she is confronted with a crisis situation and cannot turn to regular assistance. A crisis situation is defined as an acutely experienced emergency requiring immediate assistance.²⁵³

In addition, in urgent cases, the public prosecutor can immediately – and thus without the need for a referral by a mandated facility first – bring a child protection case before the youth court for the purpose of imposing judicial measures.²⁵⁴ The following conditions must be met cumulatively: (1) a judicial measure is urgently needed; (2) there is sufficient evidence that the child needs immediate protection from a form of physical or mental violence, injury or abuse, physical or mental neglect or negligent treatment, maltreatment or exploitation, including sexual abuse; (3) the provision of voluntary child protection is not immediately possible.

In the **French Community**, there is a specific procedure in case of urgency. When a serious danger directly threatens the child's physical and psychological integrity, the youth court may, without the

²⁴⁹ Article 32 of the Act of 8 April 1965 on youth care and the charging of minors who committed an act qualified as offence and the reparation of damage caused by this act.

²⁵⁰ Preceding title of the Act of 8 April 1965 on youth care and the charging of minors who committed an act qualified as offence and the reparation of damage caused by this act; Article 5 of the Flemish Community Decree of 12 July 2013 on integrated child protection; Article 1 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

²⁵¹ Articles 1, § 1, 40° and 17 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

²⁵² Article 44 of the Flemish Community Decree of 12 July 2013 on integrated child protection; Articles 73-74 of the Flemish Government Order of 21 February 2014 on integrated child protection.

²⁵³ Article 2, § 1, 9° of the Flemish Community Decree of 12 July 2013 on integrated child protection.

²⁵⁴ Articles 47, 2° and 53-54 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

consent of the young person and his/her parents, take a provisional out-of-home placement measure for a period not exceeding 30 days.²⁵⁵ The public prosecutor may also take such measure itself when this danger situation reaches outside the opening hours of child protection services or if the counsellor (*conseiller de l'aide à la jeunesse*, the key figure regarding voluntary child protection) or the director on child protection (*directeur de l'aide à la jeunesse*, one of the key figures regarding judicial child protection) cannot be reached during the relevant hours. The measure shall then end no later than the end of the first working day following the time when the measure was taken.²⁵⁶

In the **German-speaking Community**, there is also a specific procedure in case of urgency. When the interests of the child are at risk, the youth court can take a provisional measure at the request of the public prosecutor. If danger is imminent, the public prosecutor can even impose such a provisional measure himself. This measure loses its effect, however, if it is not ratified by the youth court within seven days.²⁵⁷

In the **Brussels Capital Region**, the Brussels Capital Region Ordinance of 29 April 2004 regulating the judicial child protection also provides for a provision on urgency. The youth court may take a provisional measure when a child's physical or psychological integrity is immediately and directly exposed to a serious danger, and his/her best interests do not allow him/her to wait for the organisation and concrete provision of voluntary help.²⁵⁸

4.2. Identification and reporting procedures

Question	Yes	No	Comments
<p>4.2.1. Is there an identification/reporting obligation foreseen in the legislation?</p> <p>If <u>yes</u>, please provide the relevant provisions and indicate authorities and/or individuals that have identification/reporting obligations.</p>	X		<p>A general obligation of reporting in certain circumstances is foreseen at national level in Article 422bis of the Criminal Code: it punishes every person who fails to provide assistance (e.g. by reporting) to someone in grave danger. The offence requires that the person could help without serious danger to himself/herself or others. Moreover, the punishment is harsher when the person in danger is a minor.²⁵⁹</p> <p>In addition, there may be more specific reporting obligations in other regulations. For example, Article 29 of the Code of Criminal Procedure stipulates that any constituted government, public officer or public servant who becomes aware of any crime or wrongdoing in the exercise of his</p>

²⁵⁵ Articles 37 and 52 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

²⁵⁶ Articles 37/1 and 52/1 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

²⁵⁷ Article 16, § 3-4 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

²⁵⁸ Articles 9 and 12 of Brussels Capital Region Ordinance of 29 April 2004 on child protection.

²⁵⁹ Article 422bis of the Criminal Code.

office is obliged to report it immediately to the public prosecutor.²⁶⁰ This is the "official declaration", whose non-compliance can lead to disciplinary sanctions.²⁶¹

4.2.2. Please describe available national and/or sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in all available reporting mechanisms, including, helplines and hotlines. Include the legislative and regulatory framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.

Please provide details such as if there a common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?

The **reporting of an offence** – triggering an investigation – can be done by anyone and by any means with the police (or public prosecutor). The victim himself can also state that he wishes the criminal prosecution of the perpetrator of the offence: this is called a ‘complaint’. It is worth mentioning that filing a complaint does not guarantee that a prosecution will be initiated, and conversely, even without a complaint, a prosecution is in principle perfectly possible. Only exceptionally, the public prosecutor can only prosecute certain offences - called complaint offences, such as defamation - following a complaint by the aggrieved person.²⁶²

There is no legal framework regulating the establishment and organisation of specialised youth brigades within the police structure. It is up to the various police forces to determine whether and to what extent they want to set up a separate service that focuses exclusively on minors or not. There are still a significant number of police districts where youth cases are not handled by a separate, specialised youth brigade, but instead belong to the remit of the detective police. Within the public prosecution, there is specialisation: there are specific departments that deal with youth cases.²⁶³

Child victimisation can also be reported in the Flemish and French Community through various general or problem-specific **helplines and hotlines, who can provide support and referrals**.²⁶⁴ In the Flemish Community, an example is the 'Violence, Abuse and Child Abuse' hotlines (*Meldpunten "Geweld, Misbruik en Kindermishandeling"*) at the provincial level; a collaboration between the general welfare work centres (*centra voor algemeen welzijnswork (CAW)*) and the child abuse trust centres (*vertrouwenscentra kindermishandeling (VKs)*). Anyone can report situations or suspicions of violence or child abuse to the hotlines by phone ('1712') or by e-mail (at <https://1712.be>).²⁶⁵ Notifications are free of charge and can be made anonymously. The hotlines then carry out question clarification and referral to appropriate assistance. In the French Community, an example is the 103 Listen-child helpline (*Ecoute-enfant*).²⁶⁶ It is a free number to which children and young people experiencing

²⁶⁰ Article 29 of the Code of Criminal Procedure.

²⁶¹ R. VERSTRAETEN and F. VERBRUGGEN, Introduction to Belgian criminal law and criminal procedure, Mortsel, Intersentia, 2023, 149.

²⁶² Code of Criminal Procedure; Act of 5 August 1992 on the police service; R. VERSTRAETEN and F. VERBRUGGEN, Introduction to Belgian criminal law and criminal procedure, Mortsel, Intersentia, 2023, 735 p.

²⁶³ J. PUT, Handbook on youth protection law, Brugge, die Keure, 2021, 293-295.

²⁶⁴ Website of Watwat; website of Victimes; website of TeGek!.

²⁶⁵ Articles 2-9 of the Flemish Community Decree of 21 June 2013 containing various provisions relating to the Welfare, Public Health and Family policy area; website of 1712.

²⁶⁶ Website of Ecoute-enfant.

difficulties (such as violence or abuse) or having questions can call anonymously. Trained professionals aim at helping them think through their choices, while providing them with relevant information.

In the German-speaking Community there is the general helpline 108: help seekers can contact it anonymously. Trained professionals assist, provide information on existing counselling and help facilities and refer callers to specialised facilities or services if required.²⁶⁷

Finally, it is worth mentioning that other persons, such as **child protection actors** may become aware of child victimisation (e.g. by the help-seeking parents and/or child after referral by a helpline or by the police).

Question	Yes	No	Comments
<p>4.2.3. Do children have the right to report independently?</p> <p>If <u>yes</u>, please provide information on the availability of <u>age-appropriate and child-friendly</u> reporting procedures (to whom and how children can report child rights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Please comment briefly.</p>	X		<p>Children, like any person, can report independently any offence and file a complaint. Their legal incapacity does not constitute an objection to this as it concerns an act that does not result in binding consequences for him/her as child victim.²⁶⁸</p> <p>The Code of Criminal Procedure,²⁶⁹ the Act of 5 August 1992 on the police service²⁷⁰ and a ministerial circular of 2007²⁷¹ establish requirements on the assistance of the police in case of reporting by a victim. For example, victims of offences should be treated carefully and correctly, in particular by making the necessary information available (e.g. on the details of civil action and declaration of injured person) and, where appropriate, by securing contact with the specialised services.²⁷² However, no age-appropriate and child-friendly rules on reporting an offence by a child victim have been identified. Worth mentioning here is that child-specific rules do exist for the interrogation of child victims.²⁷³</p> <p>In regards to anonymity and confidentiality, an anonymous report is possible and the child victim</p>

²⁶⁷ Website of [Ostbelgien](#).

²⁶⁸ M. KERKHOFS, "The position of the child victim in criminal law" in L. MEEUWISSEN, M. KERKHOFS and J. PUT (eds.), *The minor victim*, Brugge, die Keure, 2021, 61.

²⁶⁹ [Code of Criminal Procedure](#).

²⁷⁰ [Act of 5 August 1992 on the police service](#).

²⁷¹ [Ministerial Circular GPI 58 of 4 May 2007 on the police assistance to victims in the integrated police force](#).

²⁷² Article 3bis of the [Preceding Title of the Code of Criminal Procedure](#).

²⁷³ [Code of Criminal Procedure; Circular nr. COL 3/2021 of the College of Prosecutors-General of the Courts of Appeal on the audiovisual recording of the interrogation of minor and vulnerable adult victims or witnesses of crimes](#).

			<p>is not obliged to sign the report drawn up following his/her complaint.²⁷⁴</p> <p>Reporting to a helpline or turn to a child protection actor can also be done independently by the child victim. These procedures are more child-friendly as those persons are mostly specialised in assisting children.</p> <p>In regards to anonymity and confidentiality, the child can call anonymously to the helplines mentioned in Section IV, question 4.2.2.</p> <p>For the reporting of children’s rights violations, see Section VII, question 7.1.</p>
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4.2.4. Are children informed of their right to report and how they can do it? If yes, by whom and how?		X	<p>No specific procedure has been identified to ensure that children are informed of their right to report and how they can do it. Websites, leaflets, school education provide sources of information on how to report. For example, the websites of Kids UNICEF Belgium and the Flemish Office of the Children's Rights Commissioner (<i>Kinderrechtencommissariaat</i>) list helplines for children to contact in case of problems, each time with a link to that helpline’s website..²⁷⁵</p>
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4.2.5. What are the main challenges and/or gaps relating to identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?

In its latest concluding observation on Belgium (2019), the UN Committee on the Rights of the Child noted that child abuse, including domestic violence, child marriage and female genital mutilation are underreported. It recommended Belgium, among other things, to “*strengthen coordination between administrations and institutions at the federal, regional and community levels, and train the professionals concerned to identify and adequately respond to cases of child abuse and neglect, taking into account a gender perspective*”; to “*allocate adequate human, technical and financial resources to implement long-term programmes addressing the root causes and reporting cases of violence against*

²⁷⁴ M. KERKHOFS, “The position of the child victim in criminal law” in L. MEEUWISSEN, M. KERKHOFS and J. PUT (eds.), *The minor victim*, Brugge, die Keure, 2021, 61; R. VERSTRAETEN and F. VERBRUGGEN, *Introduction to Belgian criminal law and criminal procedure*, Mortsel, Intersentia, 2023, 152 and 215.

²⁷⁵ Website of [Kids UNICEF Belgium](#); website of the [Flemish Office of the Children's Rights Commissioner](#).

or abuse or neglect of children”; and to “raise awareness of children and their parents about complaint mechanisms” in case of discrimination at school.²⁷⁶

In its latest memorandum (2019) the Observatory for Childhood, Youth and Child Protection (*Observatoire de l’Enfance, de la Jeunesse et de l’Aide à la Jeunesse*) of the French Community noted that services exist that enable children to speak out and be supported according to the difficulties they face, but that these services are under-known and under-funded. It therefore recommended to develop campaigns to promote services such as the 103 number and the "Now I'm talking" chat room to children.²⁷⁷

The Flemish Office of the Children's Rights Commissioner (*Kinderrechtencommissariaat*) has indicated in its 2021-2022 annual report that the impact of intrafamily violence on children is still underestimated and that parents and children are often unaware that initiatives exist where victims of intra-family violence can turn to and what these services can do for them. It also noted that professionals still struggle with what they can do when they (seriously) suspect intrafamily violence.²⁷⁸

The main challenge therefore seems to be the identification of signals of child victimisation and the knowledge of the bodies to which the person receiving the signals or the child victim itself can turn.

As a gap, the fact that there are still a significant number of police districts where youth cases are not handled by a separate, specialised youth brigade, but instead belong to the remit of the detective police, is worth mentioning.²⁷⁹

4.3. Referral procedures(s) and investigation and protection

4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.)

In case of reporting, two main courses of referral are possible: the criminal prosecution of the offender and/or the involvement of assistance and child protection services.

Criminal prosecution: when the public prosecutor has knowledge of an alleged offence (e.g. after the police has sent the police report of a report or complaint²⁸⁰), he will decide (after investigation) what

²⁷⁶ Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Belgium, 28 February 2019.

²⁷⁷ Observatory for Childhood, Youth and Child Protection, Memorandum 2019.

²⁷⁸ Flemish Office of the Children's Rights Commissioner, Annual report 2021-2022: Putting more weight on children's rights.

²⁷⁹ E. ROEVENS, J. PUT and S. PLEYSIER, Minors in a police cell or adult psychiatry. Exploratory research on frequency and approach, Leuven, Steunpunt Welzijn, Volksgezondheid en Gezin, 2019, 87.

²⁸⁰ Article 40 of the Act of 5 August 1992 on the police service.

action to take in the field of criminal law. He judges autonomously on the appropriateness of prosecuting the accused person.²⁸¹

Assistance: when the police, a helpline or other person, such as a child protection actor (including the public prosecutor) knows that a child is a victim, they can refer to or initiate assistance to the child and his/her family. For example, Article 46 of the Act of 5 August 1992 on the police service stipulates that the police should put persons requesting help or assistance in touch with specialised services.²⁸² The assistance may include assistance within general social and medical protection and/or the use of child protection. However, the actual functioning of the child protection system and, consequently, referrals within it, differs from community to community²⁸³ and the steps that will be followed also depend on the specific case (e.g. need for voluntary, crisis or judicial child protection).

It is worth mentioning that tackling **partner violence** has a specific approach regulated by circulars. In these, attention is also paid to children who are part of the family, given the impact the violence may have on them physically, psychologically and/or emotionally. For example, after receiving the police report, the public prosecutor must register the minor(s) concerned as a "minor in a worrying situation" and assess whether child protection is needed.²⁸⁴ Specific circulars also exist regarding victims of **human trafficking** (including unaccompanied foreign minors who are victims). Among other things, one of these states that the Immigration Department and the specialised reception centre are contacted when the public prosecutor is informed by the police or inspection service that a potential victim has been detected.²⁸⁵

Question	Yes	No	Comments
4.3.2. Are there applicable standards in the form of legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks regarding investigation and assessment procedures following reporting and identification procedures?	X		<p>The Code of Criminal Procedure is the most relevant legal instrument for the criminal investigation of offences against child victims and the prosecution of the alleged perpetrator(s).</p> <p>On the assistance to child victims and the assessment of the child's situation in that regard, the child protection rules of the different communities and the Brussels Capital Region are especially important.²⁸⁶</p> <p>For information on inter-agency cooperation protocols and agreements in the child protection</p>

²⁸¹ Article 28quater of the Code of Criminal Procedure.

²⁸² Article 46 of the Act of 5 August 1992 on the police service.

²⁸³ See Flemish Community Decree of 12 July 2013 on integrated child protection; French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care; German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures; Brussels Capital Region Ordinance of 29 April 2004 on child protection.

²⁸⁴ Circular nr. COL 4/2006 of the Minister of Justice and the College of Prosecutors-General on the criminal policy on partner violence, 18.

²⁸⁵ Circular nr. COL 8.2008 on the introduction of multidisciplinary cooperation regarding victims of trafficking in human beings and/or of certain more serious forms of smuggling of human beings.

²⁸⁶ See Flemish Community Decree of 12 July 2013 on integrated child protection; French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care; German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures; Brussels Capital Region Ordinance of 29 April 2004 on child protection.

			area, see Section II, question 2.3.2 and Section IV, question 4.3.6.
4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?	X		<p>An assessment by a multidisciplinary team of professionals of the child’s situation is possible in the child protection systems. Examples are the following.</p> <p>In the Flemish Community, an assessment is carried out by the assessment team (<i>team indicatiestelling</i>) of the intersectoral gateway (<i>intersectorale toegangspoort</i>) in case of not directly accessible voluntary child protection. This multidisciplinary composed team determines the need for child protection, the desirable assistance and its urgency, and this independently of the available child protection offer.²⁸⁷ What ‘multidisciplinary’ means is not extensively specified in the legislation, but the team must at least consist of an expert on indication and a psychologist or an educationalist.²⁸⁸ Besides, the assessment team may request additional relevant data on the child from an accredited multidisciplinary team (MDT) for the purpose of the assessment.²⁸⁹</p> <p>In the French Community, the child protection counsellor (<i>conseiller de l’aide à la jeunesse</i>, the key figure regarding voluntary child protection) has the possibility to request the intervention of a team SOS Children (<i>SOS enfants</i>) when he is aware of or suspects mistreatment, deprivation or negligence suffered by a child.²⁹⁰ The SOS Children team is a multidisciplinary service specialised, on the one hand, in individual prevention, evaluation and stocktaking of situations in which children are maltreated and, on the other, in providing care in these situations. The multidisciplinary composition of the team should guarantee a medical, psychiatric, psychological, social and legal approach to each situation.²⁹¹</p> <p>In the German-speaking Community, the staff of the Child protection service (<i>Jugendhilfedienst</i>) have at least a bachelor’s degree with a social</p>

²⁸⁷ Articles 17 and 21 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

²⁸⁸ Article 17 of the Flemish Government Order of 21 February 2014 on integrated child protection.

²⁸⁹ Article 22 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

²⁹⁰ Article 35, § 3 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

²⁹¹ French Community Decree of 12 May 2004 on assistance to abused children.

		orientation (educator, social assistant). Within the framework of their assistance task, they also work closely with other services and professionals, such as psychologists and therapists. ²⁹²
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4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.

In case of **voluntary child protection** in the **Flemish Community**, who is responsible to investigate and assess the situation depends on the directly accessible character of the child protection to be deployed. In case of directly accessible child protection, the child protection client can directly address the care provider who will consider the request for help and offer assistance. However, the client can also pass through the broad entry (*brede instap*). This is a module that involves offering the entry procedure (reception, clarification of demand, supply clarification, assistance proposal, referral), brief assistance and information provision.²⁹³ Not directly accessible voluntary child protection can only be obtained through a child protection decision by the intersectoral gateway (*intersectorale toegangspoort*), which consists of two independently operating teams: the assessment team (*team indicatiestelling*) and the direction team (*team jeugdhulpregie*). The assessment team determines the need for child protection, the desirable assistance and its urgency, and this independently of the available child protection offer. The direction team then converts the indicated child protection into concrete child protection modules.²⁹⁴

The child protection case can also be notified to a mandated service: a youth care support centre (*onderstuningscentrum jeugdzorg*) or a trust centre child abuse (*vertrouwenscentrum kindermishandeling*). This service then investigates (social need investigation, *onderzoek maatschappelijke noodzaak*) and follows up on the troubling situation.²⁹⁵

Finally, crisis child protection proceeds through a central permanent crisis hotline: this is a team of child protection providers that does an initial neutral assessment of notified crisis situations and that can offer consultation to the notifiers (see Section IV, question 4.1.4.).²⁹⁶

In the **French Community**, the child protection counsellor (*conseiller de l'aide à la jeunesse*) carries out an assessment of the child's situation.²⁹⁷ He also has the possibility to request the intervention of a team SOS Children (*SOS enfants*) when he is aware of or suspects mistreatment, deprivation or negligence suffered by a child. That team then updates him on the evolution of the situation and then reports back.²⁹⁸

²⁹² Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

²⁹³ Article 15 of the Flemish Government Order of 21 February 2014 on integrated child protection.

²⁹⁴ Articles 17-28 of the Flemish Community Decree of 12 July 2013 on integrated child protection; Articles 21-49 of the Flemish Government Order of 21 February 2014 on integrated child protection.

²⁹⁵ Articles 33-43 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

²⁹⁶ Article 44 of the Flemish Community Decree of 12 July 2013 on integrated child protection; Articles 73-74 of the Flemish Government Order of 21 February 2014 on integrated child protection.

²⁹⁷ Article 21 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

²⁹⁸ Article 35, § 3 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

In the **German-speaking Community**, the Child protection service (*Jugendhilfedienst*) carries out an assessment of the child's situation.²⁹⁹

In case of **non-voluntary/judicial child protection**: the public prosecution decides on a case-by-case basis whether to take a case to the youth court. If the case appears before the youth court, the judge will assess the case and decide on a case-by-case basis whether the child's situation requires a child protection measure and which measure(s).³⁰⁰ It is worth mentioning that in the Flemish Community the Flemish Community Decree of 12 July 2013 on integrated child protection provides that the social service of the youth court will assist the judge by investigating the situation and making an assessment that meets the quality requirements set for the assessment team at the intersectoral gateway.³⁰¹ In the German-speaking Community the youth court can ask the Judicial protection service (*Jugendgerichtsdienst*) to prepare social reports and opinions.³⁰²

In case of urgency a different judicial procedure applies, see Section IV, question 4.1.4.

Question	Yes	No	Comments
4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society organisations) clearly stated in the legislative and regulatory framework?	X		The roles and responsibilities of the various actors involved in child protection are clearly described in the child protection regulations of each community and the Brussels Capital Region. ³⁰³
4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with responsibility in the referral procedure and	X		In the French Community , Article 156 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care explicitly stipulates that cooperation protocols are concluded between the sector of prevention, assistance to children and the other sectors to improve the prevention and assistance of children and families referred to in that Code. ³⁰⁴ These cooperation protocols are listed on a

²⁹⁹ Article 7 of the German-speaking Community Order of 14 May 2009 on youth assistance and youth care.

³⁰⁰ Article 47 of the Flemish Community Decree of 12 July 2013 on integrated child protection; Article 51 French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care; Article 16 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures; Article 8 of the Brussels Capital Region Ordinance of 29 April 2004 on child protection.

³⁰¹ Article 57 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

³⁰² Article 15 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures; Article 13 of the German-speaking Community Order of 14 May 2009 on youth assistance and youth care.

³⁰³ See among others Flemish Community Decree of 12 July 2013 on integrated child protection; French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care; German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures; Brussels Capital Region Ordinance of 29 April 2004 on child protection.

³⁰⁴ Article 156 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

<p>enhance the efficiency of their actions?</p>		<p>website of the Wallonia-Brussels Federation.³⁰⁵ For example a protocol exists between SOS Children and the counsellors and directors of child protection to improve the efficiency of their actions and referral procedure.³⁰⁶</p> <p>In the Flemish Community, the Protocol Child Abuse was adopted in 2010 between the Minister of Justice and the Flemish Minister of Welfare, Public Health and Family.³⁰⁷ However, this protocol is outdated as it relates to the child protection landscape before the introduction of integrated child protection in 2014. Whether this protocol is still being used is not clear, but an update or successor was not identified.</p> <p>There is a Protocol of Courage (<i>Protocol van Moed</i>), a collaboration between the trust centres child abuse (<i>vertrouwenscentra kindermishandeling</i>) and the city of Antwerp targeting children who are (suspected) victims of child abuse, living in the city of Antwerp. It provides a consultation platform between assistance providers, mandated facilities and the public prosecutor with the aim of increasing the safety of children in child abuse situations. During the consultation, assistance providers and the public prosecutor consider what is necessary for the safety of the child at that time and in that situation, based on the jointly available "need to know" information.³⁰⁸</p> <p>Furthermore, in each integral child protection region of the Flemish Community, a permanent, but subsidiary offer of child protection is organised, through a cooperation protocol of all child protection providers offering crisis child protection in that region.³⁰⁹</p> <p>There are also networks in the Flemish Community in which numerous child protection actors join forces.³¹⁰</p>
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³⁰⁵ See website of [Aidedelajeunesse](#).

³⁰⁶ [Cooperation Protocol of March 2020 between the counsellors and directors of child protection and SOS Children teams.](#)

³⁰⁷ [Protocol Child Abuse of 30 March 2010 between the Minister of Justice and the Flemish Minister of Welfare, Public Health and Family.](#)

³⁰⁸ Website of the [trust centres child abuse](#).

³⁰⁹ Article 73 of the [Flemish Government Order of 21 February 2014 on integrated child protection](#); Article 2 of the [Flemish Ministerial Order of 24 February 2014 on crisis child protection in integrated child protection](#).

³¹⁰ Website of [Child Protection Flanders](#).

			<p>Finally, more locally concluded protocols may exist.</p> <p>In the German-speaking Community no inter-agency cooperation protocols or agreements regarding the referral procedure exist.³¹¹ And for the Brussels Capital Region, no such forms of cooperation were identified.</p> <p>For more information on inter-agency cooperation in the area of child protection, see Section II, question 2.3.2.</p>
4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? <i>Please also consider potential divergences depending on main actors involved.</i>		X	<p>In the child protection regulations of the communities and the Brussels Capital Region there is no nationality or residence status requirement for child protection.³¹² Consequently, the same child protection rules and procedures for non-migrant children will apply to migrant children, including unaccompanied foreign minors.</p> <p>It is worth mentioning, however, that in Belgium, a specific procedure exists for the reception of unaccompanied foreign minors. These minors usually first end up in an Observation and Orientation Centre (OOC) of the Federal Agency for the Reception of Asylum Seekers (Fedasil).³¹³ During this phase, the Guardianship Service verifies whether the child is indeed unaccompanied and a minor.³¹⁴ The child is then assigned a guardian,³¹⁵ who must use the means of parental authority to seek a lasting solution in the best interests of the child. This includes taking care of the child’s orientation, accommodation, psychological assistance, and medical care.³¹⁶ After this initial observation phase, the unaccompanied foreign minors move on to</p>

³¹¹ Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

³¹² F. DE KEYZER and J. PUT, “The unaccompanied foreign minor in (regular) child protection and foster care” in E. DESMET, J. VERHELLEN and S. BOUCKAERT (eds.), *Rights of unaccompanied foreign minors in Belgium*, Brugge, die Keure, 2019, 389-390.

³¹³ Articles 40-41 of the Act of 12 January 2007 on the reception of asylum seekers and certain other categories of aliens.

³¹⁴ Article 6 of the Programme act (I) (art. 479) of 24 December 2002 on Title XIII - Chapter VI: Guardianship of unaccompanied foreign minors.

³¹⁵ Articles 6 and 8 of the Programme act (I) (art. 479) of 24 December 2002 on Title XIII - Chapter VI: Guardianship of unaccompanied foreign minors.

³¹⁶ Articles 9-16 of the Programme act (I) (art. 479) of 24 December 2002 on Title XIII - Chapter VI: Guardianship of unaccompanied foreign minors.

			various forms of follow-up care. ³¹⁷ This care can be voluntary or judicial child protection, in which the guardian also will be involved as a main character. ³¹⁸
<p>4.3.8. Are affected children heard as part of the procedures?</p> <p><u>If yes</u>, are the hearings child-sensitive and designed age-appropriately and in child-friendly language? Do children receive information and support by competent and trained professionals?</p>	X		<p>Yes, they are or can be heard in the different assessment and investigation procedures. See Section IV, question 4.4.3. for information on the hearing of children.</p> <p>An example of the hearing of the child in the assessment procedure in the Flemish Community, is the possibility for the child to ask for a consultation with the assessment team (<i>team indicatiestelling</i>) of the intersectoral gateway (<i>intersectorale toegangspoort</i>) during the assessment in case of not directly accessible voluntary child protection.³¹⁹ It is worth mentioning here that the child has, in principle, the right to clear, adequate and comprehensible information on child protection and on all matters related to it, and thus also this possibility. Moreover, communication with the child should be in a language understandable to him/her, appropriate to his/her age and maturity.³²⁰</p>
<p>4.3.9. Are there mental health support services available for affected children?</p> <p><u>If yes</u>, how are services working together? How is it ensured that the child is informed and can make use of these services?</p>	X		<p>Children with mental struggles can go to general healthcare providers, such as psychologists, psychiatrists and preventive care facilities. But also, within the child protection system, there are care providers who offer mental health support. An example in the Flemish Community are the centres for mental health care (<i>centra voor geestelijke gezondheidszorg</i>), i.e. care facilities that provide multidisciplinary ambulatory medical-psychiatric and psychotherapeutic healthcare in an extramural setting to children whose mental health is disturbed.³²¹ Also worth mentioning here, is the ‘specialised mental health assistance programme in private residential child protection institutions’ in every child protection</p>

³¹⁷ Article 7 of the Royal Decree of 9 April 2007 laying down the system and operating rules for centres for observation and orientation for unaccompanied foreign minors.

³¹⁸ Article 2 of the Flemish Government Order of 21 February 2014 on integrated child protection; Article 2 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care; Article 1 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures; Article 2 of the Brussels Capital Region Ordinance of 29 April 2004 on child protection.

³¹⁹ Article 27 of the Flemish Government Order of 21 February 2014 on integrated child protection.

³²⁰ Articles 11 and 12 of the Flemish Community Decree of 7 May 2004 on the legal status of minors in integrated child protection and within the framework of the decree on juvenile delinquency law.

³²¹ Flemish Community Decree of 18 May 1999 on the centres for mental health care.

		<p>region in the Flemish Community, which aims at rapidly bringing psychiatric expertise into ongoing trajectories in a private residential institution.³²²</p> <p>The different actors in the area of mental health care are, among other things, working together in networks regarding child and adolescent mental health services.³²³</p> <p>Information to children on the availability of mental health support services is for example provided by websites,³²⁴ low-threshold helplines and services that can refer the child to the necessary body, such as the Flemish Overhead houses (<i>OverKophuizen</i>),³²⁵ and awareness campaigns, such as Red Noses Day (<i>Rode Neuzen Dag</i>) in the Flemish Community between 2015-2021.</p>
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4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.

In latest concluding observation on Belgium (2019), the **UN Committee on the Rights of the Child** recommended Belgium, among other things, to “*strengthen coordination between administrations and institutions at the federal, regional and community levels, and train the professionals concerned to identify and adequately respond to cases of child abuse and neglect, taking into account a gender perspective*”. Regarding the specific situation of unaccompanied foreign minors the Committee noted that there is a “*a lack of systematic referral to the guardianship service and other child protection authorities, while children are not aware of their rights and complaint mechanisms*” and recommended Belgium to “*effectively investigate cases of abuse with regard to unaccompanied children*”.³²⁶

The coordination is also the main challenge indicated by the **German-speaking Community**: challenges are found in the coordinated network approach to concrete situations of abuse. This networking is to be done both at a governmental level (inter- and intra-) and at a local level, between different services.³²⁷

In the **Flemish Community**, the Flemish Office of the Children's Rights Commissioner (*Kinderrechtencommissariaat*) mentioned as a problem that children cannot always be referred to the necessary help due to waiting lists and that links in child protection are bogged down by staff shortages. It also asked in its annual report of 2021-2022 for a better cooperation between child protection and mental health care.³²⁸ An empirical study of 2020 evaluating the Flemish Community

³²² Article 74/2 of the Flemish Government Order of 21 February 2014 on integrated child protection.

³²³ Website of Healthy Belgium.

³²⁴ See for example the websites of Caring for tomorrow and TeGek!?.

³²⁵ Website of the Overhead houses.

³²⁶ Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Belgium, 28 February 2019.

³²⁷ Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

³²⁸ Flemish Office of the Children's Rights Commissioner, Annual report 2021-2022: Putting more weight on children's rights.

Decree of 12 July 2013 on integrated child protection mentions also some problems reported by the respondents relating to the referral and investigation, such as: (1) the supply of assistance is not available as it should ideally be due to waiting lists; (2) there is a reluctance among care providers to take (timely) action and proceed to bring in external or more far-reaching help; (3) there are still too many breaks and switches in an assistance trajectory and a person who coordinates the child's trajectory is missing; (4) a worrying situation is sometimes assumed too quickly, often due to a lack of information at the time a decision needs to be made; (5) integral cooperation is hampered because everyone remains bound by expectations and funding from their own sector and information flow between the sectors is not yet optimal.³²⁹

In the **French Community**, a report evaluating the principles set out in the preliminary book of the Decree of 18 January 2018 on the code of prevention, child protection and youth care was published in 2021.³³⁰ Respondents therein, among other things, reported as problems: insufficient financial resources and a problems in the effectiveness of the link between the Child Assistance Services (*Services d'Aide à la jeunesse (SAJ)*) and the Child Protection Services (*Services de la protection de la jeunesse (SPJ)*).

4.4. Placement decisions – care orders

4.4.1. Following the investigation and assessment of the child's situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

Child protection measures, including placement of the child in alternative care, are either voluntary or non-voluntary/judicial.

Voluntary child protection relies on the consent of the child and his/her parent(s) to the offer of child protection by the child protection services.

In the Flemish Community, voluntary child protection - apart from derogations - can only be carried out with the consent of:

- the child's parents and, where appropriate, the persons responsible for his/her upbringing;
- the child from the age of 12. There is at least a right to be heard for -12-year-olds, but even a consent requirement if the child is capable of a reasonable assessment of his/her interests, considering his/her age and maturity.³³¹

In the French Community, voluntary child protection can only be decided on with the written consent of:

³²⁹ E. ROEVENS, L. OP DE BEECK, S. PLEYSIER, J. PUT, T. VAN REGENMORTEN, K. HERMANS and J. VOETS, Evaluation of the decree of 12 July 2013 on integrated child protection, Leuven, Steunpunt Welzijn, Volksgezondheid en Gezin, 2020, 145 p.

³³⁰ C. GAMBI-ARNOLD, M. N. MBOMBO and others; Research report on the evaluation of the relevance and effectiveness of the measures implemented by the youth care sector as a whole to meet the principles set out in the preliminary book of the Decree of 18 January 2018 on the code of prevention, child protection and youth care (Article 151 of the decree), Louvain-la-Neuve, UCLouvain, 31 December 2021, 353 p.

³³¹ Article 6 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

- the child who is at least 14 years old;
- the child who is at least 12 years old, assisted by a lawyer;
- the persons having parental authority over the child, unless it is impossible to hear them.³³²

In the German-speaking Community, a voluntary child protection agreement can only be concluded if the persons in charge of parenting and the child with the required maturity sign it.³³³

Non-voluntary or judicial child protection urges if the child and/or his parents do not or no longer consent to the voluntary child protection and the distressing or dangerous situation persists. It implies – in principle – a referral from voluntary child protection, is at the request of the public prosecutor and is imposed by court order and thus requires the intervention and decision of the youth court.³³⁴ In case of urgency, specific procedures apply, see Section IV, question 4.1.4.

Question	Yes	No	Comments
<p>4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that should be taken into consideration in the assessment of the situation and in the decision-making process?</p> <p>Are there provisions specifying the criteria that should be considered when deciding to remove the child from its family? Are the principles of necessity and appropriateness considered?</p>	X		<p>In the Flemish Community, Article 5 of the Flemish Community Decree of 7 May 2004 on the legal status of minors in integrated child protection and within the framework of the decree on juvenile delinquency law stipulates that the best interests of the child shall be the main consideration when providing child protection.³³⁵ Besides, the Flemish Community Decree of 12 July 2013 on integrated child protection contains general principles and objectives that should be taken into consideration in the assessment of the situation and in the decision-making process. For example, child protection should start from and link up with the client’s request or need for help and when different forms of child protection are available, the least intrusive form should be offered.³³⁶ Besides, there are also more specific criteria for the assessment or decision-making. For example, for judicial measures, the context-oriented effect of placement measures and the priority of foster</p>

³³² Article 23 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

³³³ Article 13 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

³³⁴ Article 47 of the Flemish Community Decree of 12 July 2013 on integrated child protection; Article 51 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care; Article 16 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures; Article 8 of the Brussels Capital Region Ordinance of 29 April 2004 on child protection.

³³⁵ Article 5 of the Flemish Community Decree of 7 May 2004 on the legal status of minors in integrated child protection and within the framework of the decree on juvenile delinquency law.

³³⁶ Article 6 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

		<p>care are specifically provided as decision-making criteria.³³⁷</p> <p>In the French Community, Article 1 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care contain general principles that should be taken into consideration in the assessment of the situation and in the decision-making process. For example, it stipulates that:</p> <ul style="list-style-type: none"> - whoever participates in the application of this decree must respect the child's higher interest and the rights and freedoms granted to him/her; - judicial child protection is subsidiary to voluntary child protection; - child protection is prioritised in the living environment and out-of-home placement should be exceptional. <p>Besides, there are also more specific criteria for the assessment or decision-making. For example, when the child protection counsellor (<i>conseiller de l'aide à la jeunesse</i>) proposes to out-of-home placement of the child, he shall entrust the child, in the following priority order, to: (1) a member of his/her family or to one of his/her living companions; (2) a foster carer who is not a member of his/her family or a living companion; (3) an appropriate facility.³³⁸</p> <p>In the German-speaking Community, Article 4 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures stipulates that the competent authorities may not separate a child from his/her parents except in his/her best interests, in justified cases and in the context of an appealable decision taken in accordance with the applicable legislations. Moreover, separation is justified only if the parents are unwilling or unable, alone or with ambulatory assistance, to take care of the child's integrity or development. If it is necessary to place a child of up to 7 years of age in long-term care, it should be done in a foster family if possible. In addition, the requirements for</p>
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³³⁷ Articles 48, § 2, second paragraph and 48/1 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

³³⁸ Article 25 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

		<p>imposing the judicial measures pedagogical or therapeutic counselling, parental training and a project explicitly state that they must be necessary for the welfare of the child.³³⁹ The youth court must also observe the purposes of the measures when taking a judicial child protection measure.³⁴⁰</p> <p>Regarding the judicial child protection in the Brussels Capital Region, Article 5 of the Brussels Capital Region Ordinance of 29 April 2004 on child protection stipulates that the persons assisting in the implementation of this ordinance are obliged to act in the best interests of the child to the extent possible. Moreover, placement in an open institution can only be imposed in exceptional circumstances.³⁴¹</p> <p>With regard to the federal measure of deprivation of parental authority, the prior title of the Act of 8 April 1965 on youth care and the charging of minors who committed an act qualified as offence and the reparation of damage caused by this act stipulates that this measure can only be imposed in cases where measures enforcing this authority can be considered a contraindication.³⁴²</p>
<p>4.4.3. Are there provisions requiring that the views of the child should be taken into consideration in the decision-making process?</p> <p><u>If yes</u>, please specify if this is mandatory or left to the discretion of the responsible authorities, and if there are age-related requirements.</p>	<p>X</p>	<p>In accordance with the Constitution, the child has the right to express his/her views on any issue concerning him/her and the child's opinion must be taken into account considering his/her age and discernment.³⁴³</p> <p>In case of judicial child protection, the prior title of the federal Act of 8 April 1965 on youth care and the charging of minors who committed an act qualified as offence and the reparation of damage caused by this act stipulates that children have the right to be heard during the process leading to decisions affecting them and the right to participate in them. According to Article 52ter of the same act the youth court must hear a child of at least 12 years of age before imposing any measure. However, the child must not be heard if</p>

³³⁹ Article 17 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

³⁴⁰ Articles 17 and 20 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

³⁴¹ Article 10 of the Brussels Capital Region Ordinance of 29 April 2004 on child protection.

³⁴² Prior title of the Act of 8 April 1965 on youth care and the charging of minors who committed an act qualified as offence and the reparation of damage caused by this act.

³⁴³ Article 22bis of the Constitution.

		<p>he/she cannot be found, his/her health condition does not permit it or if he/she refuses to appear. Children younger than 12 do not have to, but can be heard by the youth court.³⁴⁴ The youth court judges sovereignly whether that is appropriate. If the child aged less than 12 is not heard, he/she will be represented by his/her (juvenile) lawyer.³⁴⁵</p> <p>In the Flemish Community, Article 16 of the Flemish Community Decree of 7 May 2004 on the legal status of minors in integrated child protection and within the framework of the decree on juvenile delinquency law also contains participation rights for the child. Without prejudice to the procedural rules for the provision of judicial child protection, the child has the right to participate in the creation and implementation of the child protection to him/her. To this end, he/she has the right to freely express his/her opinion in any matter or procedure concerning that child protection. The child's opinion shall be acted upon to the extent appropriate, in accordance with his/her age and maturity. If the child's opinion is not taken into consideration, adequate justification shall be given.</p> <p>The Flemish Community Decree of 12 July 2013 on integrated child protection also contains a lot of provisions on the participation of the child. Involvement and participation are guiding principles³⁴⁶ and in various (referral) procedures, involvement is arranged in the form of information, hearing, consultation ...³⁴⁷</p> <p>In the French Community, Articles 22 and 40 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care stipulate that the child protection counsellor (<i>conseiller de l'aide à la jeunesse</i>, the key figure regarding voluntary child protection) and the director on child protection (<i>directeur de l'aide à la jeunesse</i>, one of the key figures regarding judicial child protection) do not take a decision on individual protection without hearing</p>
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³⁴⁴ Article 51, § 2 of the Act of 8 April 1965 on youth care and the charging of minors who committed an act qualified as offence and the reparation of damage caused by this act.

³⁴⁵ E. ALOFS and S. DE BUS, "The litigation position of the minor in youth care law", *TFAM* 2022, no. 5-6, 145-154.

³⁴⁶ Articles 6, fifth paragraph, 8, 6° and 45-46 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

³⁴⁷ See for examples Articles 20, second paragraph, 1°, 21, first paragraph, 1°, 36, second paragraph, 39, second paragraph and 46 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

			<p>the persons affected by the assistance, except in the case of duly established impediments.³⁴⁸</p> <p>In the German-speaking Community, the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures contains also some provisions on the participation of the child. A voluntary child protection measure can be decided only after hearing the persons concerned, including the child.³⁴⁹ Moreover, for the purpose of organising voluntary child protection, the Child protection service (<i>Jugendhilfedienst</i>) conducts an interview with, among others, the child who has the required maturity.³⁵⁰</p>
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4.5. Types of care with focus on alternative care

Types of care existing in the country	Yes	No	Who is offering such services? (State, regional, local authorities, civil society, religious institutions)	Please make differences between the different types of care explicit
Foster care	X		<p>Foster care is regulated and offered under the child protection system at community level.</p> <p>In the Flemish Community, there are five types of foster care: supportive foster care, treatment foster care, perspective seeking foster care, perspective offering foster care and crisis foster care.³⁵¹ The organisation of foster care is done by the partner organisation Foster Care Flanders (<i>Pleegzorg Vlaanderen</i>) and the five provincial foster care services, which are accredited and subsidised by the Agency Growing Up (<i>Agentschap Opgroeien</i>). Foster carers carry out foster care and take in foster children.³⁵²</p>	

³⁴⁸ Article 22 and 40 of the [French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care](#).

³⁴⁹ Article 12 of the [German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures](#).

³⁵⁰ Article 13 of the [German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures](#).

³⁵¹ Articles 2 and 3 of the [Flemish Community Decree of 29 June 2012 on the organisation of foster care](#); website [Foster Care Flanders](#).

³⁵² See [Flemish Community Decree of 29 June 2012 on the organisation of foster care](#); [Flemish Government Order of 8 November 2013 on the organisation of foster care](#); website [Foster Care Flanders](#).

		<p>In the French Community, the organisation of foster care is done by the foster care support services (<i>services d'accompagnement en accueil familial</i>, SAAF), accredited and subsidised by the French Community (named Wallonia-Brussels Federation). There are three forms of foster care: medium- or long-term foster care, urgent foster care and short-term foster care. They are carried out by foster carers.³⁵³</p> <p>In the German-speaking Community, placement in foster care occurs in the context of a crisis family, a foster family or a godfamily.³⁵⁴ The recruiting, preparing and accompanying of foster families and foster children is done by the Foster Family Service of the German-speaking Community (<i>Pflegefamiliendienst</i>), a service of the Ministry of the German-speaking Community.³⁵⁵</p> <p>The Brussels Capital Region has its own judicial child protection system and regulation (see Section I, question 1.1.). However, the judicial measures, such as foster care, are implemented by the facilities of or accredited by the Flemish and French Community.</p>
Residential – institutional care	X	<p>Institutional care is regulated and offered at community level.</p> <p>In the Flemish Community, different private child protection facilities of different sectors provide residential care: centres for serious behavioural and emotional disorders (<i>centra voor ernstige gedrags- en emotionele stoornissen</i>), centres for integral family care (<i>centra voor integrale gezinszorg</i>), observation and treatment centres (<i>observatie- en behandelcentra</i>), reception, orientation and observation centres (<i>onthaal-, oriëntatie- en observatiecentra</i>), organisations for special child protection (<i>organisaties voor bijzondere jeugdzorg</i>), child care and family support centres (<i>centra voor kindzorg en gezinsondersteuning</i>), multifunctional centres (<i>multifunctionele centra</i>) and community education boarding schools (<i>internaten van het gemeenschapsonderwijs</i>). Furthermore, a recovery-oriented time-out is offered by the community institutions (<i>gemeenschapsinstellingen</i>).³⁵⁶</p>

³⁵³ French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of foster care support services.

³⁵⁴ Article 20, § 1, 3° of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

³⁵⁵ Article 26 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

³⁵⁶ Articles 3-5 and 7 of the Flemish Government Order of 21 February 2014 on integrated child protection.

			<p>In the French Community, different types of services accredited by the Government of the French Community provide residential care: the residential services for observation and orientation (<i>services résidentiels d'observation et d'orientation</i>),³⁵⁷ the general residential services (<i>services résidentiels généraux</i>),³⁵⁸ the specialised residential services (<i>services résidentiels spécialisés</i>)³⁵⁹ and the urgent residential services (<i>services résidentiels d'urgence</i>)^{360 361}.</p> <p>In the German-speaking Community, residential care is provided by assistance providers accredited by the Government of the German-speaking Community.³⁶² In justified exceptional cases, a care provider located outside the German language area may be charged with implementing the judicial residential care measure. Placement in another community (mainly the French Community)³⁶³ requires the conclusion of a cooperation agreement and placement abroad (mainly Germany)³⁶⁴ requires the consent of the natural and/or legal person.³⁶⁵</p> <p>The Brussels Capital Region has its own judicial child protection system and regulation (see Section I, question 1.1.). However, the judicial measures, such as residential care, are implemented by the facilities of or accredited by the Flemish and French Community.</p>
Other forms of family-based or family-like care placements		X	Such form of alternative care does not exist in Belgium. However, in the Flemish Community there is currently a policy process to realise family homes. This is a small-scale form of residential child protection in which a very small group of children live with a professional family parent and

³⁵⁷ French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of residential observation and orientation services.

³⁵⁸ French Community Government Order of 5 December 2018 on the specific conditions for the accreditation and subsidisation of general residential services.

³⁵⁹ French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of specialised residential services.

³⁶⁰ French Community Government Order of 5 December 2018 on the special conditions for the accreditation and subsidisation of urgent residential services.

³⁶¹ Website Aidedelajeunesse.

³⁶² Article 22 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

³⁶³ Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

See Sectoral Agreement of 27 April 2001 between the French Community and the German-speaking Community on youth care and adoption.

³⁶⁴ Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

³⁶⁵ Article 18 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

			their family 24/7. It can be compared to professional foster care. ³⁶⁶
Supervised independent living arrangements for children	X		<p>Supervised independent living arrangements for children are regulated and offered at community level.</p> <p>In the Flemish Community, the integrated child protection system provides for a module of contextual guidance in function of autonomous living (<i>contextbegeleiding in functie van autonoom wonen</i>). This module is offered by organisations for special child protection (<i>organisatie voor bijzondere jeugdzorg</i>), which are accredited and subsidised by the Agency Growing Up (<i>Agentschap Opgroeien</i>).³⁶⁷</p> <p>In the French Community, a supervised or independent living arrangement is explicitly possible as a judicial child protection measure.³⁶⁸ Besides, the general residential services (<i>services résidentiels généraux</i>) provide at the end of residential care supervision and educational and social guidance to young people living independently.³⁶⁹ The residential services for observation and orientation (<i>services résidentiels d'observation et d'orientation</i>) and the specialised residential services (<i>services résidentiels spécialisés</i>) contribute to the elaboration and supervision of assistance projects that can be initiated by the service after the child's care ends with a view to independent living.³⁷⁰ Guidance services (<i>services d'accompagnement</i>) provide specific assistance to the child living independently.³⁷¹</p> <p>In the German-speaking Community, a supervised and independent living arrangement is explicitly possible as a judicial child protection measure.³⁷² Besides, ambulatory guidance of an independently living child can be deployed on a voluntary and judicial basis.³⁷³ These measures are</p>

³⁶⁶ Proposed resolution of 1 February 2019 on the introduction of family homes in Flanders.

³⁶⁷ Article 3 of the Flemish Government Order of 5 April 2019 on the conditions of accreditation and subsidy standards for child protection facilities.

³⁶⁸ Article 51 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

³⁶⁹ Article 3 of the French Community Government Order of 5 December 2018 on the specific conditions for the accreditation and subsidisation of general residential services.

³⁷⁰ Article 7 of the French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of residential observation and orientation services; Article 3 of the French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of specialised residential services.

³⁷¹ Articles 4 and 10 of the French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of guidance services.

³⁷² Article 17 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

³⁷³ Article 20 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

			<p>implemented by assistance providers accredited by the Government of the German-speaking Community.³⁷⁴</p> <p>The Brussels Capital Region has its own judicial child protection system and regulation (see Section I, question 1.1). However, the judicial measures, such as the measure allowing a young person over 16 years of age to live independently or under permanent supervision, are implemented by the facilities of or accredited by the Flemish and French Community.</p>														
Question	Yes	No	Comments														
4.5.1. Is there data available on the number of children in care (disaggregated by type of care, gender/age, length of placement, etc)?	X		<p>In the Flemish Community data on children in care in the Flemish child protection system are available on a specific website³⁷⁵ and in the BINC-report.³⁷⁶ Regarding the forms of care in Section IV, question 4.5., the data available on 2021 include the following:</p> <p>- In 2021, 9.222 unique children and young people were in foster care.</p> <table border="1"> <thead> <tr> <th>Type</th> <th>Number³⁷⁷</th> </tr> </thead> <tbody> <tr> <td>Supportive foster care</td> <td>1.546</td> </tr> <tr> <td>Treatment foster care</td> <td>776</td> </tr> <tr> <td>Perspective seeking foster care</td> <td>390</td> </tr> <tr> <td>Perspective offering foster care and</td> <td>6.904</td> </tr> <tr> <td>Crisis foster care</td> <td>127</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Gender</th> <th>Number³⁷⁸</th> </tr> </thead> <tbody> </tbody> </table>	Type	Number ³⁷⁷	Supportive foster care	1.546	Treatment foster care	776	Perspective seeking foster care	390	Perspective offering foster care and	6.904	Crisis foster care	127	Gender	Number ³⁷⁸
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³⁷⁴ Article 22 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

³⁷⁵ Website of the intersectoral annual report child protection.

³⁷⁶ BINC-rapport.

³⁷⁷ The data in these tables on foster care potentially also include foster guests (*pleeggasten*), who are not covered by the child protection system. Data on only foster children are not clearly available.

³⁷⁸ See also website of Foster Care Flanders.

Male	5.071
Female	4.873

Age	Number ³⁷⁹
0-2 yo	596
3-5 yo	1.056
6-8 yo	1.356
9-11 yo	1.489
12-14 yo	1.509
15-17 yo	1.768
18-20 yo	1.269
> 20 yo	911

The average length of placement in 2021 was 1.191 days.

- In 2021, the numbers regarding newly launched non-directly accessible residential child protection by sector are as follows:

Age	Special child protection (incl. foster care)	Education sector	Care for persons with disabilities
0-2 yo	401		9
3-5 yo	334	13	44
6-8 yo	337	20	91
9-11 yo	400	12	196
12-14 yo	655	12	239
15-17 yo	1.077	9	174

³⁷⁹ See also website of [Foster Care Flanders](#).

+18 yo	220	1	108
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Gender	Special child protection (incl. foster care)	Education sector	Care for persons with disabilities
Male	1.719	40	594
Female	1.662	27	260

Length	Special child protection (incl. foster care)	Education sector	Care for persons with disabilities
0-3 months	54,8 %	59,7 %	31,3 %
4-6 months	10,5 %	17,9 %	16,3 %
7-9 months	6,7 %	4,5 %	8,9 %
10-12 months	6,9 %	4,5 %	7,4 %
> 1 year	27 %	13,4 %	39,1 %

- In 2021, the not directly accessible module contextual guidance in function of autonomous living was launched for 560 unique child protection clients.

Length	Percentage
0-3 months	21,6 %
4-6 months	15,2 %
7-9 months	6,8 %
10-12 months	7 %
> 1 year	51,1 %

In the **French Community** following data on the forms of care in Section IV, question 4.5. were identified:³⁸⁰

³⁸⁰ Information obtained from the Ministry of the Wallonia-Brussels Federation.

- On 1 May 2022, 3.823 children were in foster care.

Gender	Number
Male	1.878
Female	1.945

Age	Number
0-5 yo	956
6-11 yo	1.379
12-18 yo	1.488

On 1 May 2022, the average length of long-term foster care was 5 years.

- On 1 May 2022, there were 2.600 children in the general residential services (*services résidentiels généraux*).

Gender	Number
Male	1.268
Female	1.332

Age	Number
0-5 yo	349
6-11 yo	1.130
12-18 yo	1.121

On 1 May 2022, the average length of this placement was 3 years and 2 months.

- On 1 May 2022, 372 youngsters were placed in a supervised or independent living arrangement.

Gender	Number
Male	128
Female	244

Age	Number
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15-17 yo	239
Extension of measure beyond 18 yo	133

In the **German-speaking Community** following data on the forms of care in Section IV, question 4.5. were identified.³⁸¹

- On 28 February 2023, 52 children were in foster care.

Gender	Number
Male	26
Female	26

Age	Number
2 yo	4
3 yo	2
4 yo	2
5 yo	2
6 yo	2
8 yo	2
9 yo	2
10 yo	4
11 yo	4
12 yo	3
13 yo	3
14 yo	3
15 yo	4
16 yo	4
17 yo	3

³⁸¹ Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

18 yo	5
19 yo	2
20 yo	1

Length of placement (years)	Number
0-1	7
1-2	8
2-3	5
3-4	4
4-5	2
5-6	1
6-7	1
7-8	5
8-9	2
9-10	5
10-11	4
12-13	4
13-14	2
16-17	1
18-19	1

- On 28 February 2023, 65 children were in residential care.

Gender	Number
Male	37
Female	28

Age	Number
1 yo	1

			<table border="1"> <tr><td>2 yo</td><td>1</td></tr> <tr><td>4 yo</td><td>2</td></tr> <tr><td>5 yo</td><td>2</td></tr> <tr><td>6 yo</td><td>1</td></tr> <tr><td>7 yo</td><td>2</td></tr> <tr><td>8 yo</td><td>1</td></tr> <tr><td>10 yo</td><td>3</td></tr> <tr><td>11 yo</td><td>2</td></tr> <tr><td>12 yo</td><td>3</td></tr> <tr><td>13 yo</td><td>4</td></tr> <tr><td>14 yo</td><td>5</td></tr> <tr><td>15 yo</td><td>4</td></tr> <tr><td>16 yo</td><td>12</td></tr> <tr><td>17 yo</td><td>9</td></tr> <tr><td>18 yo</td><td>6</td></tr> <tr><td>19 yo</td><td>2</td></tr> <tr><td>20 yo</td><td>4</td></tr> <tr><td>21 yo</td><td>1</td></tr> </table> <p>- On 28 February 2023 there was one male youngster of 18 year in a supervised independent living arrangement, with a length of placement of 6 months.</p>	2 yo	1	4 yo	2	5 yo	2	6 yo	1	7 yo	2	8 yo	1	10 yo	3	11 yo	2	12 yo	3	13 yo	4	14 yo	5	15 yo	4	16 yo	12	17 yo	9	18 yo	6	19 yo	2	20 yo	4	21 yo	1
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19 yo	2																																						
20 yo	4																																						
21 yo	1																																						
4.5.2. Is there data available on the number of children placed in alternative care that disappeared and/or went missing from residential care institutions?	X	X	<p>In the BINC-rapport is only mentioned that in 2021, 195 child protection files were discontinued in the Flemish Community due to the child's escape.³⁸²</p> <p>In the German-speaking Community no children placed in alternative care disappeared and/or went missing from residential care institutions.³⁸³</p> <p>No other data were identified.</p>																																				

³⁸² See [BINC-rapport](#).

³⁸³ Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

<p>4.5.3. Is there a <u>national</u> registry of foster care families?</p> <p>How many children can be fostered in one family?</p>	X	<p>There is no national registry of foster care families at federal level. However, there are registries at community level.</p> <p>In the Flemish Community, each provincial foster care service maintains a register of the foster care families.³⁸⁴ The regulatory framework does not include a numerical ceiling on the number of foster children that can be fostered in one family. However, for each consideration of a new (additional) placement, the capacity of the foster family is decisive, taking into account the combination of problems ("backpack") within the foster family.³⁸⁵</p> <p>In the German-speaking Community, the Foster Family Service (<i>Pflegefamiliendienst</i>) keeps a register of all accredited foster families.³⁸⁶ According to Article 40 of the German-speaking Community Order of 14 May 2009 on youth assistance and youth care, the maximum number of foster children in a foster family is limited to 3, except in the case of foster children who are siblings, where up to five foster children may be admitted to a foster family.³⁸⁷</p> <p>In the French Community, there is no register of foster families but the administration of the French Community competent for child protection (<i>Administration générale de l'Aide à la jeunesse</i>, AGAJ) knows the identities and contact details of foster carers.³⁸⁸ Except for the possibility of a derogation in the case of siblings, a foster carer cannot take care of more than 3 children at the same time.³⁸⁹</p>
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4.5.4. How and by whom foster families are recruited, vetted, and trained? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.

In the **Flemish Community**, foster families are recruited, vetted and trained by the provincial foster care services, which are accredited and subsidised by the Agency Growing Up (*Agentschap Opgroeien*).³⁹⁰ The legal provisions thereon are contained in the Flemish Community Decree of 29 June 2012 on the organisation of foster care and the Flemish Government Order of 8 November 2013 on the organisation of foster care. In order for the foster family to take care of the foster child, it must have a certificate granted by the foster care service after a screening. To this end, the foster family must satisfy the following conditions:

³⁸⁴ Information obtained from Foster Care Flanders (*Pleegzorg Vlaanderen*).

³⁸⁵ Article 14, § 2 of the Flemish Community Decree of 29 June 2012 on the organisation of foster care; Articles 55-58 of the Flemish Government Order of 8 November 2013 on the organisation of foster care; website Foster Care Flanders; information obtained from Foster Care Flanders (*Pleegzorg Vlaanderen*).

³⁸⁶ Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

³⁸⁷ Article 40 of the German-speaking Community Order of 14 May 2009 on youth assistance and youth care.

³⁸⁸ Information obtained from the Ministry of the Wallonia-Brussels Federation.

³⁸⁹ Article 5, § 5 of the French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of foster care support services.

³⁹⁰ Articles 7 and 11 of the Flemish Community Decree of 29 June 2012 on the organisation of foster care.

- the judicial records of all adult members of the foster family are compatible with providing foster care;
- the foster family has sufficient capacity to offer the foster child a stable living environment;
- all members of the foster family are involved in the application procedure.³⁹¹

For network foster families (= foster families taking in a foster child from their own family or social network), derogations apply.

The foster family receives a fixed allowance per foster child and per day of care. The amount varies depending on the age of the foster child, the availability on the part of the foster family of family benefits for the foster child and the adult foster child's having his/her own income.³⁹² An additional allowance may also be granted for reimbursement of special costs relating to extraordinary and medical and paramedical care provided, aimed at preserving or restoring the physical or psychological integrity of the foster child.³⁹³

In the **French Community**, foster families are recruited, vetted and trained by the foster care support services (*services d'accompagnement en accueil familial*, SAAF), accredited and subsidised by the Wallonia-Brussels Federation.³⁹⁴ The accreditation conditions for foster care support services state among other things that the organisation of information to and the selection of foster families includes:

- informing candidates about the implications of foster care and the obligation to respect each person's place, rights and duties;
- the evaluation of the candidates' project and their preparation for foster care;
- the organisation of training for candidates.

The selection procedure lasts a maximum of 6 months, unless it is extended upon a reasoned request from the candidates.

The foster care support service compiles the foster carer's administrative file which includes at least the following:

- an extract from the criminal record of the model referred to in Article 596(2) of the Code of Criminal Procedure, updated at least every 5 years, of the foster carer and of each adult living under the same roof;
- a medical certificate on the foster carer and the persons living under the same roof, which stipulates that there are no medical contraindications for foster care;
- the details of the foster carer's health insurance fund and child benefit fund;

³⁹¹ Article 14 of the [Flemish Community Decree of 29 June 2012 on the organisation of foster care](#); Articles 55-58 of the [Flemish Government Order of 8 November 2013 on the organisation of foster care](#).

³⁹² Article 16 of the [Flemish Community Decree of 29 June 2012 on the organisation of foster care](#); Article 62 of the [Flemish Government Order of 8 November 2013 on the organisation of foster care](#).

³⁹³ Article 17 of the [Flemish Community Decree of 29 June 2012 on the organisation of foster care](#); Article 63 of the [Flemish Government Order of 8 November 2013 on the organisation of foster care](#).

³⁹⁴ Article 3 of the [French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of foster care support services](#).

- a composition of the foster carer's family;
- a copy of the foster carer's family insurance policy.

The foster family can benefit from a financial intervention for the daily maintenance and education of the child (food, with the exception of kitchen equipment and materials, clothing, leisure activities, pharmaceutical costs, transport costs, laundry costs, with the exception of equipment and materials) and for additional and one-off costs for the child (exceptional costs).³⁹⁵

In the **German-speaking Community**, the Foster Family Service (*Pflegefamiliendienst*), a service of the Ministry of the German-speaking Community, is competent for recruiting, vetting and training foster families.³⁹⁶ The provisions thereon are contained in the German-speaking Community Order of 14 May 2009 on youth assistance that implements the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

The potential foster families must at least meet following criteria:

- be willing to cooperate with the family of origin in accordance with the terms and conditions set by the commissioning authority;
- be able to take distance from the role of biological parents;
- in the case of couples, both spouses must consent to be a foster family;
- have an accommodation of suitable and sufficient size for the child to be accommodated without limiting the space available for other family members;
- be prepared to maintain constructive cooperation with the Foster Family Service;
- have enough free time to meet the needs of the child, especially in cases of concomitant professional activity;
- be irreproachable (clean certificate of good conduct);
- members of the foster family must not have any addiction or infectious disease that could seriously threaten the welfare of the child. The foster carers must not suffer from a disease likely to cause death;
- sustainable livelihood of the household must be ensured;
- hygiene conditions necessary for the proper accommodating of the child must be met.³⁹⁷

The selection procedure encompasses a yearly organised preparation seminar of at least 25 hours for prospective foster carers. Participation in the seminar is preceded by at least one home visit and followed by an interview with a staff member of the Foster Family Service. After this, the service submits an opinion as well as a decision on the potential accreditation of the family to the minister.

³⁹⁵ French Community Government Order of 23 January 2019 on subsidies and allowances for individual costs related to the charge of children and young people; FAMILLE D'ACCUEIL, Vade-mecum for the use of foster families, 24.

³⁹⁶ Article 26 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

³⁹⁷ Article 37 of the German-speaking Community Order of 14 May 2009 on youth assistance and youth care.

The minister then decides on the accreditation.³⁹⁸ Once a foster family has been accredited, a child may be placed there upon decision of the Foster Family Service. After the child is placed in a foster family, a contract is signed between the Foster Family Service and the foster family. The contract covers the rights and duties of the Foster Family Service and the ones of the foster family. The contract also contains a programme for the development of the child.³⁹⁹ Besides the initial preparatory training, general trainings which are useful for living together in the foster family and for the development of the foster child are provided by the Foster Family Service on a regular basis.⁴⁰⁰

Foster families receive a fixed allowance per foster care day per foster child to cover the living expenses of the foster child. The amount depends on the number of foster children in the foster family, the form of foster care, the age of the foster child and the foster child's entitlement to family benefits.⁴⁰¹ Certain special expenses may also be reimbursed to the foster family.⁴⁰²

4.5.5. Are any types of care (foster homes, residential care, other form of care arrangements) monitored once children are placed therein? If so, provide information on the applicable legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, how and by whom?

Yes. In the **Flemish Community**, the Care Inspectorate (*Zorginspectie*) of the Department of Welfare, Health and Family exercises supervision on the residential care institutions. It examines compliance with legislative provisions regarding the functioning of the institution, such as the conditions of accreditation.⁴⁰³

For institutions that organise closed care (community institutions and private facilities with a 'secure accommodation' section (*beveiligend verblijf*)), an independent 'Commission for the Supervision of Youth Institutions' (*Commissie van Toezicht voor Jeugdinstituten, CVTI*) has additionally been established, functioning under the direction of the Flemish Office of the Children's Rights Commissioner (*Kinderrechtencommissariaat*).⁴⁰⁴ This is supervision carried out on site by so-called 'monthly commissioners (*maandcommissarissen*)': per (campus of a) institution, someone is appointed who visits the institution unannounced at least monthly. The focus is on how young people are treated: the monthly commissioners can take note of this, mediate, refer to a complaints procedure ... The findings of the monthly commissioners are reported to the institution, the Children's Rights Commissioner, Care Inspectorate, recognised client organisations and the client forum.⁴⁰⁵

³⁹⁸ Article 23 of the [German-speaking Community Order of 14 May 2009 on youth assistance and youth care](#).

³⁹⁹ Article 22 of the [German-speaking Community Order of 14 May 2009 on youth assistance and youth care](#).

⁴⁰⁰ Article 25 of the [German-speaking Community Order of 14 May 2009 on youth assistance and youth care](#).

⁴⁰¹ Article 47 of the [German-speaking Community Order of 14 May 2009 on youth assistance and youth care](#).

⁴⁰² Article 48 of the [German-speaking Community Order of 14 May 2009 on youth assistance and youth care](#).

⁴⁰³ Article 3, § 2 of the [Flemish Government Order of 31 March 2006 on the Department of Welfare, Public Health and Family, concerning the entry into force of regulations establishing agencies in the policy area of Welfare, Public Health and Family and concerning the amendment of regulations relating to that policy area](#).

⁴⁰⁴ Article 2, 6° of the [Flemish Community Decree of 15 July 1997 establishing an Office of the Children's Rights Commissioner, establishing the position of the Children's Rights Commissioner and establishing a Commission for the Supervision of Youth Institutions](#).

⁴⁰⁵ Articles 16-26 of the [Flemish Community Decree of 15 July 1997 establishing an Office of the Children's Rights Commissioner, establishing the position of the Children's Rights Commissioner and establishing a Commission for the Supervision of Youth Institutions](#).

Foster families are monitored by the foster care services through the ability to revoke the certificate required to offer foster care.⁴⁰⁶ The foster care services themselves are in turn monitored by Care Inspectorate.⁴⁰⁷

In the **French Community**, the accredited child protection providers are monitored by the administration of the French Community competent for child protection (*Administration générale de l'Aide à la jeunesse*, AGAJ). It is competent to revoke accreditations.⁴⁰⁸

The foster care support services (*services d'accompagnement en accueil familial*, SAAF) report to the commissioning authority (= the authority entrusting a mandate to a service under the relevant specific order) on foster care situations.⁴⁰⁹

In the **German-speaking Community**, the Minister competent for child protection of the Government of the German-speaking Community monitors the accredited child protection providers and can suspend or revoke the accreditation.⁴¹⁰

The Foster Family Service (*Pflegefamiliendienst*) is competent for the regular monitoring of foster children and foster families.⁴¹¹

See also section II, question 2.2.2.

Question	Yes	No	Comments
4.5.6. Are children placed in foster care homes geographically <u>close to their biological families</u> , school, friends, and/or community?	X		<p>In the Flemish Community, geographical proximity is one of the criteria in matching the child with foster families (although this does not apply to unaccompanied foreign minors). Due to the organisation of foster care by five provincial foster care services foster children remain within reasonable distance of their original context, in the interest of contact arrangements with parents.⁴¹²</p> <p>In the French Community, when a decision making body proposes to house the child outside his/her living environment, it considers placing the child in the following order of priority: (1) with a family member or relative (a person with whom the child has emotional or social ties), (2) with a foster carer who is neither a family member nor a relative, or, failing that, (3) with an appropriate institution.</p>

⁴⁰⁶ Article 14 of the Flemish Community Decree of 29 June 2012 on the organisation of foster care; Articles 59-60 Flemish Government Order of 8 November 2013 on the organisation of foster care.

⁴⁰⁷ Article 47 of the Flemish Government Order of 8 November 2013 on the organisation of foster care.

⁴⁰⁸ Article 40 of the French Community Government Order of 5 December 2018 on the general conditions for accreditation and subsidisation of the services referred to in Article 139 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care; website of Aidedelajeunesse.

⁴⁰⁹ Articles 3, §4, 8, 11 and 14 of the French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of foster care support services.

⁴¹⁰ Article 32 of the German-speaking Community Order of 14 May 2009 on youth assistance and youth care.

⁴¹¹ Article 26 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures; Article 24 of the German-speaking Community Order of 14 May 2009 on youth assistance and youth care.

⁴¹² Information obtained from Foster Care Flanders (*Pleegzorg Vlaanderen*).

			<p>Foster care thus takes primarily place in the living environment.⁴¹³</p> <p>In the German-speaking Community the proximity of the foster family to the child's original living environment is one of the criteria that comes into consideration when selecting the most suitable foster family.⁴¹⁴</p> <p>Article 10, § 2 of the Brussels Capital Region Ordinance of 29 April 2004 on child protection stipulates explicitly that the judicial measure of foster care should always aim at restoring good relationships in the family and that, to this end, the distance between the place of execution of foster care and the place of residence of the child's family will be limited as far as possible, unless, in certain exceptional cases, it is demonstrated that the personal well-being of the child requires a different solution.⁴¹⁵</p>
<p>4.5.7. Is there a <u>national registry</u> of residential institutions for children?</p> <p><u>If yes</u>, please provide information regarding the existent number of residential institutions and their capacity (beds).</p>		X	<p>There is no national registry of residential institutions at federal level. Also at community level no official registry was identified.</p> <p>In the Flemish Community, there is however a database '<u>The Social Map</u>' (<i>'De Sociale Kaart'</i>), with an overview of active care providers and their identification details, contact details and operating data.⁴¹⁶</p> <p>There are 105 organisations for special child protection (<i>organisaties voor bijzondere jeugdzorg</i>), 16 reception, orientation and observation centres (<i>onthaal-, oriëntatie- en observatiecentra</i>), 6 observation and treatment centres (<i>observatie- en behandelcentra</i>), 17 centres for serious behavioural and emotional disorders (<i>centra voor ernstige gedrags- en emotionele stoornissen</i>) and 21 child care and family support centres (<i>centra voor kinderopvang en gezinsondersteuning</i>).⁴¹⁷ The total number of residential modules offered by these institutions is 4.387.⁴¹⁸</p> <p>There are 9 community education boarding schools (<i>internaten van het gemeenschapsonderwijs</i>).⁴¹⁹</p> <p>There are 40 recovery-oriented time-out places in the community institutions (<i>gemeenschapsinstellingen</i>): 10 for</p>

⁴¹³ Articles 25 and 42 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care; information obtained from the Ministry of the Wallonia-Brussels Federation.

⁴¹⁴ Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

⁴¹⁵ Article 10, § 2 of the Brussels Capital Region Ordinance of 29 April 2004 on child protection.

⁴¹⁶ Flemish Community Decree of 3 May 2019 containing the social map.

⁴¹⁷ Information obtained from the Agency Growing Up (*Agentschap Opgroeien*).

⁴¹⁸ Information obtained from the Agency Growing Up (*Agentschap Opgroeien*).

⁴¹⁹ L. HOFKENS, L. POLFLIET, R. SIERENS, N. VAN DEN CRUYCE, J. PUT, K. HERMANS and T. OPGENHAFFEN, Costs and contributions of clients in youth assistance, Leuven, Opgroeien, 2022, 40.

		<p>boys and 10 for girls in campus De Markt of community institution De Kempen in Mol; 10 for boys in campus Ruiselede of community institution De Zande; and 10 for girls in campus Beernem of community institution De Zande.⁴²⁰</p> <p>No detailed information on the centres for integral family care (<i>centra voor integrale gezinszorg</i>) and the multifunctional centres (<i>multifunctionele centra</i>) was identified.</p> <p>In the French Community, the residential institutions are listed on a website of the French Community (named Wallonia-Brussels Federation).⁴²¹ There are:</p> <ul style="list-style-type: none"> - 10 residential services for observation and orientation (<i>services résidentiels d'observation et d'orientation</i>); - 124 general residential services (<i>services résidentiels généraux</i>); - 5 specialised residential services (<i>services résidentiels spécialisés</i>); - 11 urgent residential services (<i>services résidentiels d'urgence</i>).⁴²² <p>In the German-speaking Community, the Department of Youth Welfare for the German-speaking Community (<i>Fachbereich Jugendhilfe</i>) cooperates for residential care in particular with the following accredited institutions:</p> <ul style="list-style-type: none"> - Centre for socio-educational child and youth care Mosaik of the Public Social Welfare Centre Eupen: 28 spots + 8 emergency spots; - Dreiland Child Protection VoG (<i>Dreiland-Jugendhilfe VoG</i>): 22 spots; - Social Integration and Everyday Help VoG (<i>Soziale Integration und Alltagshilfe VoG</i>): 7 spots.⁴²³
4.5.8. Are there <u>accreditation and licensing procedures</u>	X	<p>In the Flemish Community, Article 78/1 of the Flemish Community Decree of 12 July 2013 on integrated child protection provides that any legal entity that intends to accommodate children under this decree must be</p>

⁴²⁰ Article 1 of the Flemish Ministerial Order of 3 March 2023 determining the capacity of community institutions and the Flemish detention centre.

⁴²¹ Website of the [Directorate-General for Child Protection](#).

⁴²² Information obtained from the Ministry of the Wallonia-Brussels Federation.

⁴²³ Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

<p>for residential institutions in place?</p> <p>If <u>yes</u>, please provide information on the legislative framework, the responsible authority and procedure.</p>		<p>accredited by the Flemish Government to do so. To this end, the Flemish Government shall decide on applications for accreditation and lay down the accreditation procedure.⁴²⁴ However, because the different residential institutions are part of different sectors, different accreditation procedures exist.⁴²⁵</p> <p>In the French Community, Article 139 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care stipulate that any legal person organising a service to help or protect children in accordance with this Code, must be accredited by the French Community Government for that purpose. The government determines the accreditation procedure and decides on applications for accreditation.⁴²⁶ The accreditation procedure is set out in Articles 31 to 51 of the French Community Government Order of 5 December 2018 on the general conditions for accreditation and subsidisation of the services referred to in Article 139 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.⁴²⁷</p> <p>In the German-speaking Community, Article 22 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures stipulates that any natural or legal person who regularly accommodates children in the context of child protection, must be accredited by the Government of the German-speaking Community for that purpose. The government determines the accreditation procedure.⁴²⁸ The accreditation procedure is set out in Article 31 of the German-speaking Community Order of 14 May 2009 on youth assistance.⁴²⁹</p>
<p>4.5.9. Are there <u>national applicable standards</u> relating to the operational</p>	<p>X</p>	<p>There are no national standards relating to the operational framework of the residential child protection institutions.</p>

⁴²⁴ Article 78/2 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

⁴²⁵ See Codified Flemish Community decree of 28 October 2016 on certain provisions for education; Flemish Government order of 9 November 2012 on accreditation and subsidisation of childcare and family support centres; Flemish Government order of 26 February 2016 accrediting and subsidising multifunctional centres for minors with disabilities; Flemish Government Order of 5 April 2019 on the conditions of accreditation and subsidy standards for child protection facilities.

⁴²⁶ Article 144 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

⁴²⁷ French Community Government Order of 5 December 2018 on the general conditions for accreditation and subsidisation of the services referred to in Article 139 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

⁴²⁸ Article 22 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

⁴²⁹ German-speaking Community Order of 14 May 2009 on youth assistance and youth care.

<p>framework of such institutions (requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children)?</p>	<p>However, such standards do exist at community level in the conditions of accreditation of such institutions, which are spread across various legislative instruments.</p> <p>In the Flemish Community, these instruments are: the Flemish Community Decree of 12 July 2013 on integrated child protection,⁴³⁰ the Flemish Government Order of 9 November 2012 on accreditation and subsidisation of childcare and family support centres,⁴³¹ the Flemish Government Order of 26 February 2016 accrediting and subsidising multifunctional centres for minors with disabilities,⁴³² the Flemish Government Order of 5 April 2019 on the accreditation conditions and subsidy standards for facilities in child protection⁴³³ and the Codified Flemish Community decree of 28 October 2016 on certain provisions for education.⁴³⁴</p> <p>In the French Community, the general accreditation conditions for residential institutions are laid down in the French Community Government Order of 5 December 2018 on the general conditions for accreditation and subsidisation of the services referred to in Article 139 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.⁴³⁵ Besides these general conditions, specific requirements must be satisfied for each particular type of residential institutions. These are laid down in the French Community Government Order of 5 December 2018 on the special conditions for the accreditation and subsidisation of urgent residential services,⁴³⁶ the French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of specialised residential services,⁴³⁷ the French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation</p>
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⁴³⁰ Article 103 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

⁴³¹ Flemish Government order of 9 November 2012 on accreditation and subsidisation of childcare and family support centres. See also Flemish Ministerial Order of 21 December 2012 on the offer, described in type modules, of childcare and family support centres.

⁴³² Flemish Government order of 26 February 2016 accrediting and subsidising multifunctional centres for minors with disabilities. See also Flemish Government Order of 4 February 2011 on the general conditions for accreditation and quality assurance of facilities for reception, treatment and guidance of persons with disabilities.

⁴³³ Flemish Government Order of 5 April 2019 on the conditions of accreditation and subsidy standards for child protection facilities.

⁴³⁴ Codified Flemish Community decree of 28 October 2016 on certain provisions for education.

⁴³⁵ French Community Government Order of 5 December 2018 on the general conditions for accreditation and subsidisation of the services referred to in Article 139 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

⁴³⁶ French Community Government Order of 5 December 2018 on the special conditions for the accreditation and subsidisation of urgent residential services.

⁴³⁷ French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of specialised residential services.

		<p>of residential observation and orientation services⁴³⁸ and the French Community Government Order of 5 December 2018 on the special conditions for the accreditation and subsidisation of general residential services.⁴³⁹</p> <p>In the German-speaking Community, the general accreditation conditions for child protection providers and the accreditation conditions specific for residential institutions are laid down in respectively Articles 30 and 41 of the German-speaking Community Order of 14 May 2009 on youth assistance.⁴⁴⁰</p> <p>See also section VI, question 5.1.4.</p>
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4.5.10. How is the residential care staff recruited, vetted, and trained?

The staff of residential institutions is recruited by the institutions themselves. However, the accreditation conditions of the residential institutions - set out in the legislative instruments cited under Section IV, question 4.5.9. - contain requirements on staff. For example, Article 22 of the French Community Government Order of 5 December 2018 on the general conditions for accreditation and subsidisation of the services referred to in Article 139 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care stipulates that every new staff member must, within 12 months of recruitment, attend the basic training module organised by the training services. Staff are also required to undergo continuous training.

Question	Yes	No	Comments
4.5.11. Are children placed in alternative care allowed to <u>lodge complaints</u> against the personnel /foster parents and care workers and report abuse or violations of their rights? Are these procedures child-friendly and respective of confidentiality?	X		In the Flemish Community , Article 29 of the Flemish Community Decree of 7 May 2004 on the legal status of minors in integrated child protection and within the framework of the decree on juvenile delinquency law stipulates that the child has the right to lodge complaints with a child protection facility, the access point (<i>toegangspoort</i>) or the child protection support centre (<i>ondersteuningscentrum jeugdzorg</i>) about the content of the child protection and the manner in which it is offered, the living conditions within residential and semi-residential child protection and non-compliance with the rights listed in this decree. Complaints are handled in accordance with the provisions applicable to the child protection facilities, the access point or the child protection support centre in this regard. For foster care, the website of Foster Care

⁴³⁸ French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of residential observation and orientation services.

⁴³⁹ French Community Government Order of 5 December 2018 on the specific conditions for the accreditation and subsidisation of general residential services.

⁴⁴⁰ German-speaking Community Order of 14 May 2009 on youth assistance and youth care.

<p>If <u>yes</u>, briefly describe to whom and how children can lodge complaints.</p>	<p>Flanders (<i>Pleegzorg Vlaanderen</i>) contains information about the complaints option with foster care services.⁴⁴¹</p> <p>There is also the JO-line, where the child can address complaints about child protection by phone (0800 900 33), letter or e-mail (jo-lijn@opgroeien.be). This helpline initially directs the child to the institution's or foster care service's internal complaints procedure. If that is already exhausted and the child is still not satisfied, the complaint can be forwarded to Care Inspectorate (<i>Zorginspectie</i>). The information received by the JO-line is confidential and subject to professional secrecy.⁴⁴²</p> <p>The child in closed residential care can also address complaints to the Commission for the Supervision of Youth Institutions (<i>Commissie van Toezicht voor Jeugdinstituten, CVTJ</i>), see Section IV, question 4.5.5.</p> <p>In the French Community, the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care stipulates that if his/her rights are not respected, the child has the right to refer the matter to the competent administration by a letter addressed to the lead official. That letter may be electronic.⁴⁴³ Furthermore, internal rules on complaint procedures within the household rules of the accredited child protection providers may exist.⁴⁴⁴</p> <p>In the German-speaking Community, Article 34 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures stipulates the procedure to file a complaint against any legal or natural person carrying out a service related to child protection. Accordingly, the complaint must be filed in writing with the director of the legal person or directly with the natural person. If mediation initiated on the initiative of the person against whom the complaint was filed fails, the parties - separately or together - may bring the complaint before the commission established by the Government of the German-speaking Community. Both the appellant and the person against whom the complaint was filed shall be heard on the merits of the case.⁴⁴⁵</p>
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⁴⁴¹ Website of Foster Care Flanders.

⁴⁴² Website of Child Protection Flanders.

⁴⁴³ Articles 29 and 46 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

⁴⁴⁴ Article 4 of the French Community Government Order of 5 December 2018 on the general conditions for accreditation and subsidisation of the services referred to in Article 139 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

⁴⁴⁵ Article 34 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

		Children can report abuse and violations of their rights also through de reporting mechanism set out under Section IV, question 4.2.2. and under Section VII, question 7.1.
<p>4.5.12. What is the <u>assistance available to adolescents that leave alternative care</u> to live independently?</p> <p>(e.g. financial, housing, vocational, educational, employment, life skills, mental health services, social or emotional)?</p> <p>Briefly describe who is responsible for such assistance?</p>	X	<p>Adolescents that leave alternative care to live independently can - depending on the fulfilment of any conditions - rely on general social support, general assistance and ambulatory or/and mobile child protection. For example, at federal level, the public social welfare centres can, under certain conditions, grant a one-off installation bonus to a person who loses the status of homeless (received e.g. because of living in a residential institution) by moving into a home as his/her main residence.⁴⁴⁶</p> <p>Moreover, in the different communities and the Brussels Capital Region the child protection system offers supervised independent living arrangements, which provide supervision/guidance to the adolescent that lives independently (see Section IV, question 4.5.).</p> <p>Besides, in case of such living arrangements the Flemish and German-speaking child protection regulations provide for a specific subsidy. In the Flemish Community, a subsidy per supervised day can be paid for the adolescent who is guided by a module of contextual guidance in function of autonomous living (<i>contextbegeleiding in functie van autonoom wonen</i>) if he/she is not entitled to a living wage and does not have sufficient income of his/her own. The subsidy amounts to 1/365 of the living wage granted to single persons. However, the subsidy is reduced by the adolescent's own income. For earned income, this reduction is subject to an exemption as mentioned in Article 35, § 1 of the Royal Decree of 11 July 2002 on the general regulations on the right to social integration^{447, 448}. In the German-speaking Community, a legal or natural person who guides adolescents living independently receives a fixed amount per day to cover the cost of daily living of that adolescent.⁴⁴⁹</p>

⁴⁴⁶ Article 57bis of the Organic Act of 8 July 1976 on public centres for social welfare; Article 14, § 3 of the Act of 26 May 2002 on the right to social integration; Article 1-2 of the Royal decree of 21 September 2004 granting an installation premium by the public social welfare centre to certain persons who lose their status of homelessness; Number 9.2.3.1. of the General Circular of 27 March 2018 on the Act of 26 May 2002 on the right to social integration; L. HOFKENS, L. POLFLIET, R. SIERENS, N. VAN DEN CRUYCE, J. PUT, K. HERMANS and T. OPGENHAFFEN, Costs and contributions of clients in youth assistance, Leuven, Opgroeien, 2022, 100-101.

⁴⁴⁷ Royal Decree of 11 July 2002 on the general regulations on the right to social integration.

⁴⁴⁸ Article 43 of the Flemish Government Order of 5 April 2019 on the conditions of accreditation and subsidy standards for child protection facilities.

⁴⁴⁹ Article 43 of the German-speaking Community Order of 14 May 2009 on youth assistance and youth care.

			Finally, it is worth mentioning that in the German-speaking Community an allowance is - under certain conditions - granted to adolescents who are in alternative care for the duration of their out-of-home placement, in order to promote their integration upon reaching the age of majority. ⁴⁵⁰
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4.5.13. What assistance is provided to families - while the child is placed to alternative care - to support the return of the child in the family? By whom? Who coordinates the assistance? Please briefly describe.

This assistance to families is provided as the residential care institution or the service organising foster care must also work with the family during the out-of-home placement of the child.⁴⁵¹ During the placement follow up by a government body is also possible, for example: a counsellor from the mandated facility in case of mandated child protection in the Flemish Community,⁴⁵² a counsellor from the social services of the youth court in case of judicial child protection in the Flemish Community,⁴⁵³ the Judicial protection service (*Jugendgerichtsdienst*) in case of judicial child protection in the German-speaking community⁴⁵⁴ and the director on child protection (*directeur de l'aide à la jeunesse*) in case of judicial child protection in the French Community.⁴⁵⁵

Besides, ambulatory or mobile follow-up measures can be deployed on a voluntarily or compulsorily/judicial basis to assist the family and the child following the end of an out-of-home placement and thus, support the return. Furthermore, in the Flemish Community Article 7 of the Flemish Community Decree of 29 June 2012 on the organisation of foster care stipulates that the foster care services should ensure a seamless transition at the end of foster care and provide appropriate aftercare.⁴⁵⁶ In the French Community, the child protection legislation stipulates that the general residential services, the specialised residential services and the residential observation and orientation services for abused children also contribute to the elaboration of assistance programmes

⁴⁵⁰ Article 33.1 of the [German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures](#); Articles 46.1 and 48 of the [the German-speaking Community Order of 14 May 2009 on youth assistance and youth care](#).

⁴⁵¹ Articles 6, 9 and 45 of the [Flemish Community Decree of 12 July 2013 on integrated child protection](#); Article 7 of the [Flemish Community Decree of 29 June 2012 on the organisation of foster care](#); Article 3 of the [French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of foster care support services](#); Article 3 of the [French Community Government Order of 5 December 2018 on the specific conditions for the accreditation and subsidisation of general residential services](#); Articles 4 and 7 of the [French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of residential observation and orientation services](#); Article 3 of the [French Community Government Order of 5 December 2018 on the special conditions for the accreditation and subsidisation of urgent residential services](#); Article 20 of the [German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures](#); Article 10 of the [Brussels Capital Region Ordinance of 29 April 2004 on child protection](#).

⁴⁵² Articles 67 and 68 of the [Flemish Government order of 9 November 2012 on accreditation and subsidisation of childcare and family support centres](#).

⁴⁵³ Article 58 of the [Flemish Community Decree of 12 July 2013 on integrated child protection](#).

⁴⁵⁴ Articles 15-16 of the [German-speaking Community Order of 14 May 2009 on youth assistance and youth care](#).

⁴⁵⁵ Articles 48 and 53 of the [French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care](#).

⁴⁵⁶ Article 7 of the [Flemish Community Decree of 29 June 2012 on the organisation of foster care](#).

that can be deployed after the child's placement, for example, with a view to reintegration into his/her family.⁴⁵⁷

The child placed out of home also enjoys a right to personal contact with his family, unless this is contrary to his/her best interests.⁴⁵⁸ In the German-speaking Community, the child protection legislation grants the biological parents of a child placed out of home - under certain conditions – the possibility to apply to the department of the Ministry of the German-speaking Community responsible for youth assistance and youth care for a reimbursement of costs to promote contact with their children (e.g. costs for rides to fulfil the visit contact).⁴⁵⁹

<p>4.5.14. Is any <u>assistance</u> provided to children and families <u>upon return of the child in the family?</u> Briefly describe. Who is responsible for such assistance?</p> <p>Is there any monitoring and follow-up of such cases?</p> <p>Who is coordinating assistance and support?</p>	X		<p>See Section IV, question 4.5.13, for the assistance, responsible persons and coordination.</p> <p>No specific provisions on monitoring and follow-up in case of the end of an out-of-home placement were identified.</p>
<p>4.5.15. Are decisions of placement in alternative care reviewed?</p> <p>If <u>yes</u>, please provide the applicable legislative provisions. How</p>	X		<p>In the Flemish Community, in case of not directly accessible voluntary child protection the direction team (<i>team jeugdhulpregie</i>) may, at the end of the indicated and assigned child protection modules, or if a revision of assistance is 're'indicated' proceed to a review at the request of the child protection provider.⁴⁶⁰</p>

⁴⁵⁷ Article 3 of the French Community Government Order of 5 December 2018 on the specific conditions for the accreditation and subsidisation of general residential services; Article 3 of the French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of specialised residential services; Article 7 of the French Community Government Order of 5 December 2018 on special conditions for the accreditation and subsidisation of residential observation and orientation services.

⁴⁵⁸ Articles 374, 375bis, 387undecies and 387septiesdecies of the Old Civil Code; Articles 14 and 25 of the Flemish Community Decree of 7 May 2004 on the legal status of minors in integrated child protection and within the framework of the decree on juvenile delinquency law; Article 1, 10° of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care; Articles 26 and 38 of the German-speaking Community Order of 14 May 2009 on youth assistance and youth care.

⁴⁵⁹ Article 33.2 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures, executed by Articles 46.1 and 48 of the German-speaking Community Order of 14 May 2009 on youth assistance and youth care.

⁴⁶⁰ Article 27 of the Flemish Community Decree of 12 July 2013 on integrated child protection; article 42 of the Flemish Government Order of 21 February 2014 on integrated child protection.

<p>frequently is this done? By whom?</p> <p>Are the children's views taken into consideration?</p>		<p>In case of mandated child protection (i.e. a form of voluntary child protection), the assistance and its social need (<i>maatschappelijke noodzaak</i>) shall be evaluated at least every six months and whenever it is deemed necessary. The evaluation is done in consultation with the child, his/her parents and, where appropriate, the persons responsible for his/her upbringing and the persons from his/her living environment.⁴⁶¹</p> <p>Placement in alternative care ordered by the youth court, must be ordered for a limited amount of time. However, the measure is renewable. In addition, the measure can be revoked by the youth court at any time or replaced by another measure at the request of the child, his legal representative, the social service of the youth court or the public prosecutor.⁴⁶² The procedure for extension or review follows the same procedural requirements and procedural safeguards as those required for the initial decision.⁴⁶³</p> <p>Furthermore, judicial placement measures - except foster care - at the substantive stage are subject to an annual review in any case, to be confirmed, revoked or amended, i.e. even if none of the parties would have filed a review request. That mandatory review procedure is initiated by the public prosecutor.⁴⁶⁴</p> <p>In the French Community, the duration of a voluntary child protection measure is maximum one year. The measure can be renewed several times, for a maximum duration of one year, and can be revoked or modified at any time by the child protection counsellor (<i>conseiller de l'aide à la jeunesse</i>), in the interest of the child, and this at the request of a member of the family or of one of the child's peers, the child who is at least 14 years old, the child who is at least 12 years old and is assisted by a lawyer, the department appointed to take charge of a child or the counsellor.⁴⁶⁵ The same applies to judicial placement measures, but the revocation or modification is then done by the youth court at the request of the director on child protection (<i>directeur de l'aide à la jeunesse</i>).⁴⁶⁶</p>
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⁴⁶¹ Articles 37 and 38 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

⁴⁶² Article 51 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

⁴⁶³ Article 63quinquies of the Article of the Act of 8 April 1965 on youth care and the charging of minors who committed an act qualified as offence and the reparation of damage caused by this act; J. PUT, Handbook on youth protection law, Brugge, die Keure, 2021, 234.

⁴⁶⁴ Article 51 of the Flemish Community Decree of 12 July 2013 on integrated child protection.

⁴⁶⁵ Article 26 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

⁴⁶⁶ Article 43 of the French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

In the **German-speaking Community**, the Child protection service (*Jugendhilfedienst*) regularly reviews with the individuals concerned whether the deployed voluntary child protection is still appropriate and necessary.⁴⁶⁷ Judicial placement measures end after the expiry of the stipulated period but may be extended for the same duration. However, the youth court may lift the measure or replace it with another measure at any time, either ipso jure or at the request of the Judicial protection service (*Jugendgerichtsdienst*), the public prosecutor, the father, the mother, the guardians or persons having custody of the child, the child or the counselling service. The request to this effect by the father, mother, guardians or persons having custody of the child, or by the child himself/herself may be submitted to the youth court at the earliest one year after the day on which the decision became final. If such an application is rejected, a new application may be filed at the earliest one year after the day on which the decision rejecting the previous application became final.⁴⁶⁸ In addition, regular evaluation interviews take place.⁴⁶⁹

In the **Brussels Capital Region**, the duration of judicial placement measures is limited to a maximum of one year, renewable. The measures may be revoked or replaced by another measure at the request of the child, his family or relatives, or the public prosecutor.⁴⁷⁰

For **all communities and the Brussels Capital Region**, in case of judicial placement measures imposed in case of urgency (see Section IV, question 4.1.4.) different rules and a specific procedure apply.

See Section IV, question 4.4.3. for the participation of children.

4.5.16. Is there a legal framework regarding adoption? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?

In Belgium, within-country adoption and between-country adoption exist. These are institutions whereby – with the required consents – a legal bond is created between two persons, on the basis of a judgement of a family court. However, the strength of this legal bond depends on the simple

⁴⁶⁷ Article 14 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

⁴⁶⁸ Article 17, § 2 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures.

⁴⁶⁹ Articles 9, 15 and 24 of the German-speaking Community Order of 14 May 2009 on youth assistance and youth care.

⁴⁷⁰ Article 11 of the Brussels Capital Region Ordinance of 29 April 2004 on child protection.

(addition to the original filiation bond) or plenary (completely the same consequences as an original filiation bond) nature of the adoption.⁴⁷¹

Both within-country adoption and between-country adoption are partly regulated at the federal level and partly at the community level. At the federal level, the [Old Civil Code](#) and the [Judicial Code](#) determine the substantive (age, eligibility, consent, consequences ...) and procedural (proceeding before the family court) rules. These rules are sometimes the same for both forms of adoption. For example, the adoption must always be based on fair motives and can only occur in the best interests of the child and in compliance with his/her fundamental rights under international law. In addition, each adopting person must be considered able and suitable to adopt.⁴⁷² Moreover, the consent of the child being adopted is required for the adoption if he/she is 12 years of age or older at the time of the judgment, unless the court finds - based on facts established in a reasoned report - that he/she has no discernment (*onderscheidingsvermogen*).⁴⁷³ However, there are also rules that differ or apply specifically to either form.

At the community level, the preparation, mediation and aftercare of the adoption are regulated. Each community has its own decree(s) and competent accredited adoption services⁴⁷⁴ in this regard.⁴⁷⁵ Here, too, there are many similarities but also differences between within-country adoption and between-country adoption.

Private adoption – which does not go through an accredited adoption service – is not permitted in Belgium. Finally, it is worth mentioning that Belgium does not have different rules for same-sex couples regarding adoption. They can adopt under the same conditions as heterosexual couples.⁴⁷⁶

4.5.17. What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.*

In its latest **concluding observation on Belgium** (2019) the Committee on the Rights of the Child noted with concern that (1) institutional care remains the first response for children in need of care, particularly for children with disabilities, children from socially or economically disadvantaged families and for very young children, (2) that care waiting lists are long for children with disabilities, and (3) that unaccompanied and separated children have been confronted with a lack of systematic referral to the guardianship service and other child protection authorities (see also Section I, question 1.5.).⁴⁷⁷

⁴⁷¹ Articles 353-1 to 353-18 and 356-1 to 356-3 of the [Old Civil Code](#).

⁴⁷² Articles 344-1, 346-1 and 357 of the [Old Civil Code](#).

⁴⁷³ Articles 348-1 and 358 of the [Old Civil Code](#).

⁴⁷⁴ See website of the [Federal Government](#) for these services.

⁴⁷⁵ [French Community Decree of 31 March 2004 on the adoption](#); [Flemish Community Decree of 20 January 2012 regulating the between-country adoption of children](#); [Flemish Community Decree of 3 July 2015 regulating the within-country adoption of children and amending the decree of 20 January 2012 regulating the between-country adoption of children](#); [German-speaking Community Decree of 27 April 2020 on the adoption of children](#).

⁴⁷⁶ F. SWENNEN, *The law of persons and family law*, Mortsel, Intersentia, 2023, 421 and 528.

⁴⁷⁷ Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Belgium](#), 28 February 2019.

In the **Flemish Community**, an empirical study evaluating the Flemish Community Decree of 12 July 2013 on integrated child protection was published in 2020.⁴⁷⁸ The report highlights some problems mentioned by the respondents relating to alternative care, such as: (1) the existence of capacity shortages leads to waiting lists; (2) the visiting hours are sometimes too rigid; (3) at times, the facilities are difficult to reach and they are located outside the city, which threatens to further weaken contact with the home environment; (4) certain interventions are sometimes experienced as (too) drastic and due to a lack of information residential care is sometimes used too quickly out of concerns for the child's safety, which entails a risk of unnecessary detachment and alienation; (5) children and their parents are not always sufficiently involved; (6) sometimes there is a lack of continuity of care; (7) there is at times insufficient focus on follow-up care after 18 years of age. The problem of capacity shortages and waiting lists in emergency care was recently stressed in the Flemish Parliament.⁴⁷⁹

In the **German-speaking Community** the biggest challenge reported is the realisation of a coordinated network approach to concrete situations of abuse or of residential care from young people with multiple needs (educational, psycho-social, eventually disability ...). This networking is to be done both at a governmental level (inter- and intra-) and at a local level, between different services.⁴⁸⁰

In the **French Community**, a report evaluating the principles set out in the preliminary book of the Decree of 18 January 2018 on the code of prevention, child protection and youth care was published in 2021.⁴⁸¹ Respondents therein, among other things, reported as problems: insufficient financial resources and a problems in the effectiveness of the link between the Child Assistance Services (*Services d'Aide à la jeunesse (SAJ)*) and the Child Protection Services (*Services de la protection de la jeunesse (SPJ)*).

4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

Child protection remains ever-evolving. New legislation was adopted in the French Community⁴⁸² and in the Flemish Community.⁴⁸³ In the Brussels Capital Region the Ordinance of 16 May 2019 on child protection and youth care will in the future enter into force and then introduce new rules on judicial child protection in Brussels.⁴⁸⁴ See also Section I.

The complexity of Belgian child protection due to different regulations per community, with a multitude of child protection actors and services persists. Coordination and cooperation are still challenges. However, in the Flemish Community the intersectoral child protection, introduced in 2014, appears to

⁴⁷⁸ E. ROEVENS, L. OP DE BEECK, S. PLEYSIER, J. PUT, T. VAN REGENMORTEN, K. HERMANS and J. VOETS, Evaluation of the decree of 12 July 2013 on integrated child protection, Leuven, Steunpunt Welzijn, Volksgezondheid en Gezin, 2020, 145 p.

⁴⁷⁹ Actual question of 29 March 2022 in the Flemish Parliament on waiting times in crisis care.

⁴⁸⁰ Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

⁴⁸¹ C. GAMBI-ARNOLD, M. N. MBOMBO and others; Research report on the evaluation of the relevance and effectiveness of the measures implemented by the youth care sector as a whole to meet the principles set out in the preliminary book of the Decree of 18 January 2018 on the code of prevention, child protection and youth care (Article 151 of the decree), Louvain-la-Neuve, UCLouvain, 31 December 2021, 353 p.

⁴⁸² E.g. French Community Decree of 18 January 2018 on the code of prevention, child protection and youth care.

⁴⁸³ E.g. Flemish Government Order of 5 April 2019 on the conditions of accreditation and subsidy standards for child protection facilities.

⁴⁸⁴ Brussels Capital Region Ordinance of 16 May 2019 on child protection and youth care.

have led to the desired more transparent non-directly accessible child protection through the introduction of a number of clear contact points: the intersectoral gateway (*intersectorale toegangspoort*), the crisis hotline and the mandated facilities.⁴⁸⁵

Besides, child protection is unfortunately still characterized by waiting lists and capacity shortages.

4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In the **Flemish Community** following promising practices in the area of child protection were identified:

- there is currently a policy process ongoing to realise family homes. This is a small-scale form of residential child protection in which a very small group of children live with a professional family parent and their family 24/7. It can be compared to professional foster care.⁴⁸⁶
- there is currently a policy process ongoing on the development of an intersectoral framework for action on seclusion and restraint in the area of child protection.⁴⁸⁷
- there are plans to review the regulations on contributions that clients in child protection have to pay for the assistance, with a view to setting up a uniform, transparent system that takes into account poverty issues.⁴⁸⁸
- a policy and legislation on the protection of the unborn child in the event of a worrying pregnancy is being considered within the Flemish government.⁴⁸⁹
- the concept note 'Early and Nearby' (*Vroeg en Nabij*) was adopted and provides plans to better align family care and child protection to achieve more integrated care and support. A further translation of this concept note in the subsequent legal trajectory intends to achieve the following:
 - (1) Support and assistance will be more transparent, have more coherence and fewer fracture lines, and thus more continuity, because of the realisation of 'pathway support', the strong focus on shared responsibility, the seamless connection of more specialised assistance to the universal service and the principle of 'switching on and off'.
 - (2) The principles of goal-setting regulation will create a renewed dynamic, where the questions of children, young people and families will strongly guide the strategy being built at each level. This way of working also makes it possible to place local and regional accents in favour of one's own population.

⁴⁸⁵ E. ROEVENS, L. OP DE BEECK, S. PLEYSIER, J. PUT, T. VAN REGENMORTEN, K. HERMANS and J. VOETS, Evaluation of the decree of 12 July 2013 on integrated child protection, Leuven, Steunpunt Welzijn, Volksgezondheid en Gezin, 2020, 61.

⁴⁸⁶ Proposed resolution of 1 February 2019 on the introduction of family homes in Flanders.

⁴⁸⁷ D. BEECKMANS, G. DROOGMANS, N. MERTENS, T. OPGENHAFFEN, J. VANHOOF, B. MAES, T. VAN ACHTERBERG, S. NIJS, J. PUT, C. VAN AUDENHOVE and K. DE CUYPER, The development of an intersectoral guideline for the prevention and application of seclusion and fixation in broad residential child protection, Leuven, Steunpunt Welzijn, Volksgezondheid en Gezin, 2021, 379 p.

⁴⁸⁸ Flemish policy and budget note 2023 - Welfare, public health and family, 83.

⁴⁸⁹ Concept note for new regulations on building a policy to protect the unborn child in the event of a distressing pregnancy; Concept note for new regulations on the supervision of the unborn child of a pregnant woman with an addiction problem as a new child protection measure.

(3) Support and assistance will start much more from a natural perspective and local dynamics for families.

(4) More uniformity in accreditation and funding, and more room for social entrepreneurs to be flexible in their assistance offerings, will remove existing barriers to providing tailor-made care for children, young people and families and to taking shared responsibility when necessary.⁴⁹⁰

In the **German-speaking Community** there is a "Leuchtturm" working group, which members are representatives of various psychosocial services of the German-speaking Community. The aim of the working group is to protect children and young people from abuse, neglect, and violence (sexual, physical, psychological). In order to achieve this, children and young people are informed, professionals are trained, and the general public is sensitized.⁴⁹¹ Furthermore, a new decree on youth care and youth assistance, including child protection, is being developed. The preliminary draft of the decree was sent to the Legislative Department of the Council of State (*Raad van State*) for an opinion on 28 March 2023. The new decree is scheduled to enter into force on 1 January 2024.⁴⁹²

In the **Brussels Capital Region** the Ordinance of 16 May 2019 on child protection and youth care will – as soon as it enters into force - introduce new rules on judicial child protection in Brussels.⁴⁹³

⁴⁹⁰ See for more information: website of [Child Protection Flanders](#); [Communication to the Flemish Government concerning the concept note for an integrated family and child protection policy 'Vroeg & Nabij' \(Early & Nearby\)](#).

⁴⁹¹ Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

⁴⁹² Information obtained from the German-speaking Child protection service (*Jugendhilfedienst*).

⁴⁹³ [Brussels Capital Region Ordinance of 16 May 2019 on child protection and youth care](#).

5. Accountability, data collection, and monitoring mechanisms

5.1. Accountability mechanisms

5.1.1. Are there accountability mechanisms in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

The **National Commission on the Rights of the Child** serves as a platform where governmental and non-governmental organisations meet to discuss the realisation and implementation of children's rights in Belgium. The Commission monitors the follow up on the UNCRC Committee's observations and advises Federal, Regional and community governments on children's rights issues, including child protection.⁴⁹⁴ There are no regularly issued public reports.

The **Federal Ombudsman** is competent to investigate how Federal authorities act and function. The Ombudsman may receive complaints from children, in particular, from non-national children in Belgium requesting Belgian nationality, or children below three years old living with their mother in detention.⁴⁹⁵ Their yearly reports are publicly available on the website.⁴⁹⁶ In the latest report regarding the year 2021 no feedback on the functioning of the child protection system was included. They also publish their research reports; at this point none regarding the child protection system.

For any issue related to discrimination, including in child protection, the **Interfederal Equality Centre (UNIA)** is competent to receive complaints.⁴⁹⁷ Their yearly reports are publicly available on the website.⁴⁹⁸ In the latest report regarding the year 2021 no feedback on the functioning of the child protection system was included. There was feedback provided on inclusive education.

In the **Flemish Community**, the Flemish Office of the Children's Rights Commissioner (*Kinderrechtencommissariaat*) is competent to monitoring children's rights policies and the correct application of legislation including on child protection system. The Office also receives and investigates complaints.⁴⁹⁹ Their yearly reports are publicly available on the website. There is a general yearly report⁵⁰⁰ and one specifically from the supervisory committee for youth institutions⁵⁰¹.

As mentioned in Section II, question 2.1.1, the Flemish Ministry of Welfare, Public Health and Family has the main responsibility for child protection in the Flemish Community.

⁴⁹⁴ Website of the [National Commission on the Rights of the Child](#).

⁴⁹⁵ Website of the [Federal Ombudsman](#).

⁴⁹⁶ [Yearly reports](#) of the Federal Ombudsman.

⁴⁹⁷ Website of the [Interfederal Equality Centre](#).

⁴⁹⁸ [Yearly reports](#) of the Interfederal Equality Centre.

⁴⁹⁹ Website of the [Flemish Office of the Children's Rights Commissioner](#).

⁵⁰⁰ [Yearly reports](#) of the Flemish Office of the Children's Rights Commissioner.

⁵⁰¹ [Yearly reports](#) of the Supervisory Committee for youth institutions.

In the **French Community**, the General for the rights of the child (*Délégué Général aux droits de l'enfant*) has the mission to defend and promote the rights and interests of children. The Delegate also ensures the correct application of legislation concerning children. The Delegate can receive complaints or requests for mediation relating to infringements of the rights of children.⁵⁰² Their yearly reports are publicly available on the website.⁵⁰³

The Observatory for Childhood, Youth and Child Protection (*Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse*) is competent for the monitoring, evaluation of childhood and youth care policies in the French Community.⁵⁰⁴ Their themed reports and evaluations are publicly available on the website.⁵⁰⁵

As mentioned in Section II, question 2.1.1, the Wallonia-Brussels Federation General Administration for Youth Care, Health and Sport and Minister of Youth and Youth Protection share the main responsibility for youth care in the French Community.

The Ombudsman of the **German-speaking Community** receives complaints from citizens regarding the German-speaking Community authorities. However, the Ombudsman is not specialised in children issues.⁵⁰⁶ Their yearly reports are publicly available on the website.⁵⁰⁷

As mentioned in Section II, question 2.1.1, the Minister of Family, Health and Social Affairs of the German-speaking Community and the Ministry's Youth Care Department share the main responsibility for youth care in the German-speaking Community.

With regard to the cooperation and exchange of information and data between the different actors, reference should be made to the Belgian regulations on (shared) professional secrecy. The starting point is that every youth aid worker has professional secrecy, which is protected by criminal law (Art. 458 of the Criminal Code). Shared professional secrecy is an exception to this, so it is subject to strict conditions:

- They must be professional secrecy holders, acting within the same counselling context (both involvement and finality).
- They may only share the necessary information in the minor client's interest and with his/her consent (or that of his/her parents if he/she is younger than 12 and is considered not yet capable of knowing and understanding the meaning and possible consequences of sharing information).

Information sharing is also possible with a view to ensuring continuity of care, again with maximum involvement of the minor client.

5.1.2. How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

⁵⁰² Website of the [General for the rights of the Child](#) from the French Community.

⁵⁰³ [Yearly reports](#) of the General for the rights of the child.

⁵⁰⁴ Website of the [Observatory for Childhood, Youth and Child Protection](#).

⁵⁰⁵ [Reports and evaluations](#) of the Observatory for Childhood, Youth and Child Protection.

⁵⁰⁶ Website of the [Ombudsman of the German-speaking Community](#).

⁵⁰⁷ [Yearly reports](#) of the Ombudsman of the German-speaking Community.

Each level of government is responsible for the implementation of national and regional plans and strategies in so far that it falls under its competence. The relevant government may charge a specific body to monitor the implementation of the plan.

In the **Flemish Community**, a youth and children's rights policy plan was drawn up for the period 2020-2024.⁵⁰⁸ Monitoring the progress and impact of this plan is done through the annual reporting on actions within the Policy and Budget Explanation of each relevant minister.⁵⁰⁹ The preparation of these reports is in the hands of the administration of the coordinating Youth Minister, specifically the Department of Culture, Youth and Media. Priority-level monitoring is being drawn up by the Youth Research Platform (*JOP*)⁵¹⁰, which developed a cluster of general indicators that will allow the evolution of priorities to be monitored.⁵¹¹

In the **French Community** the Observatory for Childhood, Youth and Child Protection (*Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse*) and the Directorate of Social Cohesion (*Direction de la Cohésion sociale*) have the mission to assess the implementation of the 2016-2019 and 2020-2024 Action Plan relating to the implementation of the international Convention on the rights of the child (*Plan d'actions 2016-2019 et 2020-2024 relatif à l'application de la Convention internationale des droits de l'enfant*).⁵¹²

The Youth Welfare Department of the Ministry of the **German-speaking Community** is responsible for the evaluation and further development of strategies, projects and measures in the field of youth welfare and protection. This is done in close cooperation with the actors concerned: judicial authorities, social services, recognized youth welfare institutions, other departments of the Ministry,....

As part of the preparation of the new Decree on Youth Welfare and Protection, in order to ensure that the necessary adjustments and the legal basis meet the needs of the sector, the Department of Youth Welfare carried out an evaluation of the current youth protection system and the youth protection measures applied so far, as well as the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures⁵¹³, as of 2018. The draft decree was prepared on the basis of the findings of the evaluation and the decrees of the other federal units, as well as through consultation with the services of the youth welfare sector and the judiciary. Other actors in the youth welfare sector and representatives of other sectors were also involved in the drafting process, in particular under the guidance of the Monitoring Committee for Youth Welfare, which was tasked with "shaping and accompanying a process that enables the content of the Youth Welfare Decree to be further developed".

The Monitoring Committee for Youth Welfare was created by the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures and is composed of representatives of the services of the Youth Welfare Department, the Centre for the Healthy Development of Children and Adolescents (*Zentrums für die gesunde Entwicklung von Kindern und Jugendlichen - Kaleido Ostbelgien*), the Public Social Welfare Centers (*Öffentlichen Sozialhilfezentren - ÖSHZ*), the Counselling and Therapy Centers (*Beratungs- und Therapiezentren - BTZ*), the Centre for Socio-Pedagogical Child and Youth Care (*Zentrums für sozial-pädagogische*

⁵⁰⁸ Flemish Youth and Children's rights policy plan 2020-2024.

⁵⁰⁹ Article 3, § 3 of the [Decree of the Flemish Government of 20 January 2012](#) establishing a renewed youth and children's rights policy

⁵¹⁰ Website of the [Youth Research Platform](#).

⁵¹¹ Website of the [Children's rights monitor](#).

⁵¹² Action plans of the Wallonia-Brussels Federation and of Wallonia on the Rights of the child, [2016-2019](#) and [2020-2024](#).

⁵¹³ [German-speaking Community Decree of 19 May 2008](#) on youth assistance and on the implementation of youth care measures.

Kinder- und Jugendbetreuung - Mosaik-Zentrum), the Social Integration and Everyday Assistance (*Sozialen Integrations- und Alltagshilfe VoG - SIA*), Time-Out and the Network Coordination of the St. Josef Clinic. For the drafting of the decree, the monitoring committee for youth welfare was expanded to include representatives of the juvenile court, Streetwork and the head of the youth welfare department. The decree mandate of the monitoring committee is to hold a youth welfare forum for services, organizations, facilities and centers from the directly or indirectly affected fields of work for youth welfare planning and networking as well as prevention, if possible every two years. Within the framework of these forums, the needs in youth welfare are to be specifically identified and cooperation between the partners is to be promoted.

Question	YES	NO	Comments
<p>5.1.3. Is there a child rights assessment existing or foreseen? Please note that child rights' assessment stands for the measurement of the impact of proposed or adopted legislation on children as a group. It is usually done at the parliamentary or ministerial level.</p>		X	<p>While there are no formal child's rights assessment procedures at all levels, the National Commission on the Rights of the Child, the Flemish Office of the Children's Rights Commissioner, the General Delegate for the rights of the child in the French community and the youth councils may be asked to review proposed and adopted legislation and provide their opinion on their impact on children.⁵¹⁴</p> <p>Flanders, which includes the Flemish Community and the Flemish Region, has a child rights' assessment since 1997. Every draft decree that directly affects the interests of people under 25 and which is submitted by a minister must be accompanied by a child and youth report (<i>JoKer</i>)⁵¹⁵ that gauges the effects of new regulations on children and young people. Such a report is not required for draft decrees on parliamentary initiative, orders of the Flemish Government, ministerial orders and circulars.⁵¹⁶</p> <p>Child and youth impact reports are prepared internally, but the integration of the results of the consultation of children, young people, experts on the rights and interests of children and young people is highly recommended by Team Youth of the Department for Culture, Youth and Media, which monitors the implementation of the <i>JoKER</i> obligation by giving advice at the moment the draft Decree is transmitted to the government for the first approval in principle. This advice can feed the governmental decision-making process under the responsibility of</p>

⁵¹⁴ Interview with the president of the National Commission for Children's Rights.

⁵¹⁵ [Decree of 20 January 2012](#) establishing a renewed youth and children's rights policy.

⁵¹⁶ Information on [JoKer](#).

the Flemish minister for youth and children's rights. Afterwards, the Flemish youth council and children's rights commissioner can use this and other information for their advice.⁵¹⁷

The Constitutional Court is competent to examine the conformity of laws, decrees and ordinances within the Constitution.⁵¹⁸ The Constitutional Court reviews the legislation regarding the rights and freedoms of Belgians, i.e. Articles 8 to 32 of the Constitution (including the rights of the child), the principle of legality and equality in tax matters, i.e. Articles 170 and 172, and the protection of non-nationals – Article 191. It may annul and suspend laws, decrees and ordinances.

5.1.4. Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.

In the **Flemish Community** the Decree of the Flemish Government of 17 October 2003 on the quality of health and well-being installations contains general guidelines, which are also applicable for facilities of childcare, foster care and youth protection.⁵¹⁹ Specifically for youth care article 11 of the Order of the Flemish Government of 5 April 2019⁵²⁰ sets the general conditions by which the facility must comply, inter alia:

- The facility must only admit and supervise minors;
- A facility may admit or supervise minors above its total recognized capacity only if, due to the minor's individual situation, this is pedagogically desirable and if the material possibilities of a facility allow such admission or supervision;
- A facility may admit or supervise a minor whose age and gender do not correspond to its recognition only if it is pedagogically desirable due to a minor's individual situation;
- The personnel and other people staying at the institutions must have a clean judicial record and may not have a medical condition that could endanger the children;
- on the basis of the information it possesses, the facility must set out an action plan for each child within 45 days of admission;
- The action plan must at least cover the following elements : identity of all concerned parties, intermediary and specific objectives, general objectives, keys aspects which should be covered by special care, means and methods to be used, visiting and correspondence rules;
- The facility produces an evolution report at least every six months, which is communicated to the minor;

⁵¹⁷ Information on [JoKer](#).

⁵¹⁸ Article 142 of the [Constitution](#); the [Constitutional Court](#).

⁵¹⁹ [Decree of the Flemish Government of 17 October 2003](#) on the quality of health and well-being installations.

⁵²⁰ [Order of the Flemish Government of 5 April 2019](#) on the conditions of approval and subsidy standards for facilities in youth assistance.

- The facility ensures that the minors have the opportunity to practice their religion, if any, according to its regulations and obligations;
- The facility submits an annual quality report for the previous year by June 1st of each year. In this quality report the facility describes the results of the obligatory quality evaluation they made, and the way minors could contribute to this evaluation;
- Any serious event is reported without delay and within forty-eight hours of occurring;
- The facility has a written reference framework for transgressive behavior towards minors;
- The facility has a written complaints procedure, which has been made known to the minor.

Section 2 of this Decree sets the special conditions of approval, inter alia:

- Article 15: residential groups of up to six minors for a category 1 facility;
- Article 15/1: at least three minors can live in a small-scale residential unit of a category 1 facility;
- Article 29: the facility has a quality policy with attention to equal opportunities (in terms of accessibility, diversity and non-discrimination) and good governance (in particular regarding diversity in composition, expertise, assignments and responsibilities of the governing bodies);

The main source outlining the quality policy for childcare in the Flemish Community is the Decree of 20 April 2012⁵²¹ on the organization of childcare for babies and toddlers and its implementing decisions⁵²². Every provider organizing childcare has to have a license and has to meet legal conditions included in the legislation. These conditions are about, amongst others, safety, health, accommodation, number of children, staff, pedagogical quality,.... The providers who offer childcare are responsible for the quality. A governmental agency (Agency Growing Up) monitors whether they meet the legal conditions. In addition, the agency stimulates and supports the providers and childcare settings to work on and improve the quality: for example, there is a pedagogical framework available for childcare with a description of what good, pedagogical quality entails. Subsequently this common definition of pedagogical quality was operationalized in 6 intertwined dimensions (wellbeing and involvement of children, emotional and educational support, the environment and the respect for diversity and collaboration with parents). These 6 dimensions were the starting point of the development of several instruments for the measurement of pedagogical quality: an instrument to conduct a baseline study to measure the pedagogical quality in the Flemish childcare based on a representative sample; a monitoring instrument as a tool for the care inspectorate to monitor the pedagogical quality in individual settings and a self-evaluation instrument to be used by individual settings and pedagogical coaches, to evaluate the pedagogical quality and to define working points.

In the **French Community** accredited services need to complete a self-assessment at least every two years with the aim of including the service in a continued improvement process for prevention, assistance and protection. This evaluation shall cover at least the guarantee of the rights of the users (children and family), taking into account their word and the personalisation of their guidance, and the execution of the missions entrusted to the service and of its educational project. (article 150 of the French Community Decree of 18 January 2018⁵²³ containing the law on prevention, youth care and child protection) Once per legislature a committee on the assessment of the quality of services must be conveyed; it will draft a report intended for the Government of the French Community. The committee is composed of at least one representative of the Ministry, representatives of OEJAJ, one

⁵²¹ [Decree of the Flemish Government of 20 April 2012](#) on the organization of childcare for babies and toddlers.

⁵²² An overview of all regulation in the Flemish Community regarding childcare can be found at: <https://www.kindengezin.be/nl/professionelen/sector/kinderopvang/vergunning-regelgeving-en-handhaving/regelgeving-kinderopvang>.

⁵²³ [French Community Decree of 18 January 2018](#) containing the law on prevention, youth care and child protection).

representative for the competent authority and one representative standing for all accredited services. The final report is delivered to the Government no later than the middle of the legislature. Within three months of receiving the report, the Government shall provide it to the Community Council and Parliament for information. (article 151 of the French Community Decree of 18 January 2018 containing the law on prevention, assistance to youth and youth protection)

With regard to conditions that residential institutions must respect, article 4 of the French Community Order of 5 December 2018 on the general conditions for recognising and subsidising the services referred to in Article 139 of the Order of 18 January 2018 on the Prevention, Youth Assistance and Youth Protection Code⁵²⁴ lists the requirements a residential service must fulfil in order to be accredited. The service has to:

- Be performed by a legal person;
- Accommodate children in a healthy environment and sanitary housing in conformity with the security requirements set by the district where the facility is located;
- Accommodate children in an environment suitable to the educational objectives;
- Be covered by appropriate insurance schemes (civil insurance for personnel, civil insurance for children, and insurance for potential physical damage caused to the children);
- Have sufficient financial resources to pay all debts at most one year;
- Have qualified and trained personnel to carry out its mission;
- Have internal regulations clarifying the rights and obligations of the service, the child or young person, his/her family and his/her confidants concerning the details of reception, guidance and care.

As part of the educational project article 5 of the same Order requires that standard information must be provided on: the normal working schedule, contact information, profile of each function, justification on the qualification of each worker, prohibited attitudes and sanctions towards the children, permanent and appropriate training of the personnel, assessment of the educational project and actions, ensure interdisciplinary work, and composition and function of the managing board.

Article 6 of the same Order requires that the service is submitted to inspection and keeps all documents necessary for monitoring the performance of its assignments.

Articles 18-23 of the same Order contain the requirements for the staff: at least every 5 years they have to provide a certificate of good conduct and morals, they can't be member of the management body or board of directors of the establishment, they are committed to continuous training and every new staff member has to complete the basis training module within 12 months after recruitment. On the requirements which the personnel must meet, also see Section IV, question 4.5.10 on alternative care.

In addition there's a few French Community Orders of 5 December 2018 that list the requirements for each type of facility:

- On the special conditions for the recognition and granting of allowances to urgent residential services⁵²⁵: a minimum of 7 children and expressed in full-time equivalents 1 educator for the

⁵²⁴ French Community Order of 18 January 2018 on the Prevention, Youth Assistance and Youth Protection Code.

⁵²⁵ French Community Order of 5 December 2018 on the special conditions for the recognition of, and grant of allowances to, urgent residential services.

service, 1 educator per recognised mandate, ½ psycho-social staff, ½ administrative staff, 2 technical staff and 1 director;

- On special conditions for accreditation and subsidy of guidance services⁵²⁶:
 - At least recognised mandates for 18 children for *the psychosocial educational mission* where the staff consists of 3 full-time equivalents for 18 mandates, 4 full-time equivalents for 30 mandates, 5 full-time equivalents for 40 mandates, 6 full-time equivalents for 52 mandates and 7 full-time equivalents for 66 mandates
 - At least recognised mandates for 13 children for *the socio-educational mission* where the staff consists of 5 full-time equivalents for 13 mandates and additional requirements are set when there's more than 13 mandates;
 - At least recognised mandates for 6 children for *the intensive mission* where the staff consists of 2 full-time equivalents for 6 mandates and 4.5 full-time equivalents for 12 mandates when the mission is executed by an antenna (small decentralised unit) and 4.25 full-time equivalents for when not executed by an antenna;
 - For each staff member, the profession they must have and/or the qualification they must have is defined.
- On the special conditions for the recognition and subsidisation of services accompanying deputy guardians⁵²⁷: expressed in full-time equivalents 0.5 social assistant, educator, psychology assistant for 18 recognised mandates when the service is approved for less than 80 mandates or 20 recognised mandates when the service is approved for more than 80 mandates, and in any case 0.5 administrative worker
- On special conditions for the recognition and subsidisation of residential observation and orientation services⁵²⁸:
 - 16.5 full-time equivalents for a *general observation and orientation service* of 10 mandates and 1.25 full-time equivalents for every additional mandate;
 - 13.5 full-time equivalents for an *observation and orientation service for abused children* with 12 mandates;
 - For each staff member, the profession they must have and/or the qualification they must have is defined.
- On special conditions for recognition and subsidisation of general residential services⁵²⁹: a minimum of 15 and a maximum of 60 children and expressed in full-time equivalents for 15 mandates 6.5 educators, 0.5 psychosocial worker, 0.5 administrative assistant, 1.5 technical employee and 1 director, additionally 0.5 educator for each subsequent 1.5 mandates, 0.5 psychosocial worker and 0.5 administrative assistant for each subsequent 15 mandates and 0.5 technical employee for each subsequent 5 mandates. When the services has more than 28 full-time equivalents a general director is assigned who is assisted by 1 educational director and 1 director.

⁵²⁶ French Community Order of 5 December 2018 on special conditions for accreditation and subsidy of guidance services.

⁵²⁷ French Community Order of 5 December 2018 on the special conditions for the recognition and subsidisation of services accompanying deputy guardians.

⁵²⁸ French Community Order of 5 December 2018 on special conditions for the recognition and subsidisation of residential observation and orientation services.

⁵²⁹ French Community Order of 5 December 2018 on special conditions for recognition and subsidisation of general residential services.

- On special conditions for recognition and subsidy of action services in open environment⁵³⁰
- On the special conditions for the recognition and subsidisation of foster care support services⁵³¹:
 - o A minimum of 72 mandates per decentralised unit for medium- or long-term foster care and expressed in full-time equivalents 0.25 psychologist or doctor for 18 mandates, 0.5 social assistant for 12 mandates and 0.25 administrative assistant for 18 mandates
 - o A minimum of 6 mandates per decentralised unit for short-term or urgent foster care and expressed in full-time equivalents 0.25 psychologist for 6 mandates, 1 social assistant, psychology assistant or educator for 3 mandates and 0.25 administrative assistant for 6 mandates
- On special conditions for the recognition and subsidisation of specialised residential services⁵³²: 15 mandates of which at least 2/3 for boys who have committed an offence defined as a crime and expressed in full-time equivalents 12 educators, 1.5 psychosocial assistant, 0.5 administrative assistant, 1.5 technical assistant and 1 director.
- On special conditions for the recognition and subsidisation of restorative and educational services⁵³³:
 - o A minimum of 34 mandates per service and 4.5 full-time equivalents for 34 mandates, 5.5 full-time equivalents for 45 mandates, 6.5 full-time equivalents for 56 mandates, 7.5 full-time equivalents for 68 mandates and 8.5 full-time equivalents for 80 mandates;
 - o For each staff member, the profession they must have and/or the qualification they must have is defined.

In the **German-speaking Community**, Article 30 of the German-speaking Community Order of 14 May 2009 (as amended by Government order of 29 November 2018)⁵³⁴ on youth assistance and youth care lists the requirements any youth care service must fulfil in order to be accredited:

- The service must be performed under a specific contract by a legal person that has an appropriate professional qualification;
- No person ensuring the service may have a mention on its certificate of good conduct incompatible with an activity in youth assistance;
- Depending on the mission, specific training and expertise may be required. In which case, regular training will have to be undertaken in order to ensure that all workers benefit from up-to-date training;
- The management of the facility must be carried out by a person holding a bachelor or master degree in educational or social sciences;

⁵³⁰ French Community Order of 5 December 2018 on special conditions for recognition and subsidy of action services in open environment.

⁵³¹ French Community Order of 5 December 2018 on the special conditions for the recognition and subsidisation of foster care support services.

⁵³² French Community Order of 5 December 2018 on special conditions for the recognition and subsidisation of specialised residential services.

⁵³³ French Community Order of 5 December 2018 on special conditions for the recognition and subsidisation of restorative and educational services.

⁵³⁴ German-speaking Community Order of 14 May 2009 on youth assistance.

- All contractors must collect information and relay it to the contracting authority through regular monitoring meetings;
- All contractors must submit a full activity report to the Ministry once a year.

With regard to criteria related to sound management, under Article 31 of the same Order it is compulsory for any youth care service to submit, as part of the accreditation procedure, a management project, a description of the functions and qualifications of the personnel as well as evidence of professional qualification for the professions requiring specific certification (e.g. psychologist).

In accordance with Article 3 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures, the services of the Ministry of the German-speaking Community that are active in youth welfare and youth protection have a quality manual. The manual includes in particular information on:

1. the procedure of the services: from the receipt of an application/order to the closing of the file;
2. the criteria for ensuring quality assurance;
3. the mission statement of the services;
4. the deontological guidelines.

Question	YES	NO	Comments
<p>5.1.5. Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and measures and in the development of child protection policies and legislation?</p> <p><u>If yes</u>, at what level is this done? Please provide indicative examples.</p>	X	X	<p>In the Flemish Community, integrated youth care (IYC) is a policy line that aims to create preconditions to improve the quality of youth care. These preconditions were laid down in legislation by decree in 2013 and have been implemented in Flanders since 2014. The Advisory Council Integrated Child Protection (<i>Adviesraad Integrale Jeugdhulp</i>) is informed by the Flemish Government of every draft regulatory decision taken to implement the Flemish Community Decree of 12 July 2013 on integrated child protection and formulates reasoned advice on the development process and the substantive policy choices that must lead to more integral youth assistance. The Advisory Council is composed of representatives of children, parents, ethnic-cultural minorities, people living in poverty, people with disabilities and organisations of youth assistance.⁵³⁵</p> <p>One of the major challenges for Integrated Youth Care is to shape participatory youth care. A participatory youth care practice presupposes that everyone can contribute their own perspectives and opinions to the debate.</p>

⁵³⁵ Articles 59-60 of the Flemish Community Decree op 12 July 2013 on integrated child protection.

Besides a principle, participation is also an objective in and through youth care. Participation of minors, parents and carers is important on three levels.

The individual case in youth care: how strong is the participation of child and parents in that which happens to him/her within this assistance process?

Second, the level of youth care services: what about the involvement of children and parents in the decisions made by the organisation or care service?

And third, the structural policy level: what about clients' participation regarding policy decisions and trends within or across sectors?

Besides the Integrated Youth Care Decree, there is the Decree on the Rights of Children in Youth Care, which became operational on 1 July 2006 and was extended in 2019 to the participation of minors in the juvenile justice system. This decree gives minors a clear status in youth care. It regulates the relationship between them (and their parents) and services and facilities.

In recent years, the interpretation of policy participation has mainly taken shape through the participation of client representatives and related organisations in policy bodies at the Flemish and regional levels. In addition, clients (and their organisations), both regional and Flemish, were given the opportunity to influence policy by participating in various policy developments concerning youth care, among other things. The design of the new youth penal law, the development of monitoring e-youth, the developments around 1 family 1 plan, pathways for young adults, safe residence... and this in various ways.

Recently (2018 and 2020), the Flemish Government approved regulations whereby client organisations are officially recognised and structurally financed, and the establishment and financing of a client platform also became possible. This gives organisations that represent the interests of clients and make their voices heard at all levels of youth care the opportunity to further put themselves on the map and gain a permanent place in the youth care landscape.

In the **French Community**, the community council for prevention, youth care and child protection (*conseil*

		<p><i>communautaire de la prévention, de l'aide à la jeunesse et de la protection de la jeunesse</i>) has a general competence to give opinions and proposals on all policies related to the prevention, child protection and youth care. The council is composed of a member of each youth care district council, representatives of the accredited organisations working in youth care, representatives of French Community youth care services, a representative of the Ministry of Justice, a representative of the youth judges union and representatives of other related agencies. Children and families are not consulted but many representatives of services and agencies are included in the council.⁵³⁶</p> <p>In the German-speaking Community, no consultation with children and families was identified in the regulations. Consultation with children and families in the evaluation of services and in the development of projects and legal provisions is indirectly ensured through consultation with the services that care for and accompany the children. For example, the consultation of the Monitoring Committee for Youth Welfare and the exchange with the Council of German-speaking Youth (definition and mission statement of the RDJ - Council of German-speaking Youth in East Belgium) in the context of the development of the new decree on youth welfare and protection.⁵³⁷</p>
5.1.6. Is the responsibility for data collection on child protection determined in the legislative framework?	X	<p>In the Flemish Community, all accredited organisations must collect data as part of their internal quality policy plan. This information will in turn be communicated to the competent administration (WVG) as part of the general reporting process to the Flemish Government and Flemish Parliament taking place once per legislature (articles 7 and 8 of Decree of the Flemish Government of 17 October 2003).⁵³⁸ On top of that the facilities have to submit an annual quality report for the previous year by June 1st of each year and need to report any serious event without delay and within forty-eight hours of occurring (article 11 of the Order of the Flemish Government of 5 April 2019).⁵³⁹</p>

⁵³⁶ Articles 126-127 of the French Community Decree of 18 January 2018 containing the law on prevention, youth care and child protection.

⁵³⁷ Interview with the Youth Assistance Services (*Jugendhilfedienst*) from the German-speaking Community.

⁵³⁸ Decree of the Flemish Government of 17 October 2003 on the quality of health and welfare services.

⁵³⁹ Order of the Flemish Government of 5 April 2019 on the conditions of approval and subsidy standards for facilities in youth assistance.

			<p>In the French Community all accredited organisations must collect data and submit an annual activity report before June 30th of each year to the administration (article 24-25 of the French Community Order of 5 December 2018⁵⁴⁰).</p> <p>It is also required that care providers relay information on significant events impacting the services provided to the child within 24 hours upon learning of these facts (Article 11 of the same Order).</p> <p>In the German-speaking Community, Article 30 of the German-speaking Community Order of 14 May 2009 on youth assistance and youth care lists the requirements any youth care service must fulfil in order to be accredited. One of these criteria relates to the obligation of the service to collect information and relay it to the contracting authority through regular monitoring meetings. Moreover all youth care services must submit once a year a full activity report to the Department.⁵⁴¹</p>
<p>5.1.7. Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level?</p> <p><u>If yes</u>, Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level?</p>		X	<p>Each Community is competent for collecting data on child protection. It is done at the level of judicial districts.</p> <p>In the Flemish Community, the Agency Growing Up (Agentschap Opgroeien), in collaboration with the other agencies and Department of Welfare, Health and Family of the Flemish executive (<i>het Departement van Welzijn, Volksgezondheid en Gezin</i>) is competent to monitor and collect data on child protection.⁵⁴²</p> <p>In the French Community, the Wallonia-Brussels Federation General Administration for Youth Care is competent to monitor and collect data on child protection.</p> <p>In the German-speaking Community, the Ministry's Youth Care Department is competent to monitor and collect data on child protection.</p>
<p>5.1.8. Are there common indicators in place to monitor the performance</p>		X	<p>In the Flemish Community, the Flemish Government develop and monitor indicators in the Flemish</p>

⁵⁴⁰ [French Community Order of 5 December 2018](#) on the general conditions for recognising and subsidising the services referred to in Article 139 of the Decree of 18 January 2018 on the Prevention, Youth Assistance and Youth Protection Code.

⁵⁴¹ [German-speaking Community Order of 14 May 2009](#) on youth assistance.

⁵⁴² Website of the [intersectoral annual report child protection](#).

<p>of the child protection system?</p>		<p>Community using the mechanism of Flemish Public Statistics (<i>Vlaamse Openbare Statistieken</i>).⁵⁴³ It is not however specific to child protection but to Flemish policy efficiency overall. The Agency Growing Up (<i>Agentschap Opgroeien</i>) is competent to monitor child protection policy performance.</p> <p>The Children's Rights Monitor captures (part of) the living situation of children, as well as the context, processes and structures that impact on it. The monitor ensures that children's rights are more strongly on the agenda within the various policy areas: it provides material to develop future policy or adjust existing policies.⁵⁴⁴ A renewed Children's Rights Monitor is being prepared by the researchers of the AP Hogeschool and will be published in November 2023.</p> <p>The Flemish government is also one of the partners, besides the other Belgian governments, within the cooperation agreement on the National Commission on the Rights of the Child, which elaborated National Child Rights Indicators⁵⁴⁵ an specific studies on 'Children in migration' and 'Children placed in youth protection institutions'⁵⁴⁶.</p> <p>In the French Community, the Observatory for Childhood, Youth and Child Protection (<i>Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse</i>)⁵⁴⁷ has the task to develop indicators to monitor the implementation of youth care policies in the Community. The Observatory will also proceed to an assessment of the youth care policies and make recommendations to improve the youth care system.⁵⁴⁸ The collected data is disaggregated by age, gender, etc. Socio-economic data are also analysed.⁵⁴⁹ And the administration is keen to further develop its indicators.⁵⁵⁰</p>
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⁵⁴³ Website of the [Flemish Public Statistics](#).

⁵⁴⁴ Website on the [Children's rights monitor](#).

⁵⁴⁵ <https://ncrk-cnde.be/en/projects/belgian-national-child-rights-indicators/>

⁵⁴⁶ <https://ncrk-cnde.be/en/projects/specific-surveys/>

⁵⁴⁷ French Community Decree of 12 May 2004 establishing the Observatory for Childhood, Youth and Youth Care.

⁵⁴⁸ Website of the [Observatory for Childhood, Youth and Child Protection](#).

⁵⁴⁹ [Website](#) with statistics of the Wallonia-Brussels Federation.

⁵⁵⁰ [Article](#) on the actualisation of the youth care indicators.

			In the German-speaking Community , mainly qualitative data is kept, for example: how many cases and which assistance is offered (number of adoptions, numbers of foster families,...). ⁵⁵¹
5.1.9. Are there data protection protocols in place and adhered to?			Every government agency has a data protection officer (DPO). Information on the protocols has not (yet) been identified. In the German-speaking Community the data protection provisions can be found in the articles 30 and 31 of the German-speaking Community Decree of 19 May 2008 on youth assistance and on the implementation of youth care measures. ⁵⁵² The processing of personal data is carried out in compliance with the General Data Protection Regulation (GDPR). ⁵⁵³
5.1.10. Are there any gaps in the data collection system related to child protection in the country, which have been identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and consistent collection of data related to child protection at national, regional, or local level? Please mention if efforts are made to address these gaps.			
<p>In the German-speaking Community the Youth Care Department uses anonymised data on the children and families in its care to compile analyses and statistics. The preparation of analyses and statistics serves the Youth Care Department to determine the needs in youth care and protection and to plan policies in youth care and protection. A system for collecting and processing this data did not exist until now. In order to improve data collection and processing, a digital file management system is currently being introduced in the youth welfare department.⁵⁵⁴</p> <p>No information was identified for the Flemish and French Community.</p>			

5.2. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

More data is collected and reporting happens on a more regular base.

In its latest concluding observation on Belgium (2019), the UN Committee on the Rights of the Child “notes with regret that child abuse, including domestic violence, is underreported and insufficiently documented in the State party” and recommends “to improve its centralized data-collection system, including by reviewing the national indicators on the rights of the child that should cover all areas of the

⁵⁵¹ Activity Report of the Youth Care Department of the Ministry of the German-speaking Community, 2020.

⁵⁵² [German-speaking Community Decree of 19 May 2008](#) on youth assistance and on the implementation of youth care measures

⁵⁵³ Interview with the Youth Assistance Services (*Jugendhilfedienst*) from the German-speaking Community.

⁵⁵⁴ Interview with the Youth Assistance Services (*Jugendhilfedienst*) from the German-speaking Community.

Convention and be disaggregated by age, sex, ethnic and national origin, urban or rural area, geographic location, disability, migration and socioeconomic status, in order to facilitate analysis of the situation of all children, as well as to ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of laws, policies and programmes for the effective implementation of the Convention and the Optional Protocols thereto.”

The **German-speaking Community** is currently working on a new decree on youth care and protection. The preliminary draft of the decree was sent to the Legislative Department of the Council of State for an opinion on 28 March 2023. The new decree is scheduled to enter into force on 1 January 2024. This decree will combine the provisions on the protection of minors and the revised provisions of the current Youth Welfare Decree of 19 May 2008 into a single legal basis. The decree creates the legal basis for shaping youth care and youth protection in the German-speaking Community in a need- and target-oriented manner for the benefit of children, youths and their families as well as for young adults. The aim is to strengthen prevention in favour of children, young people and their families, to meet the challenges of the future and to be able to offer the necessary youth welfare and youth protection measures.⁵⁵⁵

Both the National Commission on the Rights of the Child (NCRC) and the Flemish Department for Culture, Youth and Media are working on a new version of the National indicators on the Rights of the Child, resp. the Flemish '*Kinderrechtenmonitor*' (children's rights monitor), which will be published before the end 2023. For the moment, this is object of a research project lead by the AP Hogeschool. The project aims to involve all stakeholders (civil society and administrations) as well the NCRC. The level of disaggregation is also object of the research. The NCRC will use the Flemish experience to develop national indicators on the follow-up of the rights of children in Belgium.⁵⁵⁶

5.3. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In 2018, 2019 and 2020, the Youth Care Department of the Ministry of the **German-speaking Community** has published activity reports. The aim of these reports is to give an overall impression of the activities of the Youth Care Department, thus bringing together in a single document descriptive quantitative and qualitative data on the various aspects of the work of the Department's services.⁵⁵⁷

In the **Flemish Community** the Welfare, Public Health & Family Support Centre (*Steunpunt Welzijn, Volksgezondheid & Gezin*) is conducting a number of studies with the aim of achieving better and more coherent data collection and follow-up.⁵⁵⁸

No information is available for the French Community.

⁵⁵⁵ Interview with the Youth Assistance Services (*Jugendhilfedienst*) from the German-speaking Community.

⁵⁵⁶ Interview with the president of the National Commission for Children's Rights.

⁵⁵⁷ Activity Report of the Youth Care Department of the Ministry of the German-speaking Community, 2020.

⁵⁵⁸ [Website](#) of the Welfare, Public Health & Family Support Centre.

6. General education, promotion, and awareness raising

6.1. Education on child rights

6.1.1. Does education on child rights form part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career.

In the **Flemish Community**⁵⁵⁹, human and children's rights are both explicitly and implicitly part of the attainment targets in primary school in the subject 'Mens en maatschappij' (Man and society). Explicitly in 'Politieke en juridische verschijnselen' (Political and legal phenomena) (*"The pupils can illustrate the importance of the fundamental Human Rights and the Rights of the Child. In doing so, they recognise that rights and duties are complementary."*) and implicitly in the section 'Ik en de ander' (Me and the other) (*"In a simple conflict situation in dealing with peers, the pupils show willingness to look for a non-violent solution."*). In an implicit way, children's rights are also addressed in the cross-curricular attainment targets for social skills, e.g. *"The pupils can be critical and formulate their own opinions."* and *"The pupils can cooperate with others, without distinction of social background, gender or ethnic origin."*

In secondary school (general, technical, art and special education type 4 [children with physical disabilities]) children's rights are explicitly addressed in the attainment targets for the key competences 'Burgerschap' (citizenship) and 'juridische competenties' (legal competences). After the first two years, pupils should be able to explain the importance of human and children's rights. After the first four years, pupils should be able to investigate concrete situations related to human rights. At the end of their sixth year, pupils should be able to demonstrate the importance and dynamic nature of human and children's rights. Children's rights are also addressed in an implicit way, e.g. in the cross-curricular attainment targets *"The pupils make healthy choices in their daily diet"*, *"The pupils puncture prejudices, stereotyping, undue influence and abuse of power"* or *"The pupils apply participation and decision-making in real school situations"*.

In secondary school (special education type 3 [children with severe emotional or behavioural problems]) children's rights are explicitly addressed in the domain 'Burgerschap' (citizenship): *"The pupil recognises violations of children's and human rights, prejudice and discriminatory behaviour in himself, in others and in the media."*, *"The pupil instils respect for children's and human rights."* and *"The pupil is prepared to actively and constructively advocate for his own rights and those of others in accordance with human rights principles."*

In every case, the tangible implementation of the attainment targets and the time spent specifically on children's rights depends on the endeavors of each school and its teachers.

In the **French Community**, children's rights are not explicitly mentioned among the skills pupils should master in the primary school up to the second year of secondary school. However, within the core skill 'Formation historique et géographique comprenant la formation à la vie sociale et économique' (Training in history and geography including an introduction to social and economic life) it is expected that *"concerning facts, situations, problems relating to Human Rights, heritage and the environment..."* students after the second year of primary school *"have an opinion and express it"*, after the sixth year of primary school *"question their opinion, adjust it, modify it and forge an opinion"*

⁵⁵⁹ Website of the Flemish Community on the [educational objectives](#).

and after the second year of secondary school “*question their opinion, adjust it, modify it, take a position and express it by putting forward arguments*”.⁵⁶⁰

In secondary education, children's rights are not explicitly mentioned in the attainment targets, but human rights in the broad sense are included in ‘Education for Philosophy and Citizenship’, under the topic ‘*Violence et humanisation*’ (violence and humanization) for the third and fourth year of secondary school, and under the topic ‘*Tensions entre des droits civils*’ (tensions between civil rights) for the seventh year of secondary school.⁵⁶¹ This philosophy and citizenship course promotes coexistence, personal and social development and encourages pupils to work with various concepts and values.

In the **German-speaking Community**, children's rights are addressed both in individual subjects and at various levels.⁵⁶² Social science is being dealt with in history, geography, languages, ethics and religion classes. Political democratic education is part of a cross-curricular and interdisciplinary conception, which finds its implementation in the framework plan-oriented guidelines.⁵⁶³

In the social challenge of human rights, children's rights also come into play in the 3rd grade of primary school and in the 1st/3rd grade of secondary school, with a focus on the philosophical-social science subjects (history, geography and ethics). The guidelines do not give any time guidelines here, it is up to the subject teachers how intensively they deal with children's rights in the respective school levels.⁵⁶⁴

6.1.2. Please provide an overview of the most important national and/or sub-national implemented programmes and activities aiming at educating children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors were those commissioned, funded, and implemented?

Unicef Belgium offers (partly free) teaching materials to use in school or in the education of teachers.⁵⁶⁵ They also offer trainings, lectures, workshops, support and assistance for (future) teachers.⁵⁶⁶ They also organise the Sacha-project which contains free workshops for children between the ages of 10 and 12 years.⁵⁶⁷

The EU-funded project “Children as Champions of Change: Ensuring Children’s Rights and Meaningful Participation” ran from March 2021 - Feb 2023 with seven UNICEF National Committees (Austria, France, Germany, Iceland, Ireland, the Netherlands and Portugal). Advancing Child Rights Schools (CRS) initiatives formed one part of this overall project and was a component in some, but not all, of the project countries. Belgium was not one of these project countries. However, CRS initiatives exist in a number of UNICEF NatComs, outside of this short period of EU funding for the particular countries listed above. In Belgium, there is an initiative Kinderrechtenscholen/School 4 Rights/Ecoles des droits de l’enfant platform of NGOs (see question 6.2.1). UNICEF Belgium supports two schools at the moment. The partnership is based on the principles of the CRS ‘whole school approach to CRE’. However, as the initiative is not run solely by the NatCom, it is not called a “UNICEF CRS initiative”.

⁵⁶⁰ Educational objectives for primary school up to the second year of secondary school in the French Community.

⁵⁶¹ Educational objectives for secondary school in the French Community.

⁵⁶² Educational objectives in the German-speaking Community.

⁵⁶³ Framework plan-oriented guidelines for political democratic education.

⁵⁶⁴ Interview with the Head of the Department Pedagogy from the Ministry of the German-speaking Community.

⁵⁶⁵ Website of Unicef Belgium.

⁵⁶⁶ Information on trainings by Unicef Belgium.

⁵⁶⁷ Information on Sacha-project.

In the **Flemish Community**, colleges of higher education are expected to train their students to become teachers with a number of basic competences, including "documenting oneself about one's own legal position and that of their students" (FG9: 'The teacher as a member of the educational community'). Children's rights provide a framework for the functional whole 'The teacher as educator' (FG2) and the expected attitudes, e.g. 'A3: critical mind-set including willingness to question oneself and one's environment,...' and 'A7 - sense of responsibility: feeling responsible for the school as a whole and making the commitment to promote positive development of the child.'⁵⁶⁸

The teacher education of UCCL (University College Leuven Limburg) created an online tool 'Reflect to act' to help strengthen future teachers' reflective capacity on different topics from a child rights framework. This was created in collaboration with Unicef Belgium.⁵⁶⁹

The AP HOGESCHOOL ANTWERPEN, HOGENT, KeKi and Unicef Belgium collaborated to create a platform 'Start to children's rights' (Start to kinderrechten⁵⁷⁰) which provides testimonies, inspiration material, reflection, info and vision texts for teachers (in training) to work with students around children's rights. On this platform the Children's Rights Education toolkit by Unicef is provided.⁵⁷¹

In its December 2019 report, *La Code* analyzed the program of several post-secondary pedagogical education courses in the **French Community**: on the basis of this - albeit non-exhaustive - study, *La Code* points out that neither the Convention nor children's rights are explicitly part of the training of future teachers.⁵⁷²

In the **German-speaking Community** the framework for history classes in primary school and the first level of secondary school, children's rights are explicitly dealt within the following levels and chapters:

- 3rd level primary school: affluent society in Western Europe in the 20th and 21st centuries.
- 1st level secondary school: Development towards a democratic state structure

In the subjects of geography, ethics and languages, children's rights are also addressed in the 3rd level of primary school and in the 1st/3rd level of secondary school.

In Year 6 of primary school, learners explore their community. Children's rights are also discussed when they visit extracurricular places of learning (town hall, police, PSWC).

In the third level of secondary school, children's rights are present in the following chapter: new developments and innovations in work and everyday life.⁵⁷³

In addition, children's rights are regularly considered and dealt with in the school competition of the Federal Agency for Civic Education. Students in the German-speaking Community have the opportunity to participate in the largest German-speaking competition for political education and have achieved considerable success in recent years.⁵⁷⁴

The Grenz-Echo (a newspaper in the German-speaking Community) also offers a permanent forum for children's rights in the various school levels with the platforms Kinderecho, Zisch and Journalist for a day.⁵⁷⁵

⁵⁶⁸ Website on the Flemish educational goals.

⁵⁶⁹ Website of Reflect to act.

⁵⁷⁰ Website of Start to children's rights.

⁵⁷¹ The Children's Rights Education toolkit.

⁵⁷² <https://lacode.be/wp-content/uploads/2022/09/Analyse-Les-droits-de-lenfant-ont-30-ans.pdf>

⁵⁷³ Framework history classes.

⁵⁷⁴ Article on the BPB-competition.

⁵⁷⁵ Interview with the Head of the Department Pedagogy from the Ministry of the German-speaking Community.

6.2. Promotion and awareness raising

6.2.1. Please provide information on awareness raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.

In response to a question from a school regarding children's rights education to address the problematic situations at their school, Plan International Belgium and Vormen vzw developed a framework for a holistic approach to children's rights at school. Through a partnership with other children's rights organizations⁵⁷⁶, primary and secondary schools are guided in a pathway to obtain a quality label '**Kinderrechtenschool**' for primary schools and '**School for rights**' for secondary schools.

To earn this label, schools must:

- provide a collaboration between pupils, teachers, management and support staff to realise child and youth rights at school;
- raise awareness in children and young people of their own rights and those of peers worldwide;
- give children's rights a place in everyday school culture: in lessons, school regulations, activities;
- apply children's rights transversally across grade levels and cross-curricular, throughout the school career;
- allow pupils to grow into solidary, empowered and responsible youngsters with an open view of the world.

Currently there are 31 schools who obtained the label and 12 more who started the trajectory.⁵⁷⁷

The website '*tZitemzo*' (it's like this) provides information and advice on children's rights in general and on Belgian juvenile justice in particular to children, young people and adults (parents, teachers and professionals).⁵⁷⁸ They also organize a free scavenger hunt in Ghent with 12 stops, each referring to a specific right under the Convention on the Rights of the Child.⁵⁷⁹

The '*Kinderen op de vlucht*' platform (children on the run platform) is a national, bilingual platform of 55 organisations (members and observers). Through coordination, the Children on the Run Platform aims to improve the protection and social inclusion of these particularly vulnerable groups. The

⁵⁷⁶ The partners are: KIYO (Dutch-speaking and French-speaking secondary education), Djapo (Dutch-speaking primary education), 'RCN Justice & Démocratie' (French-speaking secondary education), Plan International Belgium (Dutch- and French-speaking secondary and primary education), VIA Don Bosco (Dutch and French-speaking secondary education), Unicef (Dutch- and French-speaking secondary and primary education). In addition to these 'operational partners', the Partnership reinforces itself with 'satellite partners', being experts from the broad education field such as, among others, the 'Vlaamse Scholierenkoepel' (VSK) and the 'Comité des Elèves Francophones' (CEF), as well as organisations with specific expertise on children's rights such as Geomoun, le "Délégué général aux droits de l'enfant" (DGDE) and 'Echos Communication'.

⁵⁷⁷ Interview with the coordinator of School for Rights.

⁵⁷⁸ Website of [tZitemzo](#).

⁵⁷⁹ Children's Rights [Scavenger Hunt](#).

Platform aims to improve the expertise of its partners and the wider public by working groups, conducting research and organizing information activities, trainings and study days. The Platform also works to raise awareness among minors themselves about their rights. Finally, the Platform monitors the legislative and institutional framework and formulates recommendations and proposals that ensure respect for the fundamental rights of foreign minors.⁵⁸⁰

Awareness raising on the EU Charter of Fundamental Rights is considered to be too specific to be included.⁵⁸¹

6.2.2. Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure⁵⁸²? Please briefly describe.

In the **Flemish Community** only limited mention is made of the complaint mechanisms from the optional protocol. The Flemish Office of the Children's Rights Commissioner mostly refers to the national complaint mechanisms. They have their own complaints hot line, which is accessible by phone, the complaints form on their website or by email. The employees listen and research violations of children's rights, and mediate. These services are free and confidential.⁵⁸³ They have a [Facebook](#), [Instagram](#) and [Twitter](#) page as well as a [YouTube](#) channel. The Flemish Office of the Children's Rights Commissioner also refers to the *Jo-lijn*, which is the complaints hot line for child protection from the Agency Growing Up (*Agentschap Opgroeien*).⁵⁸⁴ This complaints hot line is accessible by phone, email and post.

Complaints against a legal or natural person charged with the implementation of measures within the framework of youth welfare or youth protection or complaints against services of the Youth Welfare Department of the Ministry of the **German-speaking Community** are regulated by Article 34 of the Decree of 19 May 2008 on youth welfare and on the implementation of youth protection measures and Articles 55 and 56 of the Government Decree of 14 May 2009 on youth welfare and youth protection.

Further complaint possibilities were created by the Decree of 21 February 2022 establishing various instruments of information and complaint management in the German-speaking Community. In terms of Articles 7 and 11 of the Decree of 21 February 2022, complaints about services provided by the Ministry of the German-speaking Community or the Government of the German-speaking Community can be submitted to a person of the Ministry of the German-speaking Community who is independent in the complaints procedure.

In addition, on 22 March 2022, the Government of the German-speaking Community, in accordance with Article 3 of the Decree of 21 February 2022, recognized the NPI Consumer Protection Centre as a central and neutral contact point in the German-speaking Community for assistance in the complaints management. It provides citizens with general guidance and information if they wish to lodge a complaint with the authorities (Eine Auskunft zu Beschwerden - VSZ).

The decree of 26 May 2009 establishing the office of an ombudsperson for the German-speaking Community also applies in the context of complaints.

No information is available for the French Community.

⁵⁸⁰ Website of the [Children on the Run Platform](#).

⁵⁸¹ Interview with the president of the National Commission for Children's Rights.

⁵⁸² URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications> [12/12/2022]

⁵⁸³ The Flemish Office of the Children's Rights Commissioner [complaints hot line](#).

⁵⁸⁴ The Agency Growing Up [complaints hot line](#).

6.2.3. Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

The **Belgian Better Internet Consortium (B-Bico)** aims to bring together all Belgian actors and stakeholders working around, or (in)directly concerned with, safe internet, media literacy and positive use of this medium.⁵⁸⁵ It is part of a project funded with support of the European commission under the Connecting Europe Facility Telecom programme. It is a national project coordinated by Child Focus, with Cert.be as the federal partner, Média Animation and le 'Conseil Supérieur de l'Education aux médias' (CSEM) as partners for the French Community and iMinds (Mediawijs.be) as partner for the Flemish Community. The objective of this programme is to implement services that make the internet a trusted environment for children through actions that empower and protect them online.

In the **Flemish Community**, one of the 16 key competences in secondary education is 'Digital competences' which includes 'media literacy'.

The Family Union (*Gezinsbond*) and Child Focus offer trainings for both parents (safe online – *veilig online*⁵⁸⁶), teaching professionals and social workers (practical trainings clicksafesafe – *praktijkgerichte opleidingen clicksafesafe*⁵⁸⁷). Both courses focus on the use of internet among children and young people and how to deal with it pedagogically and didactically, and provide a toolbox of educational materials. These courses also integrate the new concept '*Iedereen een Max*'⁵⁸⁸ (everyone a Max), which aims to provide every child with a confidant. In this way, every child has an accessible point of contact in his or her environment, to whom they can turn for questions about (online) doubts and problems and who can help them look for information or help.

'Is this allowed online' (*Magditonline*⁵⁸⁹) is a website by the University of Ghent in collaboration with Child Focus and the Flemish Office of the Children's Rights Commissioner. It provides tips for parents on what photos they can and cannot post online. There is also guidance for influencers on what they can and cannot share.

'Mediaraven' offers a diverse range of trainings about young people and digital media as well for young people and all those working with young people, with a particular focus on youth work and teachers.⁵⁹⁰

'Mediawijs' is the Flemish Knowledge Base for Digital and Media Literacy of the Flemish government and imec vzw. Mediawijs helps residents of Flanders and Brussels to use and understand digital technology and media actively, creatively, critically and consciously, so that everyone can participate in society.⁵⁹¹ Mediawijs and Ketnet (Flemish TV channel for children) challenge primary school children and their teachers to work on media literacy with their program The Scale of M (*de Schaal van M*). They offer free educational material that covers a wide variety of themes, such as games, advertising, (fake) news, social media, screen time and online risks. Classes from the fifth and sixth grade can participate in the 'De Schaal van M' competition to win the title of 'Most media-wise class of Flanders'.⁵⁹² News in the Class (*Nieuws in de klas*) is an educational project for pupils and teachers in the fifth and sixth year of primary school, secondary school, teacher trainings, primary education

⁵⁸⁵ Website of the [Belgian Better Internet Consortium](#) (B-Bico).

⁵⁸⁶ Website on the [safe online](#) trainings.

⁵⁸⁷ Website on the [Clicksafesafe](#) trainings.

⁵⁸⁸ Website of [Everyone a Max](#).

⁵⁸⁹ Website of [Is this allowed online](#).

⁵⁹⁰ Website of [Mediaraven](#).

⁵⁹¹ Website of [Mediawijs](#).

⁵⁹² Website of [The Scale of M](#).

centres, social promotion education, adult education and hospital schools that focuses on news and information literacy. It encourages children and young people to deal with news and current affairs critically and consciously, as well as actively and creatively.⁵⁹³

'[MediaNest](#)' is a media education website that informs and raises awareness about these media-wise topics. Parents can go there with all their questions about their children's media use from 0 to 18 years old.⁵⁹⁴

In the **French Community**, the '[Pix tests](#)'⁵⁹⁵ are used. These tests target all layers of the population and are formatted according to the abilities of each target group. They focus on five main pillars: information and data, communication and collaboration, content creation, protection and security and digital environment. Based on the results of the tests, videos and tutorials with more explanations are recommended to better manage and protect the use of the computer and internet.

The curriculum of the teacher education has been reformed in 2019 as of school year 2022-2023. Media literacy has been included in the program.⁵⁹⁶

In the **German-speaking Community** there is a Framework-oriented guideline for the development of information literacy and media competence, which provides materials for both primary and secondary schools.⁵⁹⁷

6.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measure targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

'[Apestaartjaren](#)' is a biennial survey of children and young people in Flanders and Brussels inquiring about their digital lifestyles. What devices do they use? What do they do on them? What are their media skills and attitudes? This research is being carried out by 'Mediaraven' and 'Mediawijs' in collaboration with Link In De Kabel, WAT WAT and the MICT department at the University of Ghent / IMEC, with the support of the city of Ghent and the Flemish government.⁵⁹⁸

⁵⁹³ Website of [News in the class](#).

⁵⁹⁴ Website of [Media Nest](#).

⁵⁹⁵ Website of the [Pix Tests](#).

⁵⁹⁶ [French Community Decree of 7 February 2019](#) defining the initial teacher education.

⁵⁹⁷ [Guideline of the German-speaking Community](#) on information literacy and media competence.

⁵⁹⁸ Website of [Apestaartjaren](#).

7. Child participation and community engagement

7.1. Complaint procedures

Question	YES	NO	Comments
7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles ⁵⁹⁹ in place, with an ability to hear, review and enforce individual complaints from children?	X		<p>In the Flemish Community there is the Flemish Office of the Children’s Rights Commissioner. It is an independent body established by decree by the Flemish Parliament. It is not part of a human rights institution; it exists entirely on its own. Although the Flemish Office of the Children’s Rights Commissioner doesn’t have the accreditation from GANHRI, it is fully compliant with the Paris Principles. It detects signals from children, adolescents, parents, professionals and other people around the child about the observance and application of children's rights in Flanders. It mediates, investigates complaints and advises policy makers.⁶⁰⁰</p> <p>By decree of 28 October 2022⁶⁰¹, the Flemish Government established a Flemish Human Rights Institute (<i>Vlaams Mensenrechteninstituut – VMRI</i>). It is scheduled to start up on 15 March 2023. In addition to a mediation function for complaints, there is also a dispute chamber. However, this is limited to complaints regarding discrimination. The dispute chamber can assess in a non-binding manner whether discrimination has occurred and make recommendations to a person who has discriminated.</p> <p>Given the recent start-up of the VMRI, there is at this point no cooperation yet with the Flemish Office of the Children’s Rights Commissioner. However, there will be meetings in the near future to map out a possible collaboration.⁶⁰²In the French Community, you have the “délégué général aux droits de l'enfants” (general delegate for children's rights). His mission and duties are</p>

⁵⁹⁹

URL:

[https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20\(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness](https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness) [12/12/2022]

⁶⁰⁰ Interview with the Flemish Office of the Children’s Rights Commissioner and the information found on their [website](#).

⁶⁰¹ [Decree of the Flemish Government of 28 October 2022](#) establishing a Flemish human rights institute, BS 9 November 2022.

⁶⁰² Interview with the Flemish Office of the Children’s Rights Commissioner and the Flemish Human Rights Institute.

		<p>similar to those of the Flemish Office of the Children's Rights Commissioner.⁶⁰³</p> <p>The federal ombuds⁶⁰⁴ and the ombuds of the German-speaking community⁶⁰⁵ can also deal with complaints about children's rights, but they are not specifically focused on this nor is their information aimed at children. The national human rights institute (<i>UNIA</i>)⁶⁰⁶ can deal with complaints from minors, though solely when these are related to discrimination. Their information isn't aimed at children.</p> <p>There is no hierarchy between the federal and the regional ombuds offices: they each have their own full competence as laid out in their acts of incorporation, particularly complaints about the respective federal or regional governments.</p>
<p>7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact with the law and for children to access justice and seek redress and remedies for violations of the child protection rights?</p>	<p>X</p>	<p>As such, there are no specialised Courts to seek redress and remedies for violations of the child protection rights.</p> <p>In family court children can be heard privately by the judge when there is no settlement between the parents and the case concerns the residence regime. When there is a settlement between the parents, the court will homologate this without hearing the children. Children aged 12 years and over are always invited in writing to be heard. Children under 12 may be heard at their own request or at the request of their parents, the prosecution or the court. The judge may refuse to hear a child under 12 years of age in a reasoned decision if the parents request it. It cannot be refused when the child himself or herself or the public prosecutor requested it.</p> <p>The specialized youth courts handle cases of troubling situations and juvenile delinquency. Here too, children aged 12 years and over are heard. They also enjoy the assistance of a lawyer. The juvenile court applies federal and/or community regulations.</p>

⁶⁰³ The [website](#) of the general delegate for children's rights for the French Community.

⁶⁰⁴ The [website](#) of the federal ombuds.

⁶⁰⁵ The [website](#) of the ombuds of the German-speaking Community.

⁶⁰⁶ The [website](#) of UNIA.

7.2. Feedback mechanisms

Question	YES	NO	Comments
<p>7.2.1. Are there government support fora such as children’s groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from children and children’s groups who have received child protection services?</p>	X		<p>For the Flemish Community the Decree of 6 July 2012 supporting and promoting local youth policy⁶⁰⁷ stipulates that local boards should establish a <i>youth council</i>.</p> <p>The <i>Flemish Youth Council</i> is the official advisory body for the Flemish Government on all matters concerning children, young people and their organisations in Flanders. This means that all Flemish Ministers have to ask the Flemish Youth Council for advice whenever they want to make a decision that will have consequences for children and young people. The Flemish Youth Council may also give advice of its own accord, if policy makers forget to ask for advice or when they deem it necessary.⁶⁰⁸ The Flemish Youth Council monitors how advices are taken into account. A recent good example is the advice on housing. This advice was given at the occasion of Housing Action Day (23 March 2023). On the website of the youth council information is given on the way the advice is used as a base for discussion by oppositional and majority political parties.⁶⁰⁹</p> <p>The Decree on supporting and promoting local youth policy⁶¹⁰ also made a youth council compulsory at the municipal level. The municipal executive <u>must</u> seek the advice of the youth council on all matters relating to youth policy, including when drawing up the multi-year plan. In addition, the youth council can issue advice on its own initiative on all matters relating to children and young people. When taking decisions, the municipal executive shall justify why the municipal executive does not follow the youth council's advice, or only partially.</p> <p>The Flemish pupils council (<i>Vlaamse Scholierenkoepel - VSK</i>) is the organisation of, for and by all students in Flemish secondary education. In 2002, VSK received a subsidy of up to 528,000 euros. In 2021, the Flemish</p>

⁶⁰⁷ Decree of the Flemish Government of 6 July 2012 supporting and promoting local youth policy.

⁶⁰⁸ Website of the [Flemish Youth Council](#).

⁶⁰⁹ [Newsflash](#) on the website of the Flemish Youth Council.

⁶¹⁰ Decree of the Flemish Government of 6 July 2012 on supporting and promoting local youth policy, BS 9 August 2012.

		<p>Government concluded for the first time a management agreement with VSK, i.e. for the period 2021-2023. This enshrines the objectives around which VSK must work. In the framework of the 2021-2023 management agreement, VSK monitors a number of aspects of its operations, such as the calculation of pupil participation (number of schools that participated in an activity, guidance or training by VSK on pupil participation) and the quality of the training courses (based on the evaluation scores of training courses by participants).</p> <p>The Flemish Government also developed a label '<i>Child-friendly Cities and Municipalities</i>' to promote broad quality local youth policies.⁶¹¹ The label recognises cities and towns that strive to realise all the rights of the child as defined in the Convention on the Rights of the Child.</p> <p>A child-friendly city or municipality:</p> <ul style="list-style-type: none"> - Has a broad base of support for long-term work on child-friendliness; - Focuses on the participation of children and young people; - Bases its policy on an analysis of all policy areas that touch on the living environment of children and young people; - Interacts with other stakeholders; - Ensures strategic anchoring of its choice of child-friendly policies. <p>With the toolkit provided, every city and municipality can map its child-friendliness and draw up a child-friendliness strategy. Child-friendliness is thus a goal to be pursued at all times, never an end result. Local authorities that are members of Bataljong can use the tools free of charge to follow a path towards child-friendly policy, either independently or under Bataljong's guidance.</p> <p>In a portfolio, a city or municipality demonstrates that it meets all the conditions. A jury consisting of experts in the field of (local) youth and children's rights policy assesses the portfolio. If a</p>
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⁶¹¹ Website on the [Child-friendly cities and municipalities](#).

		<p>city or municipality is awarded the label, it is valid for six years.</p> <p>After six years, a city or municipality with the label can choose to extend its label. It does so by completing a 'compass' and organising a visitation visit for the jury.</p> <p>On 19 November 2021, the Flemish Parliament organised its first '<i>Children's Rights Day</i>', which will be organised biannually. More than 70 young people aged between 14 and 18 entered into discussions with 22 Flemish elected representatives in six committees. The topics on the agenda were climate, mobility, equal opportunities, education, leisure and welfare. In the morning they prepared the resolutions, in the afternoon the young people went into conversation with the Flemish elected representatives regarding their ideas, questions and concerns. The Flemish Office of the Children's Right Commissioner uses the feedback from the participants for policy advice to committees.⁶¹²</p> <p>Cachet is a network of young people with personal experience in youth care and who use their experiences to inspire other children and young people, the care sector, public opinion and policy. To this end, they organize information evenings for young people, provide training for care providers and write policy advice.⁶¹³</p> <p>In 2018 and 2019, at the request of the French Community Government, a broad consultation of children was organised by the Observatory for Children, Youth and Youth Services (<i>Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse</i>) regarding the development of a new action plan on children's rights.⁶¹⁴ A new participative process has been launched in 2023 concerning the 2020-2024 plan. The government of Wallonia has also asked its administration to conduct a participative process in collaboration with the Observatory.</p> <p>Until 2019 the '<i>Conseil de la Jeunesse</i>' (the French-speaking Youth Council) was the official advisory and representative body for young people within the French Community (in</p>
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⁶¹² Interview with the Flemish Office of the Children's Right Commissioner.

⁶¹³ Website of [Cachet vzw](#).

⁶¹⁴ Website of the [Observatory for Childhood, Youth and Child Protection](#).

		<p>Wallonia and Brussels). Since 2019 it is replaced by the <i>'Forum des jeunes'</i> (youth forum).⁶¹⁵ Its main mission is to give young people a say at national and international level and to defend their interests by negotiating directly with politicians. The youth forum listens to young people everywhere in the French Community and then translates this to community, national or international level. The youth forum is regularly consulted by the various political institutions, in particular by the Minister of Youth of the French Community, on everything related to youth.⁶¹⁶</p> <p>There are youths councils at the municipal level in Wallonia but they are not mandatory.</p> <p>In the German-speaking Community <i>'Der Jugendrat in Ostbelgien'</i> is the link between youth and politics. They organise events, projects and dialogues with and for young people and represent the interests of young people in various committees.⁶¹⁷</p> <p>The three community youth councils also cooperate: they pass on information to each other to see if anything could be applicable across the country.</p>
<p>7.2.2. Are community-based mechanisms functional across the country where necessary and per applicability and per protocols and procedures? Is their effectiveness monitored by independent accountability mechanisms?</p>		<p>Nothing is arranged generically or structurally and there is no general overview. There may be one-off and ad hoc initiatives, but these are neither mapped nor monitored.</p>

7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The Artevelde college and 'Ambrassade' (an amalgamation of the Dutch words for quarrel and embassy) created an app called "**Waddist**" that daily asks three questions to youngsters from 12 to 30 years old to build a comprehensive database of statements and figures about young people by young people. The

⁶¹⁵ [French Community Decree of 3 May 2019](#) establishing a Youth Forum of the French Community.

⁶¹⁶ Website of the [Youth Forum](#).

⁶¹⁷ Website of the [Jugendrat](#).

results are shared with press, policymakers, youth organisations and other CSOs, researchers and young people themselves to make as much impact as possible. ⁶¹⁸

‘Aanstekers’ (lighters) is a project by Bataljong co-funded by Erasmus +, a European Union programme. It offers young people a platform to share ideas and dreams about their municipality. Anyone can post ideas or encourage existing ones. ⁶¹⁹

‘Platform C’ is a research project about focusing more strongly on the equal citizenship of children and young people in Flanders, Belgium and Europe. It’s funded by the European Union, carried out by HoGent (the college of Ghent) with the support of external organisations (Kenniscentrum Kinderrechten – Children’s Rights Knowledge Center, Bataljong, Foundation Lodewijk de Raet, cities of Kortrijk and Lokeren, the regional youth service of Meetjesland). ⁶²⁰ Platform C works further on the experience of the Children’s Rights Knowledge Centre with the Reflector and Reflector 2.0 on youth policy participation and a broad youth and children’s rights policy perspective. ⁶²¹

⁶¹⁸ Article on ‘De Ambrassade’ about Waddist.

⁶¹⁹ Website of ‘Aanstekers’.

⁶²⁰ Website of ‘Platform C’.

⁶²¹ <https://keki.be/nl/projecten/reflector-20-beleidsparticipatie-als-katalysator-voor-een-vo-breed-jeugd-en-kinderrechtenperspectief>