

DECISION ON THE MERITS

Adoption: 17 March 2026

Notification: 15 April 2026

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**International Federation for Human Rights (FIDH) and International
Movement ATD Fourth World v. Belgium**

Complaint No. 233/2023

The European Committee of Social Rights, committee of independent experts established under Article 25 of the European Social Charter ("the Committee"), during its 354th session in the following composition:

Aoife NOLAN, President
George THEODOSIS, Vice-President
Tatiana PUIU, Vice-President
Kristine DUPATE, General Rapporteur
Karin Møhl LARSEN
Yusuf BALCI
Mario VINKOVIC
Miriam KULLMANN
Carmen SALCEDO BELTRÁN
Franz MARHOLD
Alla FEDOROVA
Grega STRBAN
Kristina KOLDINSKA
Carmen-Constantina NENU

Assisted by Henrik KRISTENSEN, Executive Secretary

Having deliberated on 20 January 2026, 17 March 2026,

On the basis of the report presented by Alla FEDOROVA,

Delivers the following decision adopted on this latter date:

PROCEDURE

1. The complaint lodged by International Federation for Human Rights (FIDH) and International Movement ATD Fourth World v. Belgium was registered on 1 December 2023.

2. FIDH and International Movement ATD Fourth World allege that Belgium, through the proliferation of municipal regulations prohibiting begging, has failed in its obligation to provide social, legal and economic protection of family life in violation of Article 16 (the right of the family to social, legal and economic protection) of the Revised European Social Charter ("the Charter"). Furthermore, the complainant organisations allege that Belgium has not taken adequate measures to implement a comprehensive and coordinated approach to combating persistent poverty and social exclusion, in violation of Article 30 (the right to protection against poverty and social exclusion) of the Charter. Finally, the complainant organisations maintain that the municipal regulations contribute to systematic discrimination against Roma and aggravate the exclusion of this minority in violation of Article E (non-discrimination) read in conjunction with the aforementioned provisions of the Charter.

3. On 14 May 2024, the Committee declared the complaint admissible.

4. Referring to Article 7§1 of the 1995 Additional Protocol providing for a system of collective complaints ("the Protocol"), the Committee invited the Government to make written submissions on the merits of the complaint by 19 July 2024. Upon the Government's request, the time limit was extended until 19 August 2024.

5. Referring to Article 7§§1 and 2 of the Protocol and pursuant to Rule 32§§1 and 2 of its Rules ("the Rules"), the Committee invited the States Parties to the Protocol, the States having made a declaration in accordance with Article D§2 of the Charter as well as the international organisations of employers or workers mentioned in Article 27§2 of the 1961 Charter, to notify any observations they may wish to make on the complaint by 19 July 2024.

6. The Government's submissions on the merits of the complaint were registered on 19 August 2024.

7. On 23 August 2024, European Network of National Human Rights Institutions (ENNHRI) asked to be allowed to make third-party submission and the Committee, pursuant to Rule 32A§1 of the Rules, decided to invite ENNHRI to submit observations by 31 October 2024. ENNHRI's observations were registered on 31 October 2024.

8. Pursuant to Rule 32A§2 of the Rules, the Government and FIDH and International Movement ATD Fourth World were invited to submit, if they so wished, a response to the observations by ENNHRI by 5 February 2025.

9. Pursuant to Rule 31§2 of the Rules, the President of the Committee invited FIDH and International Movement ATD Fourth World to submit a response to the Government's submissions on the merits by 15 November 2024. The response of International Federation for Human Rights (FIDH) and International Movement ATD Fourth World was registered on 31 October 2024.

10. Pursuant to Rule 31§3 of the Rules, the Government was invited to submit a reply to FIDH and International Movement ATD Fourth World's response by 5 February 2025. Upon the Government's request, the time limit was extended until 26 February 2025. The Government's reply was registered on 26 February 2025.

11. In accordance with Rule 28bis of the Rules of the Committee, Olivier DE SCHUTTER did not take part in the consideration of this complaint.

SUBMISSIONS OF THE PARTIES

A – The complainant organisations

12. FIDH and International Movement ATD Fourth World allege that Belgium, through the proliferation of municipal regulations prohibiting begging, has failed in its obligation to provide social, legal and economic protection of family life in violation of Article 16 of the Charter. Furthermore, the complainant organisations allege that Belgium has not taken adequate measures to implement a comprehensive and coordinated approach to combating persistent poverty and social exclusion, in violation of Article 30 of the Charter. Finally, the complainant organisations maintain that the municipal regulations contribute to systematic discrimination against Roma and aggravate the exclusion of this minority in violation of Article E read in conjunction with the aforementioned provisions of the Charter.

B – The respondent Government

13. The Government asks the Committee to find that there is no violation of the Charter provisions invoked.

OBSERVATIONS OF THE THIRD PARTIES

European Network of National Human Rights Institutions (ENNHRI)

14. ENNHRI submits that, for more than 30 years, Belgium has not had a federal begging prohibition. However, at the local level, many municipalities have reintroduced restrictions on begging. Those restrictions were adopted through municipal regulations and targeted a wide range of forms of begging and begging-related behaviours: general prohibitions, prohibitions in the vicinity of shops and restaurants, prohibitions of begging with certain objects or animals and others. Those regulations are subject to certain limits, which can be controlled by the *Conseil d'État*. However, a study conducted in 2023 by the *Service de la lutte contre la pauvreté et la précarité* and the Federal Institute for the protection and promotion of human rights established that 253 out of 581 municipalities have prohibitions going beyond those limits and unduly restrict the human rights of persons who beg. Also, according to this study, 87 municipalities

have a general prohibition of begging in public areas; 54 municipalities prohibit begging in specific places; 17 municipalities prohibit begging during specific periods; 160 municipalities prohibit aggressive and/or intrusive forms of begging.

15. ENNHRI states that in Belgium, begging as an offence was removed from the Criminal Code in 1993. Before that, unemployed beggars and vagrants were punished by deprivation of liberty. When decriminalising begging, the Government emphasised the foundations of social security to combat poverty and subsistence insecurity. The guiding principle of the decriminalisation of begging was an integration ethic: to prevent previously institutionalised homeless persons and persons who beg from simply ending up on the streets, and a gradual change with guidance was advocated. Thus, the law enacting an emergency programme also included measures requiring the public social action centres (CPAS) working at the municipal level to provide support to these individuals.

16. ENNHRI submits that soon after begging as an offence was removed from the Criminal Code, many municipalities started imposing far-reaching restrictions on begging. Local police regulations were adopted on the basis of the so-called 'police powers' of municipalities that allow them to take measures to protect public order within the territory of the municipality. Municipalities can choose to sanction breaches of municipal regulations in two ways: by foreseeing light criminal sanctions, such as prison sentence of one to seven days, a fine of up to €200 or 20 to 40 hours of community service; by so-called municipal administrative sanctions consisting mainly of fines of up to €500 or €175 in the case of minors. ENNHRI submits that in practice, criminal sanctions for violations of begging regulations are rare.

17. ENNHRI states that the *Conseil d'État* acknowledges that begging, in the absence of better solutions, can help to acquire the persons means of subsistence. This does not imply that no restrictions can be placed upon begging, but the *Conseil d'État* prohibits excessive regulations. Municipalities cannot prohibit begging as such through police regulations, but they can restrict begging when it causes disturbance of public safety, order or health. The *Conseil d'État* stated that measures adopted to support public order must be proportionate to the disturbance they mean to address. As such, a general and permanent prohibition purporting to deal with organised begging and begging in certain places and during certain times would be disproportionate. Prohibiting all types of begging during certain events in a city is excessive. A prohibition on obstructive begging, on the other hand, may be proportionate.

18. ENNHRI states that some of the municipal regulations restricting begging are adopted with the goal of protecting children's welfare. More than 60 municipalities in Belgium prohibit begging by children or by adults accompanied by children. However, studies conducted in Brussels have shown that the presence of children with persons who beg is not necessarily linked to abuse or neglect of children but rather to the lack of appropriate care facilities for children from socially vulnerable or excluded families.

19. ENNHRI further states that municipal regulations restricting begging can also arise from a concern that victims of trafficking may be forced to beg by criminal networks. In 2016, the Belgian Federal Migration Centre (Myria) noted that several cases had been opened by public prosecutors on the suspicion of trafficking in human

beings. Myria also stressed that the approach adopted by the authorities should aim to protect potential victims of trafficking by opting for social support measures instead of sanctions. The European Court of Human Rights also expressed doubts that punishing the victims of exploitation would contribute to the fight against trafficking or exploitation of human beings. Similarly, a joint study by the UN Special Rapporteur on extreme poverty and human rights and the UN Special Rapporteur on adequate housing underlines that, when begging is the result of exploitation and linked to the trafficking in persons, criminal responsibility should be attributed to those who force persons into begging, and not to the trafficked persons forced to beg. However, municipal regulations often only provide sanction mechanisms aimed at the potential victim of trafficking.

20. ENNHRI submits that interpreting Article 16 of the Charter as protecting begging for those whose livelihood depends upon it would be in line with the interpretation of Article 8 of the European Convention of Human Rights.

21. ENNHRI further states that criminalising life-sustaining activities is incompatible with Article 30 of the Charter, interpreted in light of UN Guiding Principles on Extreme Poverty and Human Rights. According to those principles, restrictions on life-sustaining activities are only acceptable in exceptional cases and enforcement of those restrictions through criminal law is considered disproportionate. A recent study by the UN Special Rapporteurs (see §19 above) further examined the links between restrictions on life-sustaining activities and the protection against social exclusion.

22. ENNHRI states that in Belgium no coordinated approach to regulations against begging as a life-sustaining activity exists and each of the 581 Belgian municipalities can adopt their own regulations. Social assistance to individuals who beg is also split between the municipalities, the regional authorities and the federal Government. As a result, the approach used to regulate begging can vary immensely.

23. ENNHRI argues that begging prohibitions have a disproportionate effect on vulnerable families who have to rely on begging to support their livelihood and dignity, and especially on families from ethnic minorities, including Roma.

24. ENNHRI asks the Committee to determine in which circumstances begging, when it is exercised to live or attempt to live in accordance with human dignity may exceptionally be restricted under the Charter; to provide clarity on the means by which restrictions can and cannot be imposed; to consider that a human rights approach gives preference to social protection over restrictions towards persons living in poverty. In particular, ENNHRI invites the Committee to explicitly limit the possibility of restricting begging under the Charter to aggressive or intrusive forms of begging.

25. ENNHRI refers to its survey from 24 Council of Europe Member States, according to which 10 countries have a national prohibition of certain types of begging in place, several countries have a national prohibition of any type of begging, eight countries can impose restrictions at the local level and in five countries there is no prohibition of begging.

26. ENNHRI states that the present case raises questions on how States should engage with persons living in poverty. Respect for human dignity and personal

autonomy is at the centre of a human rights-based approach to poverty. These observations reflect on the need to ensure adequate social measures to protect persons living in poverty and respect their personal autonomy, rather than being criminalised.

27. ENNHRI provides some examples of good practice from different States. In Bulgaria, the general prohibition of begging was overturned by the Constitutional Court; Polish law encourages judges to take into account all circumstances surrounding begging in order to identify whether the person who begs is in genuine need of support; in Türkiye, the state of necessity can be invoked to avoid administrative fines for persons who beg; in some municipalities in Belgium, violations of begging regulations are limited to a symbolic fine of one euro; also in Belgium, some municipal regulations explicitly require that police officers primarily direct persons who beg to social assistance.

RELEVANT DOMESTIC LAW AND PRACTICE

A – Constitutional principles

28. Constitution of Belgium

Article 23

“Everyone has the right to lead a life in accordance with human dignity.
[...]”

B – Domestic law

29. Criminal Code of 8 June 1867 – as amended

Chapter III^{ter}. On the trafficking of human beings

“**Article 433 quinquies.** The offence of human trafficking consists of recruiting, transporting, transferring, harbouring, or receiving a person, or taking or transferring control over that person:
[...]
2° for exploitation for begging;
[...]”

30. Law of 8 July 1976 on the organisation of public social action centres – as amended

Article 1

“Everyone has the right to social assistance. The purpose of social assistance is to enable everyone to lead a life in accordance with human dignity.
[...]”

Article 57

“[...]
2. Notwithstanding the other provisions of this Law, the mission of the [public social action centre] shall be limited to:
1° the granting of urgent medical assistance to a foreigner who is staying illegally in the Kingdom;

2° to establish the state of need following the fact that the parents do not assume or are not able to assume their duty of maintenance, with regard to a foreigner under 18 years of age who stays, with his parents, illegally in the Kingdom.
[...]"

31. New Municipal Law of 24 June 1988 – as amended

Article 119bis.

"The municipal council may provide penalties and administrative sanctions in accordance with the Law of 24 June 2013 on municipal administrative sanctions.

[...]"

Article 135.

"§1. The powers of municipalities include: governing municipal property and revenue; regulating and paying local expenses that must be paid from municipal funds; directing and carrying out public works that are the responsibility of the municipality; administering establishments that belong to the municipality, are maintained from its funds, or are specifically intended for the use of its inhabitants.

§2. Similarly, municipalities are responsible for ensuring that residents enjoy the benefits of good policing, in particular cleanliness, health, safety and tranquillity in the streets, public places and buildings.

More specifically, and insofar as the matter is not excluded from the jurisdiction of the municipalities, the police matters entrusted to the vigilance and authority of the municipalities are:

1° everything that affects the safety and convenience of passage in streets, quays, squares and public thoroughfares; this includes cleaning, lighting, removal of obstructions, demolition or repair of buildings in danger of collapse, prohibition of displaying anything in windows or other parts of buildings that may cause harm if it falls, and the prohibition of throwing anything that may injure or damage passers-by or cause harmful fumes; road traffic policing, insofar as it applies to permanent or periodic situations, does not fall within the scope of this article;

2° the suppression of disturbances of the public order, such as brawls and disputes accompanied by fines in the streets; disturbances in places of public assembly, noise and night-time gatherings that disturb the peace of residents;

3° maintaining good order in places where large gatherings of people take place, such as fairs, markets, public celebrations and ceremonies, shows, games, cafés, churches and other public places;

4° inspecting the accuracy of the sale of goods for which units or measuring instruments are used, and the wholesomeness of foodstuffs offered for sale in public;

5° taking appropriate precautions to prevent and, by providing the necessary assistance, to put an end to accidents and calamities such as fires, epidemics and epizootics;

6° taking steps to remedy any unfortunate events that may be caused by stray or ferocious animals;

[7° taking the necessary measures, including police ordinances, to combat all forms of public disturbance.]"

32. Law on Municipal Administrative Sanctions of 24 June 2013 – as amended

Article 2.

"§1. The municipal council may establish administrative penalties or sanctions against infringements of its regulations or ordinances, unless administrative penalties or sanctions are established by or by virtue of a law, decree or ordinance for the same infringements.

[...]"

Article 4.

“§1. The municipal council may provide in its regulations or ordinances for the possibility of imposing one or more of the following penalties [...]:

1° an administrative fine of up to €175 or €500, depending on whether the offender is a minor or an adult. [...]

§2. The municipal council may provide in its regulations or ordinances for the following alternatives to the administrative fine referred to in §1, 1°:

1° civic service, defined as a service of general interest performed by the offender for the benefit of the community;

2° local mediation, defined as a measure enabling the offender, through the intervention of a mediator, to repair or compensate the damage caused or to settle the conflict.

“§3. Penalties set by the municipal council may not exceed police penalties.

[...]”

33. Law of 27 April 2018 on the Railway Police – as amended

“**Article 10.** Begging is prohibited in railway vehicles, and it is prohibited to cause nuisance in stations by begging in an intrusive or aggressive manner.”

34. Decree of the Communal Council of the City of Brussels of 28 March 2022 on begging with children

Article 1 – Object

“§1. It is prohibited to beg with a child under the age of 16 on the territory of the City of Brussels. [...]

Article 2 – Prevention

“Upon first contact, all members of the police force are required to inform persons engaging in begging accompanied by a child under the age of 16, as referred to in Article 1:

- of the prohibition on begging with children under the age of 16 on the territory of the City of Brussels;
- of the compulsory schooling of children aged 5 to 18 for whom they are responsible;
- of the tasks of the City of Brussels Public Social Action Centre;
- of the right of children aged between 2.5 months and 3 years to a place in a city childcare facility, with all childcare costs covered by the city;
- of the right to enrol any child aged between 3 and 18 in a city school and to have all school costs covered by the city (including lunch in primary schools).

[...]”

Article 4 – Sanctions

“§1. A penalty may only be imposed if the information provided for in Article 2 of this Decree has been previously issued.

§2. In accordance with the procedure laid down in the Law of 24 June 2013 on municipal administrative sanctions, anyone who contravenes this Decree may be punished by an administrative fine of up to €350.

§3. In accordance with Article 4, §2 of the Law of 24 June 2013 on municipal administrative sanctions, local mediation shall always be given priority in the event of a penalty.

§4. The administrative fines prescribed by this regulation may be increased in the event of a repeat offence within 24 months of the imposition of an administrative fine, without ever exceeding the sum of €350.

[...]”

B – Domestic case law

a) Conseil d'État

35. In the ruling No. 68.735 of 8 October 1997, the *Conseil d'État* invalidated the decree of the Municipal Council of City of Brussels concerning the prohibition of begging on municipal territory. The *Conseil d'État* held that begging is neither prohibited nor punishable by law, and that a municipal regulation can only restrict begging through measures required to maintain public order, security, peace and quiet or public health, and these measures must be proportionate to the disturbance observed or likely to occur.

36. In the ruling No. 217.930 of 14 February 2012, the *Conseil d'État* recalled that the law neither prohibits, nor punishes begging but also does not prohibit the municipalities from restricting begging. The measures taken, however, must be reasonable and proportionate.

37. In the ruling No. 229.729 of 6 January 2015, the *Conseil d'État* stated that the right to lead a life in accordance with human dignity implies being able to have means of subsistence, and begging can contribute to that. It also stated that begging cannot be considered as such as a disturbance of public order, even if it causes a sense of discomfort in the population.

38. On 21 November 2025, the *Conseil d'État* invalidated the decree of the Municipal Council of the City of Brussels of 28 March 2022 on begging with children. It noted that there already was a provision in the Criminal Code on the exploitation of begging. Municipalities could not therefore grant themselves the right to double the punishment by adding municipal administrative sanctions.

b) Other domestic courts

39. In a decision of 26 May 2010, the Brussels Court of Appeal dismissed the charges brought against a Roma woman for begging with two very small children. The Brussels Court of Appeal noted that the Criminal Code does not punish the mere presence of a child.

40. In the judgment of 3 July 2019, the Liège Correctional Tribunal examined a case concerning a beggar who had undergone a body search and was deprived of liberty for disturbing the peace due to the fact that he had already been subject to 18 police reports (*procès-verbaux*) for begging. The tribunal held that, according to the municipal regulations of the City of Liège, the beggar may neither solicit passers-by, nor hold out a begging bowl or a similar accessory. The tribunal further held that living without employment, housing or a source of income did not constitute a criminal offence. Begging is not in itself a criminal offence when freely exercised by an adult. Even if reaching the arm to beg or following the passers-by were to disturb public order, the arrest would have to be absolutely necessary. The tribunal also held that it is not so much begging that the authorities need to combat but poverty.

41. On 19 May 2022, the supervisory authority suspended the decree on begging with children adopted on 28 March 2022 by the Municipal Council of the City of

Brussels, emphasising in particular that “the provisions of the regulation include disproportionate measures insofar as the justification refers to compulsory schooling for children aged 5 to 18, whereas the regulation targets children aged 0 to 16; compulsory schooling does not apply on weekends and public holidays, whereas the regulation is applicable every day of the year.” On 27 June 2022, the Municipal Council of the City of Brussels adopted a decision in which it responded to the arguments put forward by the supervisory authority and considered that there were grounds for maintaining the regulation on begging with children.

RELEVANT INTERNATIONAL MATERIAL

A – Council of Europe

1. Committee of Ministers

42. The report of the Committee of Experts on Roma and Traveller Issues (ADI-ROM) on legislation and policies related to begging, with special focus on children, adopted by the Committee of Ministers on 1 February 2023, states that, with regard to Belgium, people who have not had employment in Belgium cannot qualify for public financial support. Also, begging in public places is a long-standing issue and although the federal government prohibits forced begging, it does not prohibit begging. Municipalities try to bypass federal regulations through local by-laws to restrict begging, but the *Conseil d’État* retains judicial competency. An interesting by-law is to regulate begging hours by districts or neighbourhoods. This means that begging is only authorised at certain hours, and this measure prevents people begging from being static. The efficiency of this measure is to be proven as it seems to simply be moving the problem from one neighbourhood to another and not addressing the core issue of poverty and precarity. To break the cycle of poverty it is also necessary to give a face to the Roma families begging. It is important to gain citizens’ support to integrate and economically empower the Roma and, in this regard, the municipality and associations should invite inhabitants of concerned neighbourhoods to the consultations to engage them in the reflection of what is needed to lift people out of poverty.

2. European Convention on Human Rights (the Convention)

43. The European Convention on Human Rights of 4 November 1950 includes the following provision:

Article 8. Right to respect for private and family life

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

3. The European Court of Human Rights (ECtHR case law)

44. In *Lacatus v. Switzerland*, application No. 14065/15, judgment of 19 January 2021, ECtHR held that the prohibition of begging on the public highway concerns the

right to respect for private life. ECtHR considered that, being in a clearly vulnerable situation, the applicant had the right, inherent in human dignity, to be able to convey her plight and attempt to meet her basic needs through begging. A desire to reduce the visibility of poverty in a city and attract investments is not a legitimate aim from a human rights standpoint. ECtHR found that the penalty imposed on the applicant was proportionate neither to the aim of combating organised crime nor to that of protecting the rights of passers-by, residents and shopkeepers. It considered that the measure pursuant to which the applicant, an extremely vulnerable person, was punished for her actions in a situation in which, to all appearances, she had lacked any other means of subsistence and had thus had no choice but to beg in order to survive, diminished her human dignity and impaired the very essence of the rights protected by Article 8 of the Convention.

45. In *Dian v. Denmark*, application No. 44002/22, decision of 21 May 2024, ECtHR was not convinced that the applicant lacked sufficient means of subsistence, or that the begging was his only option to ensure his own survival, or that by the act of begging, he adopted a particular way of life with the aim of rising above an inhumane and precarious situation, and thus of protecting his human dignity. Moreover, in Denmark, begging was allowed under certain conditions, and a person could only be convicted of begging if it took place in a personal manner causing nuisance to the public and the person had been warned beforehand.

4. Parliamentary Assembly

46. In its recommendation 2003 (2012) on Roma migrants in Europe, the Parliamentary Assembly recommended to the Committee of Ministers to instruct the relevant Council of Europe Committees and bodies to analyse legislation and practices in member States aimed at criminalising begging and evaluate the impact of this on Roma and the implications under the European Convention on Human Rights, the revised European Social Charter and other Council of Europe standards.

B – United Nations (UN)

47. The UN Guiding Principles on Extreme Poverty and Human Rights, adopted by the Human Rights Council resolution 21/11 in September 2012, state that States should repeal or reform any laws that criminalise life-sustaining activities in public places, such as sleeping, begging, eating or performing personal hygiene activities; that States should review sanctions procedures that require the payment of disproportionate fines by persons living in poverty, especially those related to begging, use of public space and welfare fraud, and consider abolishing prison sentences for non-payment of fines for those unable to pay. States must prohibit public authorities, whether national or local, from stigmatising or discriminating against persons living in poverty and must take all appropriate measures to modify sociocultural patterns with a view to eliminating prejudices and stereotypes.

48. The UN Committee on the Rights of the Child in its Concluding observations on the combined fifth and sixth periodic reports of Belgium of 1 February 2019 urged Belgium to take comprehensive measures to effectively address the root causes of begging, and to ensure that the children concerned are maintained in school.

49. The study “Breaking the cycle: ending the criminalisation of homelessness and poverty” by the Special Rapporteur on extreme poverty and human rights and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, presented at the fifty-sixth session of the Human Rights Council between 18 June 2024 and 12 July 2024, states that laws which criminalise homelessness and poverty include prohibitions against begging. The study states that modern laws tend to criminalise homelessness or poverty by prohibiting certain activities in public spaces. Laws that punish life-sustaining activities where there are no meaningful alternatives available should be repealed.

THE LAW

PRELIMINARY CONSIDERATIONS

50. The complainant organisations allege that the situation described in the present complaint is in breach of the following provisions:

- a. Article 16, as through the proliferation of municipal regulations prohibiting begging, the authorities have failed to provide social, legal and economic protection of family life;
- b. Article 30, as the authorities have not taken adequate measures to implement a comprehensive and coordinated approach to combating persistent poverty and social exclusion;
- c. Article E read in conjunction with Articles 16 and 30 on account of discrimination of the persons concerned through the municipal regulations prohibiting begging.

51. The Committee recalls that Article 16 of the Charter guarantees the right of the family to appropriate economic, legal and social protection. This includes an obligation on States to adopt measures that enable families to raise and educate their children under conditions promoting equal opportunity and social inclusion. It also includes *inter alia* a right to decent housing for families (European Roma Rights Center (ERRC) v. Bulgaria, Complaint No. 31/2005, decision on admissibility of 10 October 2005, §9), and the right to family benefits of a sufficient amount. The Committee also recalls that Article 16 of the Charter is closely linked to the obligation to secure respect for family life enshrined in Article 8 of the Convention (European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No. 82/2012, decision on admissibility and merits of 19 March 2013, §27).

52. The Committee notes that the complainant organisations argue under Article 16 of the Charter that in Belgium, there is no legal norm enshrining the right to beg where this right is exercised to support or attempt to support one’s family in accordance with human dignity; that the penalties laid down for begging prohibited by municipal regulations are likely to affect persons who are victims of exploitation through begging; the sheer number of different municipal regulations makes real legal protection impossible.

53. The Committee further notes that Article 30 of the Charter requires States Parties to adopt an overall and coordinated approach, which shall consist of an analytical framework, a set of priorities and corresponding measures to prevent and

remove obstacles to access to social rights, in particular employment, housing, training, education, culture and social and medical assistance (see Conclusions 2003, Statement of interpretation on Article 30). It also imposes the positive obligation to encourage citizen participation in order to overcome obstacles deriving from the lack of representation of minorities in the general culture, media or the different levels of government (see Conclusions 2013, Statement of interpretation on Article 30).

54. The Committee considers that the arguments advanced by the complainant organisations in the present case under Article 16 of the Charter (see §52 above) do not introduce any new substantive elements that would supplement its analysis under Article 30 of the Charter and go beyond the examination of that Article.

55. Considering all the information at its disposal, the Committee decides to examine this complaint under Article 30 of the Charter read alone and Article E read in conjunction with Article 30 of the Charter.

I. ALLEGED VIOLATION OF ARTICLE 30 OF THE CHARTER

56. Article 30 of the Charter reads as follows:

Article 30 – The right to protection against poverty and social exclusion

Part I: “Everyone has the right to protection against poverty and social exclusion.”

Part II: “With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

a. to take measures within the framework of an overall and coordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;

b. to review these measures with a view to their adaptation if necessary.”

A – Arguments of the parties

1. The complainant organisations

57. FIDH and International Movement ATD Fourth World state that Belgium has not put in place any comprehensive and coordinated approach to promote effective access to employment, housing, training, education, culture, social and medical assistance for persons forced to resort to begging and for their families, who thus find themselves or risk finding themselves in a situation of persistent social exclusion or poverty.

58. FIDH and International Movement ATD Fourth World argue that a comprehensive and coordinated approach to addressing begging requires legally recognising the right to beg – ideally in a constitutional or similarly significant legal provision. They further emphasise that any limitations placed on this right should be strictly confined to circumstances necessary for protecting national security, public safety, the country’s economic well-being, preventing disorder or crime, protecting health and morals, or protecting the rights and freedoms of others.

59. FIDH and International Movement ATD Fourth World state that begging was decriminalised in Belgium by the law of 12 January 1993, and that decriminalisation was based on the existence of the right to social assistance. The law of 10 August 2005 introduced Articles 433quinquies to 433novies to the Criminal Code, severely punishing the exploitation of begging. One of the aggravating circumstances is when the offence is committed against a child or a vulnerable person. In practice, municipal regulations prohibiting or restricting begging punish those forced to beg and being exploited, often women and mothers. Also, it is on the basis of Article 135 of the New Municipal Law (Law of 26 May 1989) that, since 1993, many municipalities have passed regulations prohibiting or restricting begging. To date, 305 such regulations are in force. In addition, municipal regulations prohibiting or restricting begging provide for penalties to punish infringements or municipal administrative sanctions. These sanctions are likely to affect vulnerable persons, such as women and children forced into begging by others. The number of different municipal regulations also makes it impossible, especially for an often poorly educated population, to be aware of them and, in the complainant organisations' view, they are therefore not foreseeable.

60. FIDH and International Movement ATD Fourth World state that a right to beg, albeit conditional, has been recognised by the *Conseil d'État*, which also accepts that proportionate restrictions may be imposed on this right. However, this right is not enshrined in the Constitution or federal laws, and hundreds of municipal regulations disregard it.

61. The complainant organisations then describe a study published in April 2023 by the *Service de la lutte contre la pauvreté et la précarité* and the Federal Institute for the protection and promotion of human rights on begging, where it is stated that 305 of 581 Belgium's municipalities have regulations on begging. 253 municipal regulations on begging contain at least one provision which is problematic in the light of *Lacatus v. Switzerland* judgment. The study calls for the municipalities to bring the regulations on begging in line with the requirements of the ECtHR and the case law of the *Conseil d'État*; for the supervisory authorities to strengthen access to justice for people in poverty, take action against excessive prohibitions on begging and make local authorities aware of the limited cases in which restrictions on begging can be imposed; for the police to refer the persons who beg to social assistance; for the authorities to adopt a human rights based approach to begging.

62. The complainant organisations state that the Government's argument that the respect for human dignity is not a general principle of law is surprising. The legal response to the issue of begging in Belgium had evolved from criminal and administrative repression to a concern for guaranteeing respect for human dignity. Moreover, the right to social assistance in Belgium is based on the respect for human dignity. To date, the Belgian Constitution proclaims that everyone has the right to lead a life in accordance with human dignity. The complainant organisations also state that the concept of human dignity is long-standing in international law. They underline that human dignity has also been referred to by the Committee multiple times. General principles of law express the spirit of a legal system, and it is surprising that the Government maintains that human dignity is foreign to Belgian law.

63. FIDH and International Movement ATD Fourth World state that they do not dispute the legitimacy of the power granted to the municipalities to issue general police

regulations or the fact that the right to beg may be subject to proportionate restrictions. However, there are 581 municipalities in Belgium and therefore 581 possibilities for municipal regulations to abusively restrict the right to beg. It is inconceivable that all problematic regulations could be challenged before the *Conseil d'État*, especially by socially disadvantaged persons for whom access to law and justice is notoriously more difficult than for the others. It becomes more problematic because a change of a pavement on the same street is often enough to change the municipality and thus to be subject to different regulations. Persons who beg have no effective knowledge of these regulations and their variations.

64. The complainant organisations submit that they do not criticise restrictions aimed at invasive or aggressive begging, but they question the proportionality of laws or regulations generally prohibiting begging in cars or subway, tramway or bus stations, even when such begging is practised to live or attempt to live in accordance with human dignity.

65. The complainant organisations note the Government's claims that all municipalities give priority to local mediation over financial penalties without providing any evidence of this. Further, the complainant organisations criticise the Government for saying nothing about the advice and support provided to local and regional authorities in the area. The complainant organisations also criticise the actions taken by different regions in the area of begging and poverty more generally.

66. In the view of FIDH and International Movement ATD Fourth World, a comprehensive and coordinated approach also requires the abolition of criminal sanctions or administrative fines against persons who beg to live or try to live in accordance with human dignity, as well as the abolition of the deportation of foreigners who beg and who apply for welfare benefits in the hope of not having to beg. In that connection, FIDH and International Movement ATD Fourth World state that the municipal regulations that criminalise begging state that the police should refer persons who beg to the municipality's CPAS. However, in case of foreigners, the CPAS's mission is limited to granting urgent medical assistance, and, if a foreigner is under the age of 18 and residing illegally in Belgium with parents unable to support them, it is limited to the material assistance essential for the child's development. Moreover, a foreigner, even if legally resident in the country and an EU national, may be expelled from Belgium if they apply for social assistance from a CPAS, on the grounds that they would be an unreasonable burden on Belgium's social assistance system. The complainant organisations note that between 2011 and 2016, around 12,000 EU citizens were issued with an order to leave the Belgian territory on the grounds of unreasonable burden. The right to social assistance does not exist either in theory or in practice for foreigners.

2. The respondent Government

67. The Government states that, according to the complainant organisations, by decriminalising begging on 12 January 1993, Belgium had to recognise the right to beg. The Government provides the overview of the general principles of law and states that respect for human dignity is not one of them, it has never been recognised as a principle common to the world's main legal systems and it has never been recognised as a principle of international law and cannot be classified as such. In European and

international law, human dignity is described as a value, in the Government's understanding. It therefore considers that the complainant organisations are wrong to assert that respect for human dignity must be regarded as a general principle of Belgian and international law.

68. The Government further provides information on the matters that the administrative, general and special police are responsible for. Municipalities are vested with general policing powers. According to Article 135§2 of the New Municipal Law, the competence of the municipal police concerning begging can only be exercised for the purpose of maintaining public order. Municipal councils can adopt municipal police ordinances and regulations that can be accompanied by police penalties or administrative sanctions. The municipalities can provide for administrative sanctions in case of violation of their regulations. The municipalities can provide for a fine of a maximum of €500 (€175 in case of minors). Alternative measures, such as mediation, are also possible, and are chosen when it is clear that the person concerned would not have the means to pay the fine. If certain forms of begging continue to be sanctioned by police regulations, mediation would seem an appropriate alternative. The mediator often has good knowledge of the social map of their municipality and can therefore direct the person to the right services. The municipal council cannot provide for a criminal and administrative sanction at the same time for violation of the municipal regulations. Administrative police can therefore adopt regulations restricting begging where the latter is aggressive, intrusive, disturbs health, safety or order of the territory. This power cannot be arbitrary.

69. The Government refers to several decisions of the *Conseil d'État* where it stated that proportionality must exist between a limitation of the exercise of one's freedoms brought by the measure of the administrative police on one hand and the disturbance that needs to be avoided on the other.

70. The Government further states that the *Conseil d'État* invalidated the decree of the Municipal Council of the City of Brussels of 26 June 1995 on the prohibition to beg on the municipal territory on the ground that the decree was manifestly disproportionate. However, the *Conseil d'État* approved the general regulation on begging on the territory of the City of Namur, adopted by the Municipal Council on 26 June 2014 which prohibited begging in certain parts of the city, during certain festivities and modalities. The prohibition was not general and permanent but limited in time and territory and justified by specific elements. More recently, there was a request to suspend the execution of certain Articles of the decree of the Municipal Council of the City of Brussels of 28 March 2022 on begging with children and the *Conseil d'État* noted that this decree does not refer to a blanket prohibition on begging but only prohibits begging with a child under the age of 16.

71. The Government states that municipalities that prohibit or limit begging on their territories must have regard to the applicable laws and principles. In case the municipal regulations do not conform to them, it is possible to challenge them before the *Conseil d'État*.

72. In the Government's view, the municipal regulations on begging cannot be considered as a return to an era before 1993 but they are rather a measure for the municipalities to ensure public order on their territory. The Government asserts that

begging is not an offence. On the other hand, exploitation of begging and trafficking in human beings for the purpose of begging is an offence. Victims of trafficking for the purpose of begging are/should be referred to specialised reception centres that would take care of them and provide them with support. The aim is therefore not to punish the victims but to help them.

73. The Government states that restrictions on begging on railway vehicles and aggressive begging in railway stations are based on law and justified by the need to ensure public order and security in railway vehicles and railway stations, and by prevention of disorder or crime and the protection of the rights and freedoms of others. Begging on railway vehicles can cause disturbances because the persons do not beg from their seat. Moreover, the prohibition to beg on railway vehicles helps to avoid the breach of an obligation to have a valid ticket. With regard to the train stations, these are the places where a lot of persons gather, and it is necessary to ensure public order there at all times. The prohibition to beg there is not a general one but a proportionate one, and there are three cumulative conditions to verify the proportionality of the prohibition: whether begging causes nuisance; whether it is intrusive or aggressive and whether there is a causal link between these two elements. The notions of nuisance and intrusive or aggressive begging must be assessed in light of specific circumstances, taking into account the number of persons, the form of the nuisance, the impact on those present or on general safety.

74. The Government further states that the Federal public planning service for social integration, anti-poverty policy, social economy and Federal urban policy (PPS SI) has the following objectives: upholding the right to social integration; tackling poverty and social exclusion in all their forms; acting for the social cohesion and sustainable development of large cities; ensuring integration, by giving priority to social assistance; reimbursing the minimum income and social assistance to CPAS.

75. The Government further provides comments from the specific Federal entities.

Walloon Region

76. In June 2023, upon the request of the Walloon Minister of Local Powers, the results of the study published by the *Service de la lutte contre la pauvreté et la précarité* and the Federal Institute for the protection and promotion of human rights were analysed. It appears that in Belgium a little more than one municipality out of two (52.5%) regulates begging. In the Walloon Region, administrative police regulations on begging are under supervision or revocation.

77. The Walloon Region recognises and subsidises social networks that ensure the coordination and networking between public and private actors that help persons in a situation of exclusion. Homelessness was under particular attention of the Walloon Government at the end of 2023, when 10 pilot projects were chosen with a budget of 34 million euros.

French community of Belgium

78. The French community of Belgium has put in place several initiatives to facilitate the access to education of children who beg, as well as scholar support and integration

programmes and inclusive education schemes, certain legal provisions and an action plan on fight against poverty. Moreover, youth assistance administration helps youth in danger. At the end of 2015, following the massif influx of migrants in Belgium, including many unaccompanied foreign minors, the Government of the French community of Belgium adopted a humanitarian and supportive plan concerning unaccompanied foreign minors. Up to 130 places of accommodation are previewed for unaccompanied foreign minors, and they can be accommodated by up to 43 host families. With regard to the protection of (potential) victims of trafficking in human beings, educational project Esperanto continues to accommodate 20 young (potential) victims and to help them to acquire the necessary autonomy.

Brussels-Capital Region

79. On 28 March 2022, the Municipal Council of the City of Brussels adopted a decree on begging with children. A complaint disputing this decree was introduced by the Human Rights League. By a ministerial decree of 19 May 2022, this decree was suspended on the ground that it contained disproportionate measures. The decree applies to children aged 0 to 16 and is in force every day of the year, whereas compulsory schooling applies to children aged 5 to 18 and does not apply on weekends or public holidays. On 27 June 2022, the Municipal Council of the City of Brussels adopted a decision upholding the decree of 28 March 2022.

80. The decree on begging with children is still in force in the City of Brussels. The *Conseil d'État* noted in a decision of 26 January 2023 by which it rejected the request for suspension of the decree on the ground that the applicants did not precisely establish the risks and inconveniences of the sufficient seriousness that the immediate execution of the decree could entail. The decree is therefore to be revoked under the ordinary procedure of the *Conseil d'État*.

81. While Common Community Commission (COCOM) does not have direct competence in the field of begging, it acts in the social assistance and health areas by financing and supporting a number of associations. Access to such assistance is unconditional and often free of charge. Every year, COCOM provides special social assistance funds to 19 Brussels CPAS. On top of that, in 2020, Brussels CPAS received 30 million euros for the period of March 2020-December 2021, 20 million euros in 2022, 28 million euros in 2023 and eight million euros in 2024 to fund various social projects.

Flemish Region

82. On 25 September 2020, the Flemish Government approved the Flemish action plan on fight against poverty 2020-2024. Also, the Flemish Government adopted the Action plan on prevention and fight against homelessness and houselessness 2020-2024.

83. The Government therefore maintains that there is no violation of Article 30 of the Charter.

B – Assessment of the Committee

84. The Committee recalls that, with a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, Article 30 requires States Parties to adopt an overall and coordinated approach, which shall consist of an analytical framework (see Conclusions 2003, Statement of Interpretation on Article 30), a set of priorities and corresponding measures to prevent and remove obstacles to access to social rights, in particular employment, housing, training, education, culture and social and medical assistance (see Conclusions 2013, Statement of Interpretation on Article 30). It must link and integrate public policies in a consistent way, embedding the fight against poverty and social exclusion in all strands of policy and moving beyond a purely sectoral or target group approach (see Statement on Covid-19 and social rights adopted on 24 March 2021). Effective coordination mechanisms should exist at all levels, including at the level of delivery of assistances and services to the end users (see Statement on Covid-19 and social rights adopted on 24 March 2021).

85. The Committee further recalls that the measures should strengthen access to social rights, their monitoring and enforcement, improve the procedures and management of benefits and services, improve information about social rights and related benefits and services, combat psychological and socio-cultural obstacles to accessing rights and where necessary specifically target the most vulnerable groups and regions (see Conclusions 2003, Statement of Interpretation on Article 30).

86. The Committee notes that regard must be had, in the present complaint, to Article G of the Charter, which makes it possible for States Parties to restrict rights enshrined in the Charter (see *Greek General Confederation of Labour (GSEE) v. Greece*, Complaint No. 111/2014, decision on the merits of 23 March 2017, §83). Article G lays down specific conditions for applying such restrictions: they must be prescribed by law, pursue a legitimate aim and be necessary in a democratic society for the pursuit of that aim (see *GSEE v. Greece*, *op. cit.*, §83). Furthermore, the Committee recalls that restrictions under Article G must always be interpreted narrowly.

Whether there was a restriction

87. With regard to the present case, the Committee notes that, according to the complainant organisations, 305 out of 581 Belgian municipalities have passed municipal regulations prohibiting or restricting begging. From the information provided, it appears that different municipal regulations prohibit or restrict begging by children or adults accompanied by children, begging with animals, begging in specific areas or during specific periods, begging by knocking on doors, begging by showing bodily disabilities, by displaying certain objects, disguised begging and other forms of begging.

88. The Committee therefore considers that the impugned municipal regulations constitute a restriction on the right to protection against poverty and social exclusion within the meaning of Article 30 of the Charter.

Whether the restriction was prescribed by law

89. With regard to the requirement for the restriction to be prescribed by law, the Committee notes that maintaining public order in general is provided for by the New Municipal Law, the same law also provides for sanctions (see §31 above). Moreover, Law on Municipal Administrative Sanctions states that the Municipal Council may establish administrative penalties against infringements of its regulations (see §32 above). Prohibitions or restrictions to beg mostly stem from municipal regulations. In that connection, the Committee recalls that the restrictive measures must satisfy the requirements of precision and foreseeability (see Statement on Covid-19 and social rights).

90. The Committee takes note of the arguments of the complainant organisations that the change of a pavement on the same street is often enough to change the municipality and be subject to different regulations concerning begging but it considers that in the present case the issue of the quality and foreseeability of law is secondary to the question of the necessity of the restrictive measures and will therefore proceed to examine whether the measures at issue pursued a legitimate aim and were necessary in a democratic society.

Whether the restriction pursued a legitimate aim

91. The Government submits that municipal regulations on begging are a measure for the municipalities to ensure public order, to prevent crime and to protect the rights and freedoms of others. FIDH and International Movement ATD Fourth World did not contest that submission. The Committee notes that certain forms of begging, especially aggressive ones, might disturb passers-by, local residents and shopkeepers. Furthermore, it might be necessary to restrict or prohibit begging in view of efforts to combat the exploitation of individuals, particularly children. The Committee therefore accepts that the restriction pursued a legitimate aim within the meaning of Article G of the Charter, such as the protection of the rights and freedoms of others.

Whether the restriction was necessary in a democratic society

i) As to the municipal regulations on begging

92. The Committee firstly observes from the documents submitted that the authorities enforcing the municipal regulations ensure public order in the municipalities (see §31 above). One of the measures to ensure that is introduction of municipal regulations restricting begging. Enforcement measures include suppression of disturbances of the public order (brawls, disputes, noise), maintaining public order in places where large gatherings take place and others. Infringement of municipal regulations may result in administrative fines, community service or mediation (see §32 above). In line with the general rules, specific municipal regulations concerning begging provide for administrative fines or mediation (see §34 above), confiscation of the alms received or administrative arrest.

93. The Committee notes that the complainant organisations agree that begging may be subject to restrictions, provided that they are proportionate to the aim pursued. Moreover, the complainant organisations do not criticise the restrictions aimed at

invasive or aggressive begging. The Committee further notes that the Government accepts that restrictions imposed need to be proportionate to the aim pursued and states that there are no blanket prohibitions on begging. The Government provides examples of restrictions on begging that are limited in time and territory, of restrictions to beg in railway vehicles and railway stations and justifies the latter by the need to ensure public order, prevent disorder or crime and protect the rights and freedoms of others. The Committee further notes that the *Conseil d'État* ruled on several occasions that begging is not prohibited or punishable by law and all restrictive measures taken have to be proportionate to the aim pursued (see §§35-37 above).

94. The Committee will therefore examine the municipal regulations prohibiting or restricting begging and the sanctions that could potentially be imposed on those who infringe those regulations. In that connection, the Committee is of the view that, in the present case, the primary issue pertains to the impugned municipal regulations that prohibit or restrict begging, and the proportionality of such measures, rather than the existence of a legally enshrined right to beg. The Committee notes that municipal regulations introducing restrictions on begging differ in their scope. The Committee notes from the study by the *Service de la lutte contre la pauvreté et la précarité* and the Federal Institute for the protection and promotion of human rights that many restrictions or prohibitions on begging are implemented with economic arguments in mind. Begging is often prohibited in specific areas, such as tourist destinations or shopping centers or places where cash is used or received, such as pay stations in car parks, cash dispensers or banks. These prohibitions that cover a specific area might be limited in time. Additionally, there are often prohibitions on begging at entrances or parking lots of shops and other public establishments, amusement parks, parks, playgrounds, schools, youth centres, sport facilities. Other measures can include prohibiting begging between tables on the terraces of catering establishments. Begging can be prohibited in areas where festivals and events are being held, such as football stadiums and exhibition halls. Sometimes, regulations limit the number of people allowed to beg simultaneously in a given place, for example, a maximum of four persons in the same square or street. The Committee recalls that economic arguments of this nature cannot serve to justify restrictions on the enjoyment of human rights (see European Federation of National Organisations working with the Homeless (FEANTSA) and International Federation for Human Rights (FIDH) v. France, Complaint No. 224/2023, decision on the merits of 15 October 2025, §71).

95. The Committee further notes from the study by the *Service de la lutte contre la pauvreté et la précarité* and the Federal Institute for the protection and promotion of human rights that other examples of prohibitions or restrictions on begging involve prohibitions on begging within a 100-metres radius of cemeteries, railway or subway stations, tramway stops. Begging on bridges, in subways, ports, on certain narrow roads or along the facades of buildings accessible to the public can also be prohibited. Other measures include prohibiting begging during heavy rain periods or when visibility is otherwise reduced. It can be prohibited to beg by showing bodily disabilities, wounds or mutilations, or by displaying a begging bowl or in a disguised manner by offering a service (washing windows, selling newspapers or food). The Committee also notes that it can be prohibited to beg by ringing or knocking on doors. The Committee considers that most of these aforementioned restrictions are related to people feeling uncomfortable in the presence of persons who beg. Such perceptions are more indicative of public prejudice towards persons who beg rather than of an actual danger

to public order (see European Federation of National Organisations working with the Homeless (FEANTSA) and International Federation for Human Rights (FIDH) v. France, *op. cit.*, §73) or to the rights and freedoms of others. In that connection, the Committee notes the UN Guiding Principles on Extreme Poverty and Human Rights States where it is stated that States must prohibit public authorities, whether national or local, from stigmatising or discriminating against persons living in poverty and must take all appropriate measures to modify sociocultural patterns with a view to eliminating prejudices and stereotypes (see §47 above).

96. The Committee further notes from the study by the *Service de la lutte contre la pauvreté et la précarité* and the Federal Institute for the protection and promotion of human rights that several municipalities prohibit begging in the company of children. Some prohibitions also cover begging by children alone. In other cases, it is specified that there must be abuse or use of children to elicit charity or pity from passers-by. According to the study, research on Roma parents begging with their children in Brussels has shown that this behaviour is not necessarily a sign of abuse or neglect but rather an expression of the strong bond between the mother and child and the lack of childcare facilities in the family.

97. The Committee notes that the complainant organisations do not invoke Articles 7§10 and 17 of the Charter. However, the Committee recalls that the obligations established under these provisions are highly relevant to the present analysis. In that connection, the Committee recalls that Article 7§10 of the Charter requires States to protect children against all forms of exploitation and prohibit the use of children in sexual, domestic/labour exploitation, including trafficking for the purposes of labour exploitation, begging, or the removal of organs (see Conclusions 2019, Estonia). States must also take measures to prevent and assist street children (see International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece, Complaint No. 173/2018, decision on the merits of 26 January 2021, §§184-185). The Committee also recalls that Article 17 of the Charter imposes a positive obligation on States to adopt the measures necessary to ensure that children can effectively exercise their right to grow up in an environment favourable to the development of their personality and their physical and mental capacities (see Defense for Children International (DCI), European Federation of National Organisations working with the Homeless (FEANTSA), Magistrats Européens pour la Démocratie et les Libertés (MEDEL), Confederación Sindical de Comisiones Obreras (CCOO) and International Movement ATD Fourth World v. Spain, Complaint No. 206/2022, decision on the merits of 11 September 2024, §166). States Parties having accepted Article 17 must take all appropriate and necessary measures to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need (*ibid*). The Committee emphasises the very close link between the rights under Article 30 of the Charter and Article 17 (see Conclusions 2019, Andorra) and considers that the standards developed under Articles 7§10 and 17 of the Charter are of relevance with regard to the present case.

98. Having regard to what has been stated above, the Committee considers that, while begging by or with children raises concerns when considered from a standpoint of their exploitation (Conclusions 2019, Greece), the municipal regulations provided as an example are very limited in their scope. The Committee observes that the municipal

regulations seek to sanction begging with or by children rather than addressing the underlying social and economic factors that contribute to such situations. The Committee notes that a comprehensive and child rights-based approach directed towards identifying and remedying the root causes leading to children begging, including poverty and social exclusion, is lacking. Legislative and policy measures should be directed towards prevention, support and long-term solutions for such children, ensuring their rights are guaranteed in accordance with the Charter.

99. With regard to prohibitions or restrictions on aggressive or intrusive forms of begging, the Committee notes that these could be considered proportionate provided that there are clear, appropriate criteria as to what constitutes aggressive or intrusive begging. In that connection, the Committee notes that some municipal regulation lists are non-exhaustive meaning that there is a lack of clarity as to what behaviour might be considered aggressive or intrusive. The Committee also observes that the municipal regulations use vague definitions for terms like aggressive or intrusive begging, which effectively grants enforcement authorities significant discretion in interpreting these rules when dealing with the persons who beg. This ambiguity means that the application of the law can vary significantly, depending on the judgment of the authorities in each situation, rather than having clear and consistent standards to follow.

100. The Committee moreover points out the case law of the *Conseil d'État* underlining that the right to lead a life in accordance with human dignity implies being able to have means of subsistence, and begging can contribute to that (see §37 above). In that connection, the Committee notes that, according to the data collected by Bruss'Help, the regional coordination agency for homelessness, on one night in November 2024, 9,777 people were recorded as homeless in Brussels, an increase of 25% compared to the previous count in 2022. According to the information by *Infirmiers de Rue*, in Wallonia in 2024 there were 19,387 homeless people and in Flanders – 20,363. Children made up nearly 25% of the homeless. The Committee observes that the prohibitions or restrictions on begging in principle seek to remove the persons who beg from the sight of others and therefore to deprive them of one of the last means to help contribute to leading a life in accordance with human dignity.

101. Turning to the sanctions that could be imposed on the persons who beg, the Committee notes that fines ranging between €175 and €500, as well as administrative arrest and confiscation of the alms received are problematic and hardly effective. The Committee notes from the study by the *Service de la lutte contre la pauvreté et la précarité* and the Federal Institute for the protection and promotion of human rights that in some municipalities the proceeds of certain forms of begging can be confiscated, but these municipalities apply the measure in a different manner. For example, in some cases it is possible to apply confiscation to any violation of the begging prohibitions and in others repeated violations are required. In other municipalities, persons who beg are liable to administrative arrest and identity checks. The Committee observes that the imposition of repressive measures on persons for whom begging constitutes a life-sustaining activity and the only means of subsistence can only further aggravate their pre-existing state of vulnerability.

102. The Committee takes note of the examples provided in the study by the *Service de la lutte contre la pauvreté et la précarité* and the Federal Institute for the protection

and promotion of human rights where some municipalities set lower maximum fines in order to take into account the persons' capacity to pay them, for example, one euro. In that connection, the Committee notes that the amount of the fine is not of the utmost importance, but it is the fact that the most vulnerable members of the society are punished and, in the end, deprived of their right to lead life in accordance with human dignity.

103. The Committee considers that certain forms of begging can be restricted, for example when trafficking in human beings is involved or when begging is exercised not as a life-sustaining activity but as a profession. The Committee notes that trafficking in human beings for exploitation of begging is an offence under the Criminal Code (see §29 above). However, the Committee notes from the study by the *Service de la lutte contre la pauvreté et la précarité* and the Federal Institute for the protection and promotion of human rights that simple begging for the benefit of others, not organised begging, can also be prohibited. The Committee also notes that the exact scope of this prohibition is unclear. In that connection, the Committee considers that it is important to ensure that the persons who beg who already found themselves in a precarious situation, are not punished again as victims of human trafficking and are rather provided with the assistance they need.

104. The Committee further notes that the authorities have taken measures aimed at reducing poverty and social exclusion (see §§74-82 above), including provision of financial resources, which is an essential criterion for the implementation of measures taken in the context of the overall and coordinated approach under Article 30 (see Statement on Covid-19 and social rights). However, financial resources are only one part of the measures to be taken in the context of Article 30. Measures should strengthen access to social rights, their monitoring and enforcement, improve the procedures and management of benefits and services, improve information about social rights and related benefits and services, combat psychological and socio-cultural obstacles to accessing rights and where necessary specifically target the most vulnerable groups and regions (see Conclusions 2003, France). In that connection, the Committee notes that in some municipalities there is a practice to refer the persons who beg to the CPAS, but this is not consistently done in all of them.

105. The Committee further notes that there is a growing international consensus that penalising life-sustaining activities in public spaces violates human rights (see European Federation of National Organisations working with the Homeless (FEANTSA) and International Federation for Human Rights (FIDH) v. France, *op. cit.*, §82).

106. In light of the above considerations, the Committee considers that prohibitions and restrictions on begging in municipal regulations exacerbate the already vulnerable situation of persons who beg and live in poverty and further stigmatise them. Moreover, the lack of clarity in the regulations opens a way for interpretations and abuse by the enforcement authorities. The Committee considers that the restrictions at issue were not necessary in a democratic society within the meaning of Article G of the Charter.

107. The Committee therefore holds that there is a violation of Article 30 of the Charter in respect of municipal regulations that prohibit or restrict begging.

ii) As to an effective remedy

108. The Committee recalls that Article 30 incorporates an access-to-justice component, requiring that those who allege a violation of the right to protection against poverty and social exclusion must have at their disposal a remedy that is effective both in law and in practice (see European Federation of National Organisations working with the Homeless (FEANTSA) and International Federation for Human Rights (FIDH) v. France, *op. cit.*, §86). In the present case, while persons who beg can challenge the fines or other sanctions imposed on them for begging, the municipal regulation that gave rise to the specific sanction remains in force. Moreover, while the Government claims that it is possible to challenge municipal regulations on begging before the *Conseil d'État* from a standpoint of proportionality control, given that there are 581 municipalities in Belgium and 305 of them have some sort of regulations on begging, it is impossible that all of them could be challenged before the *Conseil d'État*.

109. The Committee notes that, given that the persons who beg in Belgium generally have limited education, live in poverty or social exclusion, their ability to challenge municipal regulations on begging before the *Conseil d'État* becomes nearly impossible. Their degree of exclusion and socio-economic status places the persons who beg in a situation where they might not have the means for seeking remedies in order to overcome the barriers so that they can effectively assert their rights. While the Committee does not have information about the exact number of municipal regulations that have been under review of the *Conseil d'État*, from the information available it appears that there have only been four cases where the *Conseil d'État* issued rulings concerning municipal regulations on begging.

110. The Committee therefore considers that there are no effective remedies available to the persons who beg and who are affected by the municipal regulations on begging. The Committee holds that there is a violation of Article 30 of the Charter in respect of the lack of availability of an effective remedy to challenge the municipal regulations prohibiting or limiting begging.

II. ALLEGED VIOLATION OF ARTICLE E OF THE CHARTER READ IN CONJUNCTION WITH ARTICLE 30 OF THE CHARTER

111. Articles 30 and E of the Charter read as follows:

Article 30 – The right to protection against poverty and social exclusion

Part I: “Everyone has the right to protection against poverty and social exclusion.”

Part II: “With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and coordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b. to review these measures with a view to their adaptation if necessary.”

Article E – Non-discrimination

“The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.”

A – Arguments of the parties

1. The complainant organisations

112. FIDH and International Movement ATD Fourth World state that there is at least indirect discrimination based on race or social origin because, in a number of cases, municipal regulations prohibiting or restricting begging are specifically aimed at Roma community. The complainant organisations make a reference to a decree of the Municipal Council of the City of Brussels of 28 March 2022 on begging with children, which is justified, among other issues, by the fact that 83 families or 271 persons who beg from Roma community have been registered by the police as professional beggars.

2. The respondent Government

113. The Government states that PPS SI works to coordinate and monitor the actions of the fourth Federal plan to tackle poverty and reduce inequalities of 15 July 2022; of the second national strategy for the Roma integration. PPS SI works together with the partners, such as CPAS and associations representing persons in poverty. With regard to Roma integration, PPS SI, besides coordinating the national strategy for the Roma integration, works on the better representation of civil society through the national Belgian platform on Roma integration.

114. The Government further states that the Walloon region supports the project “Integ’Rom” that promotes participation and professional insertion of the Roma population. The Antidiscrimination decree of 6 November 2008 provides for the prohibition of discrimination. COCOM participates in the National Roma Contact Point, which evaluates national Roma strategies.

B – Assessment of the Committee

115. The Committee recalls that Article E prohibits discrimination and therefore establishes an obligation to ensure that, in the absence of objective and reasonable justifications, any individual or groups with particular characteristics benefit in practice from the rights in the Charter. Moreover, Article E not only prohibits direct discrimination but also all forms of indirect discrimination. Discrimination may also arise by failing to take due and positive account of all relevant differences or by failing to take adequate steps to ensure that the rights and collective advantages that are open to all are genuinely accessible by and to all (see, inter alia, Autism-Europe v. France, Complaint No. 13/2002, decision on the merits of 4 November 2003, §52 and ERRC v. Bulgaria, Complaint No. 31/2005, decision on the merits of 18 October 2006, §41). The grounds of discrimination listed in Article E of the Charter are not exhaustive and include poverty (see Conclusions 2013, Statement of Interpretation on Article 30) and socio-economic status (International Federation for Human Rights (FIDH) v. Ireland, Complaint No. 110/2014, decision on the merits of 12 May 2017, §124; European

Federation of National Organisations Working with the Homeless (FEANTSA) v. Belgium, Complaint No. 203/2021, decision on the merits of 17 October 2024, §150).

116. With regard to the present case, the Committee notes that FIDH and International Movement ATD Fourth World state that, in a number of cases, municipal regulations prohibiting or restricting begging are specifically aimed at Roma community and provide an example of a decree which refers to Roma as constituting a significant percentage of the persons who beg.

117. In that connection, the Committee notes that municipal regulations prohibiting or restricting begging refer to the New Municipal Law which states that municipalities have to take the necessary measures to combat all forms of public disturbances, including disturbances of public order. Municipal regulations target persons who beg with the intent to live their life in accordance with human dignity and therefore their conduct linked to poverty. A lot of these persons who beg tend to be from Roma communities. The Committee refers to several international documents on the issue of begging and recommendations to address the root causes of begging (see §§42 and 48 above).

118. The Committee further notes that the municipal regulations on begging disproportionately affect those that are unemployed, do not have housing or any source of income and those from Roma communities. The Committee holds that such legislation can be considered as discriminatory because of its impact on disadvantaged groups. Sanctioning persons who beg cannot be considered as solving the issue because persons who beg often do not have any other choice and will continue to beg even if punished by administrative sanctions. On the contrary, fines would accumulate and become an ever-heavier burden on persons who beg leading to their further marginalisation.

119. In light of the above considerations, the Committee considers that municipal regulations on begging have a disproportionate effect on already disadvantaged persons, including those from Roma communities. The Committee therefore holds that there is a violation of Article E of the Charter read in conjunction with Article 30 of the Charter in respect of indirect discrimination on the grounds of ethnic origin and socio-economic status.

CONCLUSION

For these reasons, the Committee concludes:

- unanimously that there is a violation of Article 30 of the Charter with regard to the municipal regulations prohibiting or restricting begging;
- unanimously that there is a violation of Article 30 of the Charter with regard to the lack of an effective remedy;
- by 10 votes against 4 that there is a violation of Article E taken in conjunction with Article 30 of the Charter with regard to the existence of discrimination on the grounds of ethnic origin and socio-economic status.