



13/07/2023

RAP/RCha/BEL/17(2023)

EUROPEAN SOCIAL CHARTER

Comments submitted by

the FEANTSA concerning the 17th National Report on the
implementation of the European Social Charter

submitted by

THE GOVERNMENT OF BELGIUM

Follow-up to Collective Complaint No. 203/2021

Comments registered by the Secretariat

on 13 July 2023

REPORT FOR FINDINGS 2023

**Department of Social Rights
Directorate General Human Rights and Rule of Law
Council of Europe
1 quai Jacoutot, F-67075
Strasbourg Cedex, France**

Brussels, 13 Juillet 2023

Ref.: Comments to Belgian National report, thematic group 4.

Dear Sir/Madam,

In response to Belgium's country report and in particular the monitoring of the situation of caravan dwellers (linked to Decision 62/2010), FEANTSA refers to its arguments in the case FEANTSA v. Belgium (Collective Complaint No. 203/2021) that there has been no progress regarding the available places and sites for caravan dwellers in Flanders.

Furthermore, we would like to draw your attention to the fact that the Constitutional Court of Belgium ruled in June 2023, in judgment no. 92/2023, on different regulations in social housing in Flanders.¹ On the basis of an action brought by eight organisations, the Constitutional Court annulled three measures which were also cited by the applicant in the case FEANTSA v. Belgium as being contrary to the provisions of the European Social Charter.

The Flemish Government's decision to stop funding municipalities that already have 15% social rented housing was declared unconstitutional. The Flemish government's decision to prohibit social tenants who have been evicted after a serious nuisance from registering for social housing for three years was also ruled unconstitutional. Finally, several provisions relating to privacy were found to be unconstitutional.

Two other measures dealt with in the FEANTSA v. Belgium case were also submitted to the Committee, namely the compulsory registration with the VDAB and the language proficiency rule. These were not found to be unconstitutional, but the Constitutional Court recognised the reduction in the level of protection of the residents concerned. With regard to the language requirement, the Court stated that the limited increase to the next language level should be taken into account. This is in line with the arguments put forward by FEANTSA in FEANTSA v. Belgium on the gradual increase of conditionality to include the right to housing.

Yours sincerely,



**Kjell Larsson
President of FEANTSA**

¹ 92/ 2023 <https://www.const-court.be/public/f/2023/2023-092f.pdf>