



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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Dear Madam, dear Sirs,

I appreciate your letter of 6 June 2013 regarding the ongoing discussions around paragraphs 72 and 73 of the concluding observations of Belgium submitted by the Committee on 18 June 2010 (CRC/C/BEL/CO/3-4), which read as follows:

“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.”**

Regarding the concerns expressed in your letter I would like to draw your attention to the need of interpreting the concluding observations in accordance with the well-established doctrine of the Committee.

In this respect, I would like to highlight that the Committee has not called for criminalisation. Furthermore, a prohibition does not imply that parents should be imprisoned for violating the prohibition. Any legislation, as well as any individual decision, affecting children must be adopted in accordance with the right of the child to have his or her best interests taken as a primary consideration (see article 3 of the Convention on the Rights of the Child and General Comment N° 14 on the right of the child to have his or her best interests taken as a primary consideration).

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The Committee would also like to mention the recommendations from its Day of General Discussion held in September 2011 on Children of Incarcerated Parents, which include the following:

“10. It was reaffirmed that every child has the right to stay and grow up with his/her parent(s). Furthermore, a child has the fundamental right to grow up in a family and social environment conducive to his/her development. Decisions in relation to this should always be made on an individual basis and with due consideration to the best interests of the child(ren) affected.

11. There was also consensus on the importance of considering alternatives to parental detention when considering possible sentences or pre-trial measures, in situations where detention would negatively affect the rights of the incarcerated person’s child(ren).”

The Committee hopes that this clarification would inform the discussion in the State party on the implementation of the aforementioned concluding observations.

Yours sincerely,



Ms. Kirsten Sandberg  
Chairperson

Committee on the Rights of the Child