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## Recommendation CM/RecChS(2023)5 on European Roma Rights Centre (ERRC) v. Belgium Complaint No. 185/2019

*(Adopted by the Committee of Ministers on 18 October 2023  
at the 1478<sup>th</sup> meeting of the Ministers' Deputies)*

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The Committee of Ministers,<sup>1</sup>

Having regard to Article 9 of the Additional Protocol to the European Social Charter providing for a system of collective complaints;

Taking into consideration the complaint registered on 12 July 2019 by European Roma Rights Centre against Belgium;

Having regard to the report transmitted by the European Committee of Social Rights (ECSR);

Considering the ECSR's conclusion that there has been no violation of Article 13§1 of the Charter for having deprived Traveller families of sufficient resources to lead a decent life and adequately meet their basic needs by freezing their bank accounts;

Having noted that the ECSR, in its decision on the merits, found that the situation in Belgium is in violation of the following provision of the Revised European Social Charter:

**Article E read in conjunction with Article 16 of the Charter due to failure to take sufficient steps to ensure that Traveller families could effectively continue to enjoy their right to adequate housing but that a separate dissenting opinion was expressed with regard to this conclusion.**

The ECSR recalled that States Parties are required to do their utmost to foster acceptance of the different lifestyle of Travellers and that evictions must not render the persons concerned homeless.

The ECSR noted that in the present case, the seizure of assets was carried out within the framework of a large-scale police operation aimed at identifying persons allegedly involved in serious criminal activities. Nevertheless, the ECSR stated that the authorities must carry out their actions in accordance with a procedure that adequately protects the right of the families concerned to housing under Article 16 of the Charter, especially taking into account the disadvantaged and vulnerable status of the Traveller families concerned. In the present case, according to the information available, only at one site targeted by the police operation some form of alternative accommodation was offered.

The ECSR considered that the Belgian authorities had failed to demonstrate that they had taken due and positive account of the particular housing situation and different lifestyle of the Traveller families concerned by the seizure of caravans, nor had they taken sufficient steps to ensure that such families could effectively continue to enjoy their right to adequate housing.

Having regard to the response provided by Belgium in which the government emphasised notably the following:

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<sup>1</sup> In conformity with Article 9 of the Additional Protocol to the European Social Charter providing for a system of collective complaints, the Deputies in their composition restricted to the Representatives of States Parties to the European Social Charter or the Revised European Social Charter participated in the vote.

Belgium has requested the College of Prosecutors' General to widely distribute the ECSR's decision to the prosecutors and to consider specific measures be taken to ensure that a similar violation does not happen again in the future. Also, the National Platform for Roma has launched a proposal for awareness-raising activities for members of the police force concerning the specific needs of Roma and Travellers in the context of police operations involving persons from these groups. More generally, Belgium is taking measures to combat inequalities and discrimination in the framework of the Belgian National Strategy for Roma Integration 2020-2030 and, within the framework of the co-operation agreement on homelessness of 12 May 2014, agreements were concluded to ensure that measures are taken to promote access to adequate housing and to make housing affordable;

Recommends that Belgium:

- further pursue the efforts to ensure that Traveller families are not left without adequate housing in the framework of police operations where Travellers' caravans are seized;
- consider ways to ensure that the specific situation and needs of Travellers are taken into account when carrying out police operations affecting this group;
- indicate the actions taken to comply with this recommendation in the forthcoming report on follow-up to this decision.<sup>2</sup>

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<sup>2</sup> Pursuant to the decision of the Committee of Ministers adopted on 27 September 2022 ([CM\(2022\)114-final](#)) such a report on follow-up will be due approximately two years after the adoption of the recommendation.