## Statement regarding the Rights of (Migrant) Begging Children in Belgium

**By ‘De Kinderrechtencoalitie’ and ‘La CODE (Coordination des ONG pour les droits de l’enfant)’, the Belgian Coalitions for the Rights of the Child**

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Considering the Rights of the Child in the context of international migration, we are calling the attention of the CRC to the articles 72 and 73 of the Concluding Observations regarding Belgium, published in 2010, concerning children begging in the streets. A large majority of the children who are begging in Belgium are migrants, usually with an uncertain legal status, accompanied by a parent or other family member. Therefore, we feel that this is an issue that belongs in the context of migration and therefore should be discussed during this DGD.

We are calling upon the CRC to reconsider the following articles[[1]](#footnote-1):

72. The Committee expresses concern about the 26 May 2010 decision of the 14th Chamber of the Brussels Court of Appeals (Arrêt No. 747) not to prohibit the use of children for begging as long as the adults involved are parents.

73. The Committee calls upon the State party to expressly ban the use of children for begging on the streets whether or not the adults concerned involved are parents.

Above all, we wholeheartedly endorse the view that children do not belong on the streets as beggars and that all State parties should do everything in their power to protect these children. However, we feel that these comments do not take the particularities of the Belgium situation in full consideration.

The occasion for the abovementioned articles was the acquittal of a young woman from Romania who had earlier been convicted with a prison sentence for repeatedly begging accompanied by her two children. We would like to recall that begging in itself is not prohibited by law in Belgium. However, the law does take some extra precautions when minors are involved. Still, parents begging in the company of their children are not automatically considered guilty of child trafficking by Belgian law.

We, as Belgian coalitions for the Rights of the Child, feel that the law adequately handles the current situation regarding children begging in the streets. While, in the light of the vulnerable situation of these children, legal repression seems a necessity, we feel that it does not offer a solution to improve the lives of the children involved. According to us, the issue at hand should be treated as a social situation instead of a legal issue in the first place. We appreciate the differentiation the court in the abovementioned case has made, as was the intention when the law on begging was drafted, between parents begging with their own children and other adults begging with children.

We propose that as a first step, the individual context of families and their reasoning for begging are taken into account. Research shows that parents who are begging with their children in tow in Belgium usually are migrants, mostly without legal residence or access to social assistance. Therefore, they often cannot invoke the same rights as Belgian citizens. It is very important to take into consideration the thresholds they encounter on their way to an income, employment, security and education. For them, begging often forms a strategy for survival. We should not forget how highly vulnerable these parents, and as a result their children, are.

Furthermore, the children involved in these situations are often Rom children from Eastern Europe. Due to cultural reasons, their parents are often suspicious towards early childhood care and pre-school. Instead, they tend to prefer taking care of their own children by themselves, including breastfeeding for an extended period. The aforementioned legal vulnerability makes them even less open to the possibility of being separated from their children, even for a short amount of time, for fear of expulsion.

While there are no justifications for begging on the streets with children as company, we feel that in this context legal repression will not lead to satisfactory results. Instead, we feel the authorities should be providing the minimal conditions for survival to parents, including access to the relevant services. Given the above conditions, combatting the issue requires a process of mediation and counseling, with the promotion of education as a focal point. Where possible, community workers who share the parents’ cultural background should be involved. These mediators should explain the parental responsibilities and the advantages of (early childhood) education. At this point, we feel that the regional and national authorities in Belgium could do much more to support begging families in a systematic way, but this does not include legal repression.

Only in cases where all mediation fails, or where signs of abuse and exploitation are present, parents or other involved adults should legally be held into account. We would like to emphasize that even in these cases, the best interest of the child should take precedence. All legal and alternative measures should be focused on integrating the family into society and directing the child towards education. Incarcerating the parents is not very likely to benefit the children in cases like these.

**Recommendations:**

**We invite the CRC to take our remarks regarding articles 72 and 73 of the Concluding Observations into account**

**We urge the CRC to consider a view that reflects the delicacy of the situation of these families more accurately**

**We encourage the CRC to address the underlying causes of the issue and to urge the Belgian authorities do the same**

More information:

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Our publications on begging (Dutch/French):

<http://www.kinderrechtencoalitie.be/uploads/documenten/position%20paper%20bedelen%20met%20kinderen.pdf>

<http://www.lacode.be/analyse-des-observations-finales.html>

<http://www.lacode.be/pauvrete-et-enfants-en-situation.html>

1. Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Belgium (CRC/C/BEL/CO/3-4) [↑](#footnote-ref-1)