

The House of Representatives

Political Control: Committees of Enquiry

Introduction

The House of Representatives is authorized to set up committees of enquiry (article 56 of the Constitution).

These committees enquire about important problems that have appeared within our society.

The House of Representatives thus controls the government and the policy conducted by the previous governments. Such enquiries also allow a large amount of information to be collected, which will possibly allow existing legislation to be improved.

The House of Representatives has had the right to conduct enquiries since 1830. It is regulated by the law of 3 May 1880, amended by the law of 30 June 1996. Standing Orders with regard to parliamentary committees of enquiry were adopted by the House on 23 October 1997.

Few enquiry committees were created in the first half of the twentieth century. This instrument has been used more frequently since 1980: several committees of enquiry were set up at that time, following certain shocking events. In this respect, one could think of the enquiry committee charged with examining the reasons for the failure of the investigation into the “Brabant Killers”, whose crimes took the lives of 29 people, or the enquiry committee set up to investigate how the problem of sexual abuse inside and outside the Church was addressed.

Parliamentary enquiry committees and special committees

While the number of enquiry committees fell from 2000 onward, ‘special committees’ were set up regularly with a view to carrying out large-scale enquiries (for example, let us cite the special committee charged with examining how the COVID-19 pandemic was managed by the Belgian authorities or the special committee on human trafficking and human smuggling). A special has less wide-ranging powers than an enquiry committee and is therefore able to start work more quickly. If necessary, it may be converted subsequently into an enquiry committee.

Overview of enquiry committees since 1972

- 1972 : television advertising
- 1985 : the events during the Liverpool-Juventus match of 29 May 1985 (Heysel disaster)
- 1987 : arms supplies
- 1988 : fraud and breaches to the nuclear non-proliferation treaty by the Centre of studies for nuclear energy and related companies
- 1988 : the fight against organised crime and terrorism (Brabant Killers I)
- 1992 : the trade of human beings
- 1993 : arms purchases
- 1996 : sects
- 1996 : enquiry on the disappearance of children
- 1996 : Brabant Killers II
- 1999 : dioxin
- 1999 : Lumumba
- 2002 : Sabena
- 2008 : Tax fraud
- 2009 : Fortis
- 2016 : Terrorist attacks
- 2016 : Optima
- 2016 : Penal transaction
- 2017 : Panama Papers
- 2023 : Sexual Abuse
- 2024 : Operation Chalice

Other parliaments also regularly create enquiry committees. In the United States, for example, parliament frequently uses “investigation committees” which have very wide powers.

The European Parliament and the Community and Regional Parliaments also have the right of enquiry.

Constitution

One or more parliamentarians submit a proposal aimed at setting up an enquiry committee. The assignment of the committee is described as accurately as possible in it. This proposal is examined in the same way as Private Member’s Bills (monocameral procedure): examination in committee, possibility of amendment, discussion and adoption in the plenary meeting.

Composition

The members of the enquiry committee (no maximum or minimum number is imposed) are designated by the plenary session and are members of it, according to the rule of proportional representation. Each group thus has a certain number of members in relation to its size. The committee appoints a chairman and a board.

Duration

The mandate of the committee is always limited in time. The time limit for the enquiry is set by the plenary session on the proposal of the conference of presidents.

Competence

The committee has the same powers as an investigating magistrate in a judicial enquiry. The committee may thus summon witnesses and hear them under oath, confront one witness with another, request or seize documents, order searches, organise visits on location, etc.

To carry out certain acts of investigation, the committee sends a request to the first president of the Court of Appeal, who then designates the competent magistrates. They are placed under the authority of the chairman of the committee.

The committee may also call on the special “P and I” (police and Intelligence) standing committees. These are control bodies that belong to parliament and exercise control on the police and intelligence services.

Working

In principle, the committee meetings are public, unless the committee decides otherwise. The committee members are bound by confidentiality with regard to the information obtained during meetings in camera.

Report

The observations of the enquiry committee are consigned to a report by the rapporteur(s). This report is submitted to the plenary session which then reaches a decision on the conclusions and recommendations given in it. The reports are public documents.

DOC 55 3617/003	DOC 55 3617/003
CHAMBRE DES REPRÉSENTANTS DE BELGIQUE	BELGISCHE KAMER VAN VOLKSVERTEGENWOORDIGERS
18 octobre 2023	18 oktober 2023
PROPOSITION VISANT À INSTITUER UNE COMMISSION D'ENQUÊTE PARLEMENTAIRE chargée d'enquêter sur le traitement des abus sexuels commis au sein et en dehors de l'Église, y compris sur leur traitement judiciaire, et sur leurs conséquences actuelles pour les victimes et pour la société	VOORSTEL TOT OPRICHTING VAN EEN PARLEMENTAIRE ONDERZOEKSCOMMISSIE belast met het onderzoek naar de aanpak van seksueel misbruik, in de Kerk en daarbuiten, met inbegrip van de gerechtelijke behandeling, en de gevolgen op vandaag voor slachtoffers en samenleving
Texte adopté par la commission de la Justice	Tekst aangenomen door de commissie voor Justitie
Voir: Doc 55 3617/ (2023/2024): 001: Proposition de M. Segers, Mme Van Peel, MM. Senesaël, Bihet, Vajda et Geens, Mme Gabriëls, M. Van Hecke et Mmes Matz et Rihonyi. 002: Rapport.	Zie: Doc 55 3617/ (2023/2024): 001: Voorstel van de heer Segers, mevrouw Van Peel, de heren Senesaël, Bihet, Vajda en Koen, mevrouw Gabriëls, de heer Van Hecke en de dames Matz en Rihonyi. 002: Verslag.
CHAMBRE • 6 ^e SESSION DE LA 55 ^e LÉGISLATURE	10388 KAMER • 6 ^e ZITTING VAN DE 55 ^e ZITTINGSPERIODE