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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Belgium**

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\* The present document is being issued without formal editing.



## **I. Introduction**

### **(Recommendation 138.53)**

1. During the second cycle of the universal periodic review, the Working Group on the Universal Periodic Review reviewed the situation of Belgium at its thirty-second session, held in January 2016. Belgium accepted 187 of the 232 recommendations made. Since then, it has endeavoured to implement the recommendations it accepted. In April 2020, on its own initiative, Belgium submitted a report on an information and dialogue session held with stakeholders in December 2019 on the implementation of the recommendations accepted during the second universal periodic review of Belgium. That report is to be considered the voluntary midterm report in relation to the second cycle of the universal periodic review.<sup>1</sup>

## **II. Process and methodology for the preparation of the report**

2. The present report was prepared for the third universal periodic review of Belgium. In accordance with the general guidelines set out by the Human Rights Council in its decision 17/119, it focuses on the development of the human rights situation in Belgium since the previous review, as well as on the progress made in the implementation of the 187 recommendations accepted during the second universal periodic review.

3. The Federal Public Service for Foreign Affairs coordinated the preparation of the present national report, in which the various authorities concerned, including the federated entities, participated. The draft report was presented to non-governmental organizations (NGOs) and independent institutions with a mandate to protect human rights on 12 January 2021. The Government took note of their remarks and the draft report was modified to take account of some of them.

4. During the meeting, these stakeholders made comments on several subjects. Overall, they welcomed the report, although they found that the section dealing with the coronavirus disease (COVID-19) crisis and its consequences lacked nuance. They expressed regret at the lack of specific measures or clear commitments from the federal Government and the federated entities in certain areas. They highlighted in particular the delays in establishing a national mechanism for the prevention of torture and a national human rights institution. Lastly, they noted that the report covered only the recommendations accepted during the 2016 universal periodic review.

5. It must be recalled that Belgium is a federal State and that its federalism is one of cooperation. There is no hierarchical distinction between federal laws and the laws of federated entities: there is a procedure for prior consultation or subsequent judicial control, including through the Constitutional Court, in cases where the regulations of one entity might be detrimental to the interests or competences of another. Federated entities may cooperate with one another in certain spheres and, where appropriate, with the federal authorities. Such cooperation may be arranged through formal agreements.<sup>2</sup>

## **III. Improvement of the normative and structural framework for protection**

### **(Recommendations 138.1–138.52, 139.1, 139.6 and 140.1)**

6. Since its previous universal periodic review, Belgium has pursued efforts to ensure the implementation of international human rights instruments. Thus, on 14 March 2016 it ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which entered into force for Belgium on 1 July 2016. Belgium has continued to support implementation of the normative framework of the International Labour Organization (ILO) in its national legal system, having ratified seven ILO conventions<sup>3</sup> and one protocol since 2016.<sup>4</sup>

7. Belgium has ratified or acceded to eight international human rights instruments<sup>5</sup> and two optional protocols to such instruments<sup>6</sup> providing for reporting procedures. Between

2016 and 2020, Belgium submitted seven reports to treaty bodies.<sup>7</sup> At present, Belgium is one of the States that has no overdue reports. Furthermore, Belgium has accepted the right of individual complaint under these eight instruments.

8. All of the country's parliamentary assemblies have adopted a law of assent to ensure the implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, ratification of the Optional Protocol also requires that a national preventive mechanism that reflects the country's specific institutional arrangements be put in place.

9. Several scenarios have been proposed for the establishment of such a mechanism, on the basis of a preliminary analysis of existing independent mechanisms in the light of the criteria set forth in the Optional Protocol. The preferred scenario is to start from one or more existing bodies and to organize cooperation with other bodies. To this end, a consultation process is under way with all concerned stakeholders (authorities of places of deprivation of liberty, existing independent mechanisms and NGOs) with a view to preparing recommendations for policymakers. The different governments will then have to decide on institutional arrangements for the establishment of an effective mechanism; this will allow the instruments of ratification to be deposited.

10. Belgium already has sectoral bodies with specialized mandates for the protection and promotion of human rights, at both the federal level and the level of the federated entities. These bodies include Unia, the Centre for Equal Opportunities and Action against Racism, an independent body that now enjoys category B status in accordance with the Paris Principles.

11. However, the Belgian State has undertaken to put in place a national human rights institution that covers all the fundamental rights throughout the territory and complies with the Paris Principles, which could result in it being awarded category A status; within this framework, it would also be possible for a federated entity to establish its own human rights institution. The process was expedited in 2019 with the adoption of the Act establishing the Federal Institute for the Protection and Promotion of Human Rights.<sup>8</sup>

12. The Institute covers all human rights at the federal level, since it is responsible for matters dealt with by the federal authorities (the Institute can, for example, address issues related to counter-terrorism, freedom of expression, economic and social rights, and businesses). It has residual jurisdiction, that is, jurisdiction over all matters not already dealt with by the existing independent human rights protection bodies, and it must exercise that jurisdiction in cooperation with those bodies, which together form the "human rights platform". The Institute will also be able to cover more general themes that do not lend themselves to a purely sectoral approach.

13. The Act also allows for the eventual establishment of a national human rights institution, by providing the necessary legal basis for the Institute to become an interfederal body. The Act thus envisages the establishment of a coordinating council comprising one representative from each independent sectoral body for the protection and promotion of human rights. The federal authorities and the different federated entities will need to negotiate a cooperation agreement.

14. Lastly, the Institute's supervisory board has been appointed, enabling the recruitment of staff, which is under way. In order for the Institute to function effectively, Parliament has allocated funding to it and a draft budget has been approved for 2021. While several stages remain to be completed before the fulfilment of the aspiration to have a national human rights institution that is compliant with the Paris Principles, the Institute's establishment has undoubtedly given impetus to this process.

## IV. Promotion and protection of human rights on the ground and follow-up to the previous review

### A. Fundamental safeguards and deprivation of liberty

(Recommendations 138.75–138.83, 139.7, 139.11–139.13, 139.16–139.17 and 140.26–140.27)

15. A number of reforms have been implemented in the justice system to improve the fundamental safeguards afforded citizens.

16. First, following the 2011 reform concerning the right of access to counsel (known as the Salduz reform), lawmakers further expanded this right in 2016:

- The right to be assisted by a lawyer during questioning now extends to persons not deprived of their liberty who are suspected of having committed an offence punishable by a prison sentence (a person may also be assisted, at his or her request, if suspected of committing an offence not punishable by a prison sentence).
- It is explicitly provided that a person who is arrested has the right to consult a lawyer, without undue delay, prior to the first hearing during the 48-hour period of arrest.
- Persons held in pretrial detention have the right to consult a lawyer at any time and the right to be assisted by counsel during all hearings that take place during this period.
- The right of access to a lawyer, which was already provided for during the visit to the scene of the crime, has been extended to the confrontation with witnesses and to identifications.
- A legal framework has been established for the web application used to manage the duty lawyer roster, which is accessible to legal professionals (lawyers, judges and the various police services), and the Ministry of Justice is now providing stable funding for the application.

17. Second, Belgium has continued to implement reforms aimed at improving conditions of detention, in particular by reducing overcrowding. Only long-term structural changes will enable living conditions in prisons to be systematically improved. Such changes have been initiated in three areas:

- *Improvements to the built environment*: this mainly concerns old prisons built in the nineteenth century, as the approximately fifteen new prisons and prisons that have been fully or partially renovated afford detention conditions that are in line with modern standards. Reforms have been undertaken on the basis of several master plans, aimed at both reducing overcrowding and improving detention conditions through the construction of new buildings and the renovation of existing ones. In this regard, Master Plan 3 is being implemented as part of a broader vision for the prison system, encompassing the construction of open facilities and small-scale detention houses. A legislative text,<sup>9</sup> which entered into force in February 2019, addresses the issue of infrastructure in the broadest sense of the term, through the establishment of new standards, including for cell size, type of furniture and toilets; these standards will be taken into account in renovation and construction projects.
- *Enhancement of prisoners' personal situation*: the application of the "Principles Act"<sup>10</sup> is allowing detention conditions to be improved (right of prisoners to wear their own clothing, guarantees in regard to visits, telephones in cells, detention planning and so on).
- *Efforts to tackle overcrowding*: this primarily involves initiatives to reduce the overall prison population (promotion of alternatives to detention such as community service, probation and electronic surveillance), which, as a result, has fallen by 15 per cent (from almost 12,000 prisoners to around 10,500).

18. In tandem with the complete or partial closure of some institutions, or drastic reductions to the capacity of others, action is being taken to increase prison capacity through

the construction of new facilities or the renovation of existing ones. Prison overcrowding has significantly diminished but has not disappeared, as the size of the prison population continues to fluctuate (from almost 11,800 prisoners in 2014 to 10,800 in 2020) while prison capacity has declined (from 10,300 places in 2014 to 9,200 in 2020).

19. Third, the arrangements in place for detained forensic psychiatric patients have undergone major reform, in the following areas: legal (adoption of a new law), strategic (development of a new vision) and operational (construction of new infrastructure). This reform is structured around the philosophy of a programme of care that can be tailored to users on the basis of the progress they make and that ensures the integration into society of these vulnerable individuals with complex needs. Specifically, six major initiatives have been undertaken: (1) creation of additional capacity; (2) adoption of measures to improve detainees' journey through the care network/circuit; (3) adoption of a law that redefines the conditions for forensic psychiatric detention; (4) development of specific policies to support detained forensic psychiatric patients at the level of the federated entities; (5) strengthening of cooperation among all the authorities concerned; and (6) maintenance of the social protection sections and psychiatric annexes of existing prisons (the phased reduction of the number of forensic psychiatric patients held in prisons has had a positive impact on other inmates with mental health conditions in that resources are being gradually redirected to them).

## **B. Respect for human rights by the law enforcement agencies**

**(Recommendations 138.74, 139.8–139.10 and 140.24–140.25)**

20. Ethnic profiling is prohibited in Belgium. The police services continue to pay close attention to compliance by their staff with the strict legal framework that is in place in this area, and also to training as a key aspect of efforts to prevent any abuse of this kind. The topic of ethnic profiling is thus addressed in a broad sense in different training courses.<sup>11</sup> At the local level, a “diversity” network covering several police areas is working on a code of conduct in relation to ethnic profiling. In addition, steps have been taken to assess respect for the prohibition on ethnic profiling in Belgium through the conduct of scientific studies.<sup>12</sup>

21. Belgium has an external independent mechanism for the oversight of the police services: there are oversight bodies within each of the three branches of government (within the executive branch, the Inspectorate General of the Federal and Local Police reports to the Minister of the Interior and the Minister of Justice; within the legislative branch, the Standing Committee for Police Monitoring (Committee P) reports to Parliament; and, within the judicial branch, there are independent authorities with responsibility for the prosecution of criminal offences). In addition, the police services carry out internal oversight. These various actors allow compliance by the police with the legal framework and the provisions on human rights protection to be monitored effectively, from different but complementary perspectives.

22. Sanctions, including criminal penalties, are provided for any police officer who is guilty of abuse, such as ill-treatment or excessive use of force, in the exercise of his or her functions, whether or not such abuse stems from any form of discrimination. The competent authorities referred to above are responsible for imposing these sanctions, with due regard for the procedures in place.

## **C. Racism and non-discrimination**

**(Recommendations 138.57–138.70, 138.107, 138.109, 138.113–138.114, 138.126–138.128, 139.3–139.5, 140.4–140.6, 140.8–140.19 and 140.21–140.22)**

23. As part of efforts to combat racism, racial discrimination, xenophobia and related intolerance, several initiatives aimed at strengthening the existing legal framework are being implemented or have already been completed. First, in 2016 a committee of 12 experts was tasked with assessing the three 2007 anti-discrimination laws.<sup>13</sup> In February 2017, the committee completed its first interim report, which contained 33 recommendations for improving the effectiveness of this legislation and its implementation. Bills incorporating

some of these recommendations are being prepared. In addition, training is organized annually for judges and for focal points in the police and the labour inspectorate, with help from the equality bodies.<sup>14</sup> The federated entities too have solid legal frameworks outlawing discrimination and racism, which have been bolstered in recent years where needed. Several federated entities have set up systems to assess their respective anti-discrimination laws.<sup>15</sup>

24. A number of noteworthy policy initiatives are being pursued to combat racism and discrimination. In June 2019, the Decade for People of African Descent was proclaimed at the national level. On 3 and 4 October 2019, a dialogue took place with civil society, in cooperation with the Office of the United Nations High Commissioner for Human Rights, as part of the process for preparing a national plan against racism. On 19 February 2020, the federal State, the Communities and the Regions decided to establish an interministerial conference against racism. The interministerial conference adopted, on 25 September 2020, a launching note, which sets out the basic principles and strategic objectives of the national plan against racism. Work is under way to launch an interfederal plan to combat racism for 2021.

25. At the level of the federated entities, the integration policy of the Flemish government advocates coexistence in a shared and inclusive society, integration of new arrivals through active contributions to society and equal opportunities through the elimination of social barriers. Combating discrimination and racism is one of the many objectives of the horizontal plan for equal opportunities and integration (2020–2024). The French Community’s anti-discrimination action plan 2014–2019 focuses on the following three objectives: equality and diversity among young people; diversity in the media, culture and new media; and consistency of public action. These efforts will be pursued in the 2019–2024 legislature within the framework of the interfederal plan to combat racism, taking account of the Community’s plan to combat poverty. The 2019–2024 Policy Declaration of the Walloon Region affirms that a new strategic plan to combat poverty and reduce inequality will be adopted, with a special focus on multiple discrimination. Furthermore, measures to strengthen the integration of foreign nationals will be adopted, such as initiatives to combat discrimination in the workplace. Through these efforts, the Walloon government is seeking to bring increased attention to the fight against racism and discrimination based, *inter alia*, on origin. The government of the Brussels-Capital Region adopted a plan of action against racism (2019–2020) in February 2019. Specifically, the regional action plan consists of 23 initiatives to be carried out in 2019 and 2020. In this context, the Ordinance of 25 October 2018 is aimed at strengthening efforts to combat discrimination in access to housing. Concerning the Flemish Region, the plan of action of 20 July 2018 is a tool designed specifically to combat discrimination on the private rental market.

26. At all levels of government, calls for proposals, addressed to the voluntary sector and/or local authorities, have been launched with a view to developing projects to fight racism and discrimination and promote diversity.

27. Regarding social cohesion, the Flemish government has financed several projects to combat discrimination and racism and promote integration, inclusion and intercultural dialogue over the past five-year period. The Flemish plan of action against poverty 2015–2019 has also helped to strengthen social cohesion, and a new plan was adopted on 25 September 2020. There is close cooperation between the local authorities, organizations and citizens, and the latter are encouraged to take an active part in keeping towns clean and safe and to act when they encounter hate speech (online). An assessment is being undertaken of the Walloon Region’s social cohesion plan 2014–2019, and the current programme, covering the period 2020–2025, includes 196 actions aimed at reducing hardship and inequalities and helping to build solidarity in society. The policy on the integration of foreign nationals was reviewed in 2016 and 2018. The aim was to improve the integration process by strengthening social and vocational support to new arrivals in order to make them more autonomous. The Walloon Region granted the Centre for Mediation with Travellers and Roma a grant for the Integroms project, which provides assistance and support to homeless Roma families. In the Brussels-Capital Region, the concept of “mobile home” was introduced into the Housing Code. Part IX of the Code recognizes mobile homes as a form of “decent housing” (art. 191). In addition, an “equal opportunities” analysis, which measures the potentially differentiated

impact of a given political decision on the members of different target groups, has been introduced in the Brussels-Capital Region.

28. A federal awareness-raising campaign against racism was launched on 21 March 2019. It draws attention to racial stereotypes by means of videos disseminated through social media and at railway stations. The national focal point for Roma established a Belgian platform for Roma in May 2016 with support from the European Commission. This platform for participatory dialogue between all concerned stakeholders and the Roma communities in Belgium is sensitizing public actors to the difficulties with which these communities are confronted.

29. At the level of the federated entities, three awareness-raising campaigns have been launched by the Flemish Community and the Flemish Region since 2016. The first is a general campaign against discrimination and prejudice, the second a campaign against discrimination in the workplace and the third a campaign against racism, discrimination and social exclusion in the youth sector. The French Community initiated an awareness-raising campaign entitled “You Deserve Better” in 2017, in cooperation with actors on the ground, youth associations, lifelong education organizations and anti-racism groups; the campaign was relaunched in 2019. A decree was issued on 8 March 2018 on the organization of campaigns against racism at least every two years in future. In the German-speaking Community, the 2017 school year was proclaimed the year of intercultural dialogue in education so that educational activities could be developed to combat discrimination in all its forms. Furthermore, two days of study were organized with Unia and several community organizations; in 2018, the theme was combating discrimination in general and, in 2019, combating hate speech. The Centre for Integration and Migration is implementing information and awareness-raising campaigns to promote diversity and respect while condemning racism and xenophobia and to encourage integration and multiculturalism. The Brussels-Capital Region conducted an awareness-raising campaign against racism in 2017. This campaign targeted racist stereotypes in such areas as the labour market, the Internet, housing, and access to discos and cafes.

30. With regard to efforts to combat discrimination in the workplace, the tools available for conducting monitoring have recently been expanded at the federal level. The Act of 15 January 2018 introduced into the Social Criminal Code the possibility for labour inspectors to carry out situational tests to uncover workplace discrimination. In addition, the Royal Decree of 11 February 2019 was adopted to provide legal protection for private sector employers wishing to implement positive measures in respect of at-risk groups. Several initiatives have been taken in the context of efforts to combat age-based discrimination. In 2016, Unia organized a campaign against prejudice and discrimination at work. In 2019, a brochure was distributed containing detailed explanations about the legislation and what Unia could do to help victims of discrimination.

31. At all levels of government, Belgium has developed tools to tackle discrimination against LGBTIQ+ persons and vulnerable groups more generally. At the regional level, the Flemish Region’s plan of action against discrimination in the workplace focuses on awareness-raising, self-regulation, monitoring and sanctions. Self-regulation has been introduced through sectoral agreements and an action plan providing for “mystery calls” to be made to service-voucher companies. The Flemish labour inspectorate is carrying out enhanced monitoring. The plan of action will be assessed during the current legislature. Following this assessment, further measures will be taken, including through sectoral agreements and an awareness-raising campaign. In the Brussels-Capital Region, the Ordinance of 16 November 2017 authorizes regional labour inspectors to use situational tests and “mystery shopping” for anti-discrimination purposes. In parallel with these efforts, a reform of the regional tools for diversity came into effect on 1 January 2020. The objectives are to raise awareness among businesses of the issue of diversity, combat discrimination, take corrective action in the event that a violation is proved and put in place a sectoral approach. In addition, the Brussels prevention and security service is strengthening anti-discrimination training for persons working in security and prevention and financing a large number of projects conducted by communities and associations in this area. In the Walloon Region, the Decree of 2 May 2019 amending the Decree of 6 November 2008 on the fight against certain forms of discrimination has strengthened overall efforts to prevent and combat

discrimination, as well as the available interventions and penalties, including by refining and clarifying the different forms that such efforts may take and by expanding the list of protected characteristics and related factors and broadening protection to cover a wider range of persons. The 2019–2024 Policy Declaration of the Walloon Region provides for the introduction of a legal framework for situational testing mechanisms.

32. Concerning hate crimes, the joint circular of the Minister of Justice, the Minister of the Interior and the College of Prosecutors General (No. COL 13/2013) is one of the main instruments addressing the investigation and prosecution of this type of offence. A network of actors is responsible, *inter alia*, for assessing the day-to-day application of the circular, pursuant to which awareness-raising training is being organized within the police, the judiciary and the labour inspectorate and steps are being taken to improve the recording of complaints of discrimination and hate crimes. In January 2020, a workshop was organized to identify gaps and disparities in the recording of hate crimes and to analyse potential solutions; the workshop brought together representatives of the Office for Democratic Institutions and Human Rights, the Agency for Fundamental Rights of the European Union and national experts in this area. A working group on the recording of hate crimes is implementing the recommendations made as a result of the workshop. Furthermore, the Act of 5 March 2019 has enabled more frequent use of alternative penalties, in the form of probationary measures imposed following a conviction under the laws prohibiting racism, discrimination, denial of genocide and sexism.

33. Article 8 of the regulations for officials of the federal State imposes on such officials a duty of neutrality and equal treatment, which extends not only to their acts but also their appearance. The Flemish government agreement for 2019–2024 stipulates that Flemish civil servants may not wear external symbols of their philosophical, religious, political or other convictions if they have direct contact with the public. Local administrations remain free to define what constitutes neutrality in their services. In the private sector, employers may prohibit the display of religious, philosophical and political signs if their business has a consistent and systematic policy of neutrality that is objectively justified, that is, if the goal of the policy is legitimate and the means for achieving that goal are appropriate and necessary. It is not possible to prohibit the wearing of the veil specifically, except under very strict conditions; this stipulation is based on Council Directive 2000/78/EC of 27 November 2000 and on the Belgian anti-discrimination law of 10 May 2007.

## **D. Gender equality and discrimination against women**

### **(Recommendations 138.54-138.55, 138.105-138.106, 138.110-138.112 and 139.2)**

34. Belgium has pursued efforts to reduce the gender pay gap. In recent years, the practical implementation of the Equal Pay Act of 22 April 2012 has helped to improve the quality of all sectoral job classification systems and to strengthen social dialogue on the issue of equal pay at the three levels of consultation (national, sectoral and company).<sup>16</sup> Reducing the gender pension gap is also a priority.

35. Statistical research is another key element. Each year, the Institute for Equality between Women and Men updates the data on the pay gap. In 2018, a detailed review was undertaken of the methodology used. This led to the publication, in 2019, of new figures. An information and communication campaign was conducted to ensure that this new methodology was understood by the general public.

36. To tackle women's underrepresentation in strategic and management positions, since 2011 Belgium has adopted binding quotas in various sectors, both public and private.<sup>17</sup> This legislation has had a significant impact on women's representation: between 2008 and 2017, the proportion of women on boards of directors of companies quoted on the stock market and State-owned enterprises increased from 8.2 to 26.8 per cent.<sup>18</sup>

37. The new Transgender Persons Act of 25 June 2017 entered into force on 1 January 2018.<sup>19</sup> Since that date, transgender persons have no longer had to meet specific medical criteria to have their registered sex and given name officially amended. In addition, in May 2018 Belgium launched the Interfederal Action Plan to Combat Discrimination and Violence



against Lesbian, Gay, Bisexual, Transgender and Intersex Persons 2018–2019.<sup>20</sup> This iteration of the plan builds on two previous plans dating from 2013.

38. In Belgium, cross-cutting gender mainstreaming is provided for by law, in all spheres and at all levels of government. At the federal level, the Gender Mainstreaming Act of 12 January 2007 provides for the development of a gender mainstreaming plan by the legislature, among other measures. The most recent federal gender mainstreaming plan, which covered the period 2014–2019, has now been evaluated.<sup>21</sup> The evaluation showed that there have been real advances, even though there remains room for improvement in the future. Following the installation of the new federal Government, a plan for the period 2020–2025 is being prepared. Lastly, in response to the health crisis, an analysis of the gender dimension of the COVID-19 pandemic in Belgium has been carried out.

## **E. Gender-based violence**

**(Recommendations 138.56, 138.84–138.95, 138.133, 139.14, 139.22 and 140.28–140.29)**

39. An intermediate report<sup>22</sup> and a State report<sup>23</sup> on the implementation of the Istanbul Convention offer an insight into the initiatives carried out under the National Action Plan for Combating Gender-based Violence 2015–2019. The federated entities prepared action plans in 2020.<sup>24</sup>

40. Criminal policy has been strengthened through the revision (COL 04/2006,<sup>25</sup> COL 04/2017<sup>26</sup>) or adoption (COL 06/2017<sup>27</sup>) of a number of circulars. The legislation on the issuance of temporary barring orders in cases of domestic violence has been amended to facilitate recourse to such orders.<sup>28</sup> A pilot is being undertaken of a stalking alarm that allows victims to rapidly alert the emergency services, and work on assessing the risk of partner violence has led to the adoption of a new circular (COL 15/2020<sup>29</sup>).

41. A multidisciplinary and holistic approach has been developed in the Flemish Community through the establishment of family justice centres and the creation of projects that take a “chain” approach in complex, high-risk domestic violence cases. The number of specialized shelters has increased from 15 to 20 in the Walloon Region since 2017, and a new shelter was established in the Brussels-Capital Region in 2017.

42. The operations of the two multidisciplinary reception centres for victims of female genital mutilation have been extended until March 2022. In addition, a new study was conducted in 2018 to estimate the prevalence of the phenomenon in Belgium,<sup>30</sup> and training and tools have been made available to professionals, the latter including a reporting code on female genital mutilation<sup>31</sup> developed in cooperation with the Order of Physicians.

43. Three sexual violence treatment centres<sup>32</sup> were opened in 2017. In June 2020, the federal State approved the expansion of the centres with a view to increasing their number from 3 to 10.<sup>33</sup>

44. The Immigration Office has informed its partners of its practices in this area, notably with regard to specialized refugees, and has adjusted its procedures in the light of Constitutional Court Decision No. 17/219 of 7 February 2019.<sup>34</sup>

## **F. Rights of the child**

**(Recommendations 138.96, 138.116 and 139.15)**

45. Numerous measures have been taken throughout the country to combat all forms of violence against children. These measures are described in various reports submitted by Belgium to the human rights treaty bodies.<sup>35</sup> At the federal level, the legislative framework has been strengthened.<sup>36</sup> The Flemish Community has focused on developing a “chain” approach, and various family justice centres have been established with the aim of offering rapid and appropriate assistance to families facing domestic violence, in a single location. The judicial process is conducted at these centres and is constantly coordinated with the assistance process. In the Communities, awareness-raising campaigns have been carried out to combat violence against and sexual abuse of children.<sup>37</sup> In addition to the French

Community's children's helplines<sup>38</sup> and SOS Children services, two Communities have anonymous online chats on the issues of abuse and sexual harassment.<sup>39</sup> Studies have been undertaken to gain a better picture of situations of maltreatment.<sup>40</sup> Furthermore, the Communities have taken sectoral and intersectoral initiatives to protect and promote the personal inviolability of minors.<sup>41</sup>

46. Combating child poverty continues to be an important focus.<sup>42</sup> The objectives of the third Federal Anti-Poverty Plan (2016–2019) included the reduction of child poverty. This remains a priority of the fourth plan, which is being prepared. One area of intervention is family poverty, the goal being to tackle the structural causes of poverty by encouraging local consultation platforms. In addition, subsidies are being granted to public welfare centres<sup>43</sup> to carry out initiatives to benefit children in situations of poverty. The Communities and the Regions have developed a number of plans with an impact on child poverty.<sup>44</sup> Special attention is paid, in the implementation of the Flemish plan of action against poverty 2015–2019, to families with young children.<sup>45</sup> A new plan of action covering the period 2020–2024 is under development. Reducing child poverty was also an objective of the Flemish plan on youth policy and child rights 2015–2019. In 2020, the French Community adopted its first plan to combat poverty. It is putting in place a comprehensive and coordinated strategy to tackle poverty and child poverty.<sup>46</sup> The child rights action plan 2015–2019 also included measures to combat child poverty.<sup>47</sup> In addition, a major reform is under way in the French Community, the Walloon Region and the Brussels-Capital Region of the way in which care facilities are organized; one aim is to improve the accessibility of such facilities for all children. In the Walloon Region, as part of the implementation of the child rights action plan 2016–2019 and the Walloon plan to combat poverty 2015–2019, projects have been carried out to support the most vulnerable families, especially lone-parent families, by educating them about how to secure their rights. A Walloon cross-sectoral plan to combat child poverty will shortly be piloted, with the aim of taking measures to support vulnerable and lone-parent families.

47. Belgium considers that the use of violence as a child disciplinary measure is unacceptable in any circumstances and takes a holistic approach to corporal punishment, encompassing prevention, enforcement, support and assistance to families.<sup>48</sup> Several criminal and civil rules already apply to that phenomenon.<sup>49</sup> Discussions to bring Belgian civil law into line with article 17 of the European Social Charter are now under way.

## **G. Freedom of religion or belief**

### **(Recommendation 138.108)**

48. The fundamental principles governing religious worship and organized secularism in Belgium are enshrined in the Constitution.

49. Belgium has a system for the recognition by the federal authorities of religions and non-denominational philosophical organizations. The Catholic, Protestant, Jewish, Anglican, Islamic and Orthodox faiths are recognized, as is organized secularism. Relations between religions and non-denominational philosophical organizations and the civil authorities are organized in keeping with the principle of non-interference in internal affairs and mutual independence. Non-recognized religions are free to hold worship and non-recognized non-denominational philosophical organizations to offer non-denominational moral assistance, as well as to express their opinions.

50. The implementation of these constitutional principles is based on dialogue between representative bodies of religions and non-denominational philosophical organizations and the State. Following the attacks in Paris in 2015 and Brussels in 2016, the Prime Minister and the Minister of Justice decided to bring together the bodies representing the six recognized religions and organized secularism (only one non-denominational philosophical organization is currently recognized in Belgium). These meetings demonstrated the need to create a permanent space for dialogue; accordingly, the Council for Dialogue was established in May 2017. The Council meets twice a year to discuss legal and topical issues and certain legislative changes, with the Prime Minister and the Minister of Justice rotating as chair.

## H. Rights of persons with disabilities

### (Recommendations 138.120–138.125 and 139.18–139.20)

51. Plans and strategies focusing on the rights of persons with disabilities have been adopted at the different levels of government.<sup>50</sup> At the federal level, the Federal Disability Action Plan (2016) includes a disability mainstreaming (“*handistreaming*”) component, whereby the administrations have committed themselves to integrating the disability dimension into their policies, and a component that comprises specific measures in follow-up to the recommendations of the Committee on the Rights of Persons with Disabilities. There is also information-sharing and cooperation between the different levels of government as part of efforts to implement the Convention on the Rights of Persons with Disabilities.

52. At the institutional level, advisory councils have been established or are being established to supplement the National Higher Council for Persons with Disabilities, which has existed since 1967.<sup>51</sup>

53. Belgium is pursuing efforts to generalize its inclusive education policy, which is aimed at integrating children with disabilities into the mainstream education system. The federated entities have emphasized that they continue to support the principle of inclusion, but some wish to proceed in a phased way. A pragmatic and realistic approach is advocated: special education if necessary and inclusive education where possible so as to have sufficient social and educational support.<sup>52</sup>

54. A large number of measures have been taken at different levels of government with regard to the employment of persons with disabilities.<sup>53</sup> At the federal level, since 2018 labour inspectors have been able to make “mystery calls”, which allow them to investigate discrimination in the labour market without having to reveal their identity. A new legal framework was adopted in 2019 to provide legal protection for employers taking positive action to benefit disadvantaged groups, including persons with disabilities. The federated entities have taken various measures to boost the employment rate of women and men with disabilities.<sup>54</sup>

55. Many measures have been taken to improve access to the physical environment, transport, information and communication, and other facilities and services intended for the public.<sup>55</sup> Initiatives and strategies focusing on accessibility for persons with disabilities have been adopted by the various governments.<sup>56</sup>

56. Regarding supported decision-making mechanisms for persons with disabilities, the foundations of the legal regimes governing incapacity were revised pursuant to the Act of 17 March 2013, while the procedure for placing persons under judicial protection was simplified, modernized and computerized in accordance with the Act of 21 December 2018. The intention is to prioritize personal autonomy and to ensure that individuals are placed under judicial protection only if and insofar as this is necessary in order to protect them, in keeping with the principles of proportionality and subsidiarity.<sup>57</sup>

## I. Asylum and immigration policy

### (Recommendations 138.132, 138.134, 139.21, 139.23–139.26 and 140.34)

57. The right to medical assistance is a fundamental right provided for all foreign nationals (whether or not their stay is legal). When an illegally staying foreigner does not have the right to material assistance, he or she is still entitled to urgent medical attention in case of need. On the other hand, when an illegally staying foreigner has the right to material assistance, he or she is entitled to the care and medical attention necessary to lead a life consistent with human dignity. When an illegally staying foreign national is detained in a closed centre or in a residential unit managed by the Immigration Office with a view to his or her removal, the individual will receive the medical care that his or her condition requires. The care delivered is comparable to the urgent medical assistance provided by public welfare centres and complies with the provisions of the so-called Return Directive.<sup>58</sup>

58. It is important to stress that unaccompanied foreign minors are never detained in closed centres.<sup>59</sup> They may stay in specialized centres for such minors, which are not under the authority of the Immigration Office. The Reception Act provides for only one exception to the general prohibition on detention, in cases where foreign nationals state at the border that they are minors, but the border control authorities have serious doubts as to their supposed minority. They may be detained for a maximum of three days (renewable once) in a closed centre at the border for the purpose of age verification. If the evidence in the case, including the age test, reveals that the person concerned is indeed a minor, he or she is taken to an observation and orientation centre within 24 hours of the notification of the result of the age test and the reception procedure for unaccompanied foreign minors is initiated.

59. The law provides for the detention of illegally staying foreign nationals only as a very last resort in the context of the return process, for the shortest possible time and in an environment adapted to their needs. With regard to families with minor children, Belgian law provides that they may not, in principle, be placed in detention unless the accommodation is adapted to the needs of families with minor children. In practice, following the Council of State judgment referred to below, a family that continues to refuse to cooperate under the voluntary departure scheme may be transferred to an accommodation facility (an open family unit or a unit run by the family identification and return team).<sup>60</sup> This measure is one of the alternatives to family detention in Belgium, whereby liberty is restricted to a certain degree (for example, one family member must be present in the family unit at all times). Only families (including minor children) that have not complied with the extensive cascading system of less coercive measures may theoretically be detained, as a last resort. The accommodation is adapted to the needs of families, and staff can offer help, both material assistance and support for well-being (such as appointments with doctors or access to a psychologist, if requested or needed) or assistance with the necessary procedures (appointment of a lawyer, clarification of the procedures, facilitation of contacts with the various administrative and judicial bodies, the diplomatic and consular authorities and NGOs, and other such measures), as well as help with the preparation of the return (whether voluntary – with or without assistance – or forced). From August 2018, if a family unilaterally left an accommodation facility, in breach of the return plan, it could be detained in a closed “family house”. These houses, which are adapted to the needs of families, are located within the 127 bis closed centre, but in a separate area. Since the judgment of 4 April 2019, in which the Council of State decided to suspend certain provisions governing the “family house” system (as set out in the Royal Decree of 2 August 2002), families with minor children are no longer held in “family houses”.<sup>61</sup> In a judgment of 1 October 2020, the Council of State found it illegal for staff to have unconditional access to family accommodation facilities between the hours of 6 a.m. and 10 p.m. and for children’s access to outside spaces to be limited to two hours per day.<sup>62</sup> It rejected other complaints, including one that the contested Royal Decree did not expressly provide that “family houses” must, in order to comply with articles 3 and 8 of the European Convention on Human Rights, be free from any air and noise pollution likely to cause serious harm. Discussions in this regard have been reopened so that other solutions can be considered. The federal Government agreement and the policy note of 4 November 2020 from the Secretary of State for Asylum and Migration stipulate that minors may not be detained in closed centres.

60. A foreign national may under no circumstances be removed to a country where he or she is at risk of a violation of the principle of non-refoulement. This prohibition is reiterated in several provisions of the Act of 15 December 1980 on the Entry, Stay, Settlement and Removal of Foreign Nationals.<sup>63</sup> Before a removal is carried out, the foreign national concerned is given a questionnaire in which he or she can express his or her fears about returning. Removal is temporarily postponed if the decision on deportation or removal puts the third-country national at risk of a violation of the principle of non-refoulement.<sup>64</sup> Following the judgment of the European Court of Human Rights of 27 October 2020, several changes were made to the relevant procedures.<sup>65</sup> The practice of implicit asylum claims was introduced so that the Office of the Commissioner-General for Refugees and Stateless Persons conducts an international protection investigation even if the person concerned does not request asylum. A specialist unit was established within the Immigration Department to assist its staff in assessing article 3 of the European Convention on Human Rights.

61. An application to set aside or suspend each removal decision may be filed with the Aliens Litigation Council. The Council may order the execution of the removal to be suspended if immediate execution would risk causing serious harm that would be difficult to remedy. Article 39/82 (2) of the aforementioned Act states that “this last condition is met, *inter alia*, if a bona fide legal argument is made on the basis of fundamental human rights, in particular rights from which no derogation is possible under article 15 (2) of the European Convention on Human Rights”.

## **J. Counter-terrorism**

### **(Recommendations 138.71–138.73)**

62. The Coordination Unit for Threat Analysis plays a central role in the implementation of counter-terrorism measures in Belgium and has significant responsibility for the application and observance of human rights. This service is an independent body, headed by a judge, and is tasked with analysing threats related to terrorism and extremism, including the process of radicalization, in Belgium.

63. After the 2016 terrorist attacks, several laws were passed to strengthen the fight against extremism and terrorism while ensuring respect for human rights. Restrictive administrative measures (such as inclusion in the Passban database and freezing of assets) may be imposed only if they comply with the substantive and procedural conditions laid down by law, which are intended to safeguard the principle of proportionality.<sup>66</sup> The Royal Decree of 21 July 2016 provided a legal basis for the creation of a tool to implement these principles in a transparent way: a consolidated database of foreign terrorist fighters, hate propagandists, homegrown terrorist fighters, potentially violent extremists and persons convicted of terrorism.<sup>67</sup> The objective is to share relevant information with the security services while respecting privacy rights. The database makes it possible to establish an evolving and nuanced picture of an individual, to assess the threat posed by that person and to organize appropriate follow-up. In addition to the constant and transparent exchange of information, the tool allows for the adoption of measures that, besides being appropriate, are as unintrusive as possible and therefore proportionate. Moreover, in order to safeguard individual rights and freedoms, there are independent oversight bodies that monitor the proper conduct of the security services (Committee P) and the intelligence services (Committee R).<sup>68</sup>

64. Within a specific mandate, the Coordination Unit may need to respond to racism on the part of violent extremist groups or individuals, against whom appropriate administrative measures may be taken.<sup>69</sup> In addition, the Unit coordinates the Action Plan against Radicalism (Plan R), the purpose of which is to reduce radicalism and extremism in society. The fight against terrorism and extremism, including the process of radicalization, begins first and foremost with the development of an inclusive society, through efforts to prevent societal problems from becoming security problems. Plan R was updated in 2015 and is now being updated again in order to better combine enforcement, prevention and treatment and to strengthen the synergies between all stakeholders within the federal State, the Communities,<sup>70</sup> the Regions,<sup>71</sup> the cities and the municipalities. The updated Plan R reinforces cooperation between the various federal, federated and local authorities by establishing constructive dialogues and mutual trust between the services focusing on prevention, enforcement and/or reintegration in connection with terrorism or extremism.

## **K. Trafficking in persons**

### **(Recommendations 138.97–138.103)**

65. For many years, the Government of Belgium has coordinated measures to combat trafficking in persons and people smuggling through national action plans. This coordination is the responsibility of the interdepartmental unit to coordinate the fight against trafficking in persons and people smuggling, which has been restructured with a view to officially integrating reception centres. The unit carries out regular evaluations, which lead to adjustments to policies and legislative measures.

66. The identification and referral of minors who may be victims of trafficking became the subject of greater focus during the years 2018–2019 with the adoption of an addendum to the National Plan of Action to Combat Trafficking in Persons specifically addressing the issue of minors. This addendum, which was discussed by the various constituent elements of the federal State, has a number of objectives organized around the following themes: initiatives with communities; creation of an information flow; development of training courses, in particular for front-line workers of youth assistance and youth protection services and for guardians; adaptation of the current status of “victim of trafficking in persons” to the specific situation of minors; study of the problem of *loverboys*; and enforcement of sentences, along with procedures for the release on bail of suspects or perpetrators of trafficking in persons. The federated entities are also developing their own complementary measures, in cooperation with the federal Government, with all actions in this area being discussed in specific working groups.

## L. Economic and social rights

### (Recommendations 138.115, 138.117, 138.125 and 138.130–138.131)

67. With regard to employment, the activation policy pursued in the Flemish Region has shifted from being a category-specific policy to a more inclusive one. The support provided to jobseekers by the Flemish Employment and Vocational Training Service is tailored to their distance from the labour market.<sup>72</sup> However, initiatives for specific target groups remain possible. The fight against youth unemployment is the subject of particular attention on the part of the competent authorities; various measures have been introduced, yielding encouraging results. Several policy measures focus on increasing the employment rate among young people who are not in employment, education or training. The Brussels government, with the support of the public employment and training services, has put in place various measures, including the “Youth Guarantee”, which have reduced youth unemployment and considerably improved the performance of young people on the labour market. Efforts to combat youth unemployment have been stepped up, including through the creation of a service specializing in connecting young people with employers, the implementation of personalized information and guidance measures, and the development of partnerships to support and promote the vocational integration of young people not in employment, education or training. These efforts will need to be further intensified in the context of the COVID-19 crisis, as young people are likely to be particularly affected. The success of the “Youth Guarantee” and the desire to ensure access to stable and sustainable employment for all inspired the launch of the “Solutions for All Guarantee”, which extends the principles of the “Youth Guarantee” to all jobseekers newly registered with the employment office, Actiris, regardless of age, with some adjustments to take account of the specificities of certain population groups, support for whom may require more time.

68. Regarding access to education for vulnerable groups, the Flemish government’s equal educational opportunities policy is founded on three pillars: the right of every pupil to enrol in the school of his or her choice; legal protection for every pupil; and additional support for schools depending on the number of pupils who meet certain socioeconomic criteria. Specific measures are aimed at supporting vulnerable groups.<sup>73</sup> Within the framework of the Compact for Excellence in Education, the French Community has adopted a system-wide objective of reducing the repetition and dropout rates by 50 per cent by 2030 (Steering Decree of September 2018).<sup>74</sup> Addressing these issues is essential to making schools inclusive, the aim being to combat the entire range of mechanisms contributing to the “detachment” of children from the school system. Efforts towards this objective are complemented by a number of measures to ensure access to education for vulnerable groups.<sup>75</sup> Lastly, the National Commission on the Rights of the Child has launched a national participatory project to turn the concluding observations of the United Nations Committee on the Rights of the Child addressed to Belgium in early 2019 into a tool for educating, informing and disseminating child rights to: (i) children; (ii) professionals; and (iii) the general public. This is being done with a view to promoting the participation of children in: (i) the development and/or adjustment of public policies that affect them; and (ii) the monitoring of the implementation of the Convention on the Rights of the Child and the related concluding observations.

69. In accordance with the European Union's Common Agricultural Policy, the Regions have taken support measures to protect small farms and rural development. The Flemish Region is planning measures to stimulate the agricultural sector, including financial and other aid for newcomers and young farmers, as well as initiatives to strengthen the vitality of rural areas. In the new period of the Common Agricultural Policy, a variety of cost-effective and sustainable remuneration models will be pursued. In the Political Declaration 2019–2024, the Walloon Region set out its intention to help farmers respond to economic and climatic changes, by putting in place support measures to encourage access to land property and to secure farmers' income.

## **M. Human rights education and training**

### **(Recommendations 138.118–138.119)**

70. Belgium is pursuing its efforts in the field of human rights education and training. In the Flemish Community, the achievement objectives for both primary and secondary education include objectives related to human rights. Schools may decide for themselves what materials and methods to use in order to achieve these objectives. The education inspectorate assesses whether schools are providing quality education and complying with regulations. Organizations that develop human rights education materials and methods may disseminate them in a variety of ways, including through the Ministry of Education's newsletters and the KlasCement teaching materials website. Various organizations and NGOs also offer training courses for teachers on human rights education. In addition, more and more schools are taking account of the Sustainable Development Goals in their vision and daily practice.

71. In the French Community, compulsory education in philosophy and citizenship has been provided since 1 September 2016 in primary schools and since 1 September 2017 in secondary schools. In initial teacher training programmes, a 30-hour course is given on theoretical and practical approaches to cultural diversity and the gender dimension. For the Agrégations de l'Enseignement Secondaire Supérieur (higher secondary education teaching qualifications) and the master's degree in education, a training course is planned on the theoretical approach to cultural diversity.<sup>76</sup> In addition, the Institute for In-Service Training includes human rights themes in its continuing education programme for teaching staff and personnel of psychological, medical and social centres.<sup>77</sup>

## **N. Business and human rights**

### **(Recommendation 140.35)**

72. Since July 2017, Belgium has had its own National Plan of Action on Business and Human Rights,<sup>78</sup> in line with the Guiding Principles on Business and Human Rights. The Plan includes 33 actions aimed at encouraging Belgian companies and international companies active in Belgium, as well as public organizations and authorities, to respect and promote human rights both internally and in their sphere of influence.

73. The Plan of Action stresses the importance of an international approach and framework for identifying, preventing and mitigating human rights risks in business activities and relationships. As part of the Plan's implementation, several initiatives have been developed at the federal level and at the level of the federated entities to promote human rights due diligence.<sup>79</sup> Various tools have been devised to inform companies about international guidelines (the Sustainable Development Goals, the Guiding Principles on Business and Human Rights, the guidelines of the Organisation for Economic Cooperation and Development and ILO, among others) and to help them put those guidelines into practice.

74. The Belgian Plan of Action includes a monitoring process: the Interdepartmental Commission on Sustainable Development must report annually on the progress made in implementing the Plan. In addition, Belgium is currently undertaking a national baseline assessment of the extent to which national legislation, policies and other measures give effect

to the State's obligation to respect human rights as set out in the Guiding Principles.<sup>80</sup> This assessment could form the starting point for the drafting of a second plan of action.

## **O. Human rights in foreign policy**

### **(Recommendations 138.104, 138.129 and 138.135)**

75. Both the foreign policy and the development cooperation policy of Belgium are prepared taking a rights-based approach.

76. The fight against impunity remains a priority of Belgian foreign policy. In December 2017, the Assembly of States Parties to the Rome Statute of the International Criminal Court added three war crimes to the Rome Statute as a result of amendments proposed by Belgium, which worked tirelessly to promote their adoption. The Act of 29 March 2004 on Cooperation with the International Criminal Court and the International Criminal Tribunals has been amended to include cooperation with the Kosovo Specialist Chambers, the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the investigation teams created by the United Nations and tasked with combating impunity for war crimes, crimes against humanity, crimes of genocide or any other international offence.<sup>81</sup> Belgium has contributed actively to the functioning of the Special Tribunal for Lebanon and was very actively involved in the adoption of the General Assembly resolution establishing the International, Impartial and Independent Mechanism. It has concluded enhanced cooperation agreements with international courts.

77. Since 2016, Belgium has closely followed initiatives at the international level to strengthen the rights of indigenous peoples, peasants and others working in rural areas. It will continue to promote the rights of these communities on the basis of the existing international and universal human rights framework.

78. In the period 2016–2019, Belgium allocated an average of 0.44 per cent of its gross national income to official development assistance. Belgium is striving to contribute to the attainment of the 0.7 per cent standard.

## **V. New and emerging issues, including advances and challenges in that regard**

79. The COVID-19 crisis has changed the world profoundly. It is having a substantial impact on socioeconomic life in our societies and on the daily lives of many citizens, especially the most vulnerable. Most countries in the world have adopted unprecedented measures to protect the population.

80. The Government of Belgium has constantly sought to inform citizens about the risks of the spread of the virus.<sup>82</sup> In unprecedented and continuously evolving circumstances, respect for human rights has remained a core concern, and proportionate measures have been adopted, on the basis of recommendations made by a committee of experts, to pursue a legitimate objective by means that are necessary, proportionate, non-discriminatory and transparent.<sup>83</sup> The Government has also been careful to ensure that the measures adopted are inclusive, paying particular attention to vulnerable persons disproportionately affected by the crisis and mainstreaming the gender dimension. A “vulnerable groups” task force, bringing together ministers from the federal Government and the federated entities, was made responsible at the beginning of the crisis for evaluating the impact of the measures taken and proposing new ones to help those most affected. This task force was reactivated on 1 November 2020 in the midst of the second wave of the pandemic. In addition, Unia carried out an analysis of the impact of the crisis on Belgian society, making recommendations that the Government is currently analysing.<sup>84</sup>

81. Several specific measures have been put in place to combat poverty, including child poverty, and impoverishment,<sup>85</sup> such as a ban on cutting off gas, electricity and water



supplies, adjustment of rents for social housing, provision of suitable reception facilities for homeless persons, increased support for food banks and public welfare centres along with other financial aid, deferral of tax and mortgage payments, and a ban on the enforcement of eviction orders.<sup>86</sup> In order to support people who are unemployed or have lost their jobs as a result of the pandemic, Belgium has furthermore introduced a system of benefits for temporary unemployment due to force majeure and has temporarily frozen the phased reduction of unemployment benefits. Self-employed persons affected by compulsory closures have also been able to receive compensation for nuisance.

82. Educational continuity has been one of the cornerstones of Belgian policy. Aware of the risks of deepening educational inequalities and of pupils dropping out of school, the authorities have taken measures to ensure that vulnerable students can benefit from digital distance learning, such as distributing laptops and providing access to Wi-Fi.<sup>87</sup> As soon as the situation allowed, schools gradually reopened, with the necessary preventive measures in place.

83. In addition, Belgium has taken steps to safeguard access to essential health services, for example ensuring the availability of a sufficient number of hospital beds<sup>88</sup> and implementing a screening strategy.<sup>89</sup>

84. Given the increased risk of violence (including sexual violence) against women and children, specific prevention and protection measures have been put in place.<sup>90</sup> The federal State adopted an action plan on 20 November 2020.<sup>91</sup> Special measures have also been adopted for persons deprived of their liberty.<sup>92</sup>

85. At the end of the first wave, Belgium put in place an exit strategy,<sup>93</sup> which included a contact tracing system with strict data protection measures guaranteeing anonymity and limiting access to the list of contacts provided by respondents to the tracing service alone.<sup>94</sup>

## VI. Outlook for the future

86. Human rights are part of the identity of Belgium. The universality, indivisibility and interdependence of these rights, which are mutually reinforcing, have always been the cardinal principles guiding its actions, both in its national policy and on the international stage.

87. At the national level, Belgium will continue to fully comply with its obligations and to strengthen the various national mechanisms for the protection and promotion of fundamental rights and freedoms. Through regular reporting – including as part of the universal periodic review process – and dialogue, it will pursue its cooperation with the various international institutions at the heart of the global human rights framework, in order to put these rights into practice.

### Notes

<sup>1</sup> <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>.

<sup>2</sup> For further information, see the core document submitted to the treaty bodies: HRI/CORE/BEL/2018.

<sup>3</sup> Convention n°128 concernant les prestations d'invalidité, de vieillesse et de survivants – ratifiée le 14 juin 2017; Convention n° 130 concernant les soins médicaux et les indemnités de maladie – ratifiée le 22 novembre 2017; Convention n° 167 sur la sécurité et la santé dans la construction – ratifiée le 8 juin 2016; Convention n°170 concernant la sécurité dans l'utilisation des produits chimiques au travail – ratifiée le 14 juin 2017; Convention n°172 concernant les conditions de travail dans les hôtels, restaurants et établissements similaires – ratifiée le 14 juin 2017; Convention n°175 sur le travail à temps partiel – ratifiée le 8 juin 2016; Convention n° 187 sur le cadre promotionnel pour la sécurité et la santé au travail – ratifiée le 31 mai 2018.

<sup>4</sup> Protocole de 2014 relatif à la convention sur le travail forcé – ratifié le 10 septembre 2019.

<sup>5</sup> CAT, CCPR, CED, CEDAW, CERD, CESC, CRC, CRPD.

<sup>6</sup> CRC-OP-AC, CRC-OP1.

<sup>7</sup> CRC session 80 (14 Jan 2019–01 Feb 2019); CRPD session 21 (11 Mar 2019–05 Apr 2019); CCPR session 127 (14 Oct 2019–08 Nov 2019); CEDAW session 76 (11 Nov 2019–15 Nov 2019); CESC session 67 (17 Feb 2020–06 Mar 2020); CAT session 70 (13 Jul 2020–24 Jul 2020); CERD session

- 102 (04 Aug 2020–28 Aug 2020).
- <sup>8</sup> Loi du 12 mai 2019 portant création d'un Institut fédéral pour la protection et la promotion des droits humains, M.B. 21 juin 2019, 63964.
- <sup>9</sup> Arrêté royal portant exécution des articles 41, § 2, et 134 § 2, de la loi du 12 janvier 2005 concernant l'administration pénitentiaire ainsi que le statut juridique des détenus (M.B.14.02.2019).
- <sup>10</sup> Loi de principes concernant l'administration pénitentiaire ainsi que le statut juridique des détenus (M.B.01.02.2005).
- <sup>11</sup> Cf. entre autres la formation 'Behaviour Detection Officer', les formations fonctionnelles de la police aéroportuaire ou durant d'autres formations portant sur la diversité. Suite à l'enquête d'Amnesty International sur le profilage ethnique lors de contrôles d'identité par la Police, le chef de corps de la Zone de police locale de Charleroi a mis en place une formation continuée portant sur les aspects pratiques de la loi sur la fonction de police en lien avec le respect des droits humains et des libertés fondamentales. Une journée d'études sur ce thème est également en préparation au sein de la Police fédérale en collaboration avec des partenaires externes dont la Plateforme 'Stop au profilage ethnique' ; elle vise à sensibiliser les membres du personnel à partir de bonnes pratiques belges et étrangères ainsi qu'à développer le thème du profilage ethnique au niveau national.
- <sup>12</sup> Une collaboration a été initiée entre UNIA, l'Institut National de Criminologie et Criminalistique (INCC) et la Zone de police locale de Schaerbeek-Saint-Josse-ten-Node-Evere afin d'y mener une étude sur l'existence d'une pratique de profilage ethnique. Il s'agit de la première étude scientifique menée à cette échelle au sein d'une zone de police locale. Les premières conclusions de cette étude indiquent qu'il n'existe pas de profilage ethnique structurel. Les recommandations du rapport de l'étude de même que les bonnes pratiques développées au sein de cette zone de police locale pourront servir de base à d'autres unités et zones de la Police intégrée en vue d'aborder cette thématique.
- <sup>13</sup> Son mandat porte sur la période 2016–2021. Le Secrétariat de la Commission est assuré par la Cellule égalité des chances (SPF Justice), l'administration fédérale compétente pour l'égalité des chances et la lutte contre les discriminations, créée fin 2016; Voir §178 HRI/CORE/BEL/2018.
- <sup>14</sup> Unia et l'Institut pour l'égalité des femmes et des hommes (IGVM).
- <sup>15</sup> Pour la Communauté flamande, ce cadre a également été évalué (Décret du 10 juillet 2008 portant le cadre de la politique flamande de l'égalité des chances et de traitement, M.B. 23 septembre 2008). Au niveau de la Région wallonne, le décret du 6 novembre 2008 relatif à la lutte contre certaines formes de discrimination a été modifié pour renforcer la protection des personnes d'origine étrangère, des personnes LGBTQI, mais aussi des personnes malades, des femmes et, de façon plus générale, des familles. Au niveau de la Communauté germanophone, le nouveau décret sur l'intégration du 11 décembre 2017 prévoit que tout migrant de n'importe quel statut ou nationalité a le droit de bénéficier des mesures d'intégration. Le parcours d'intégration civique par la voie du dialogue constitue un premier pas d'accompagnement vers une participation des migrants à part entière dans la société.
- <sup>16</sup> Loi du 22 avril 2012 visant à lutter contre l'écart salarial entre hommes et femmes, M.B. 28 août 2012, 51020.
- <sup>17</sup> Loi du 28 juillet 2011 modifiant la loi du 21 mars 1991 portant réforme de certaines entreprises publiques économiques, le Code des sociétés et la loi du 19 avril 2002 relative à la rationalisation du fonctionnement et la gestion de la Loterie Nationale afin de garantir la présence des femmes dans le conseil d'administration des entreprises publiques autonomes, des sociétés cotées et de la Loterie Nationale, M.B. 14 septembre 2011, 59600.
- <sup>18</sup> [https://igvm-iefh.belgium.be/fr/publications/troisieme\\_bilan\\_de\\_la\\_loi\\_du\\_28\\_juillet\\_2011\\_relative\\_aux\\_quotas\\_de\\_genre\\_dans\\_les](https://igvm-iefh.belgium.be/fr/publications/troisieme_bilan_de_la_loi_du_28_juillet_2011_relative_aux_quotas_de_genre_dans_les).
- <sup>19</sup> Loi du 25 juin 2017 de réformant des régimes relatifs aux personnes transgenres en ce qui concerne la mention d'une modification de l'enregistrement du sexe dans les actes de l'état civil et ses effets, M.B. 10 juillet 2017.
- <sup>20</sup> Le plan est disponible via [www.lgbti.be](http://www.lgbti.be).
- <sup>21</sup> [https://igvm-iefh.belgium.be/sites/default/files/downloads/gm\\_-\\_rapport\\_de\\_fin\\_de\\_legislature\\_-\\_final.pdf](https://igvm-iefh.belgium.be/sites/default/files/downloads/gm_-_rapport_de_fin_de_legislature_-_final.pdf).
- <sup>22</sup> [https://igvm-iefh.belgium.be/fr/actualite/rapport\\_intermediaire\\_sur\\_la\\_mise\\_en\\_oeuvre\\_du\\_plan\\_daction\\_national\\_de\\_lutte\\_contre\\_la](https://igvm-iefh.belgium.be/fr/actualite/rapport_intermediaire_sur_la_mise_en_oeuvre_du_plan_daction_national_de_lutte_contre_la).
- <sup>23</sup> <https://www.coe.int/fr/web/istanbul-convention/belgium>.
- <sup>24</sup> A savoir, le Plan bruxellois de lutte contre les violences faites aux femmes adopté en juillet 2020 (<https://equal.brussels/fr/plan-bruxellois-de-lutte-contre-les-violences-faites-aux-femmes/>), le Plan flamand de lutte contre les violences sexuelles adopté en octobre 2020 (<https://www.departementwvg.be/nieuws/eerste-actieplan-tegen-seksueel-geweld-een-feit>) et le Plan intrafrancophone de lutte contre les violences faites aux femmes adopté en novembre 2020 (<http://www.egalite.cfwb.be/index.php?id=21146>).
- <sup>25</sup> Circulaire commune du Ministre de la Justice et du Collège des Procureurs généraux relative à la

- politique criminelle en matière de violence dans le couple (COL 4/2006).
- <sup>26</sup> Circulaire du Collège des Procureurs généraux près les cours d'appel, Directive Ministérielle relative au Set Aggression Sexuelle (S.A.S.), anciennement COL 10/2005 (COL 04/2017).
- <sup>27</sup> Circulaire du Ministre de la Justice et du Collège des Procureurs généraux relative à la politique de recherche et de poursuites en matière de violences liées à l'honneur, mutilations génitales féminines et mariages et cohabitations légaux forcés (COL 06/2007).
- <sup>28</sup> Loi du 5 mai 2019 portant des dispositions diverses en matière pénale et en matière de cultes, et modifiant la loi du 28 mai 2002 relative à l'euthanasie et le Code pénal social, M.B. 24 mai 2019, 50023.
- <sup>29</sup> Outil d'évaluation du risque - Directives du Collège des procureurs généraux visant à généraliser l'utilisation d'un outil d'évaluation du risque de première ligne en matière de violence dans le couple par les services de police et les parquets (COL 15/2020).
- <sup>30</sup> Voir [https://igvm-iefh.belgium.be/fr/actualite/mise\\_a\\_jour\\_de\\_lestimation\\_de\\_la\\_prevalence\\_des\\_mgf\\_en\\_belgique](https://igvm-iefh.belgium.be/fr/actualite/mise_a_jour_de_lestimation_de_la_prevalence_des_mgf_en_belgique).
- <sup>31</sup> Voir [https://igvm-iefh.belgium.be/sites/default/files/downloads/code\\_de\\_signalement\\_mutilations\\_genitales\\_feminines.pdf](https://igvm-iefh.belgium.be/sites/default/files/downloads/code_de_signalement_mutilations_genitales_feminines.pdf).
- <sup>32</sup> Voir <https://www.violencessexuelles.be/centres-prise-charge-violences-sexuelles>.
- <sup>33</sup> Implanté en structure hospitalière, un CPVS permet aux victimes de violences sexuelles d'obtenir toute l'assistance possible en un seul endroit, 24h/24, en ce compris la possibilité de déposer plainte. 68 % des victimes qui se sont présentées aux CPVS ont porté plainte à la police, bien davantage qu'habituellement en matière de violences sexuelles.
- <sup>34</sup> Une différence de traitement se présentait entre l'étranger marié à un citoyen de l'UE (ou à un Belge) et l'étranger marié à un ressortissant de pays tiers lorsqu'il y a cessation de vie commune à la suite de violences familiales. Là où l'étranger marié à un citoyen de l'UE (ou à un Belge) devait démontrer disposer d'un revenu suffisant ou d'un travail pour maintenir son séjour (article 42quater, §4, 4° de la Loi du 15 décembre 1980 sur l'accès, le séjour et l'éloignement des étrangers), cette condition n'existait pas pour l'étranger marié à un ressortissant de pays tiers. Dans le cadre de l'examen du maintien de son droit au séjour, l'OE ne doit donc plus exiger de la victime de violences familiales, qui est membre de famille d'un citoyen de l'UE, la preuve qu'il dispose d'un revenu suffisant ou d'un travail (ainsi que d'une assurance maladie). La Cour constitutionnelle a ainsi statué (voir <https://www.const-court.be/public/f/2019/2019-017f.pdf>).
- <sup>35</sup> UN Doc. CRC/C/BEL/5-6, §§ 37-40, 133-135, 211-217 ; UN Doc. CRC/C/BEL/Q/5-6/Add.1, §9 et pp. 6-7, 11-14, 15-16, 19-20 ; UN Doc. CCPR/C/BEL/6, §§72-82 et 180-182 ; UN Doc. CAT/C/BEL/4, §§158-169 ; UN Doc. E/C.12/BEL/5, §§208-2013.
- <sup>36</sup> Le nouvel article 458ter du Code pénal permet désormais l'absence d'infraction en cas de levée du secret professionnel pour organiser la 'concertation de cas' pour les enfants victimes de violence intrafamiliale ou autre. La prescription des infractions sexuelles graves commises sur les mineurs a également été supprimée (Loi du 14 novembre 2019, M.B. 20 décembre 2019 ; Loi du 5 décembre 2019, M.B. 20 décembre 2019).
- <sup>37</sup> Parmi les campagnes de sensibilisation, on peut mentionner '#ARRÊTE c'est de la violence', lancée en 2018 au niveau francophone. Au niveau flamand, depuis 2017, 'Stop it Now!', un modèle de prévention international vise à réduire l'abus sexuel via la sensibilisation et une ligne d'aide (chat, téléphone et e-mail) pour des personnes soucieuses de leurs sentiments et comportements sexuels vis-à-vis des enfants et leurs proches.
- <sup>38</sup> 102 ('Awel' – téléphone, e-mail et chat, Communauté flamande), et 103 (Communauté française).
- <sup>39</sup> En Communauté flamande, depuis début 2019, des adultes et mineurs peuvent chatter anonymement avec le personnel de 1712 (violences, abus et maltraitements infantiles), la disponibilité de la ligne d'aide a également été étendue. Les jeunes qui sont victimes ou qui ont des questions à propos d'abus sexuels peuvent dialoguer via la chatbox <http://www.nupraatikerover.be>.
- <sup>40</sup> En Communauté flamande sur la violence contre les enfants et adolescents (2019) et sur les violences sexuelles contre les femmes et jeunes filles handicapées (2018). En Communauté française depuis 2016, les équipes SOS récoltent de nouvelles données statistiques concernant la prise en charge de l'enfance maltraitée.
- <sup>41</sup> Pour la Communauté flamande, en 2016, actualisé et étendu fin 2018. En Communauté française, un arrêté de 2016 ancre le champ d'action de la coordination de la prévention dans un programme transversal et articule les programmes (celui transversal de YAPAKA et ceux de chaque administration) dans un plan coordonné triennal prévention de la maltraitance avec comme cibles le grand public et les enfants et les travailleurs de terrain. Le gouvernement flamand a adopté pour 2020-2024 le plan d'action de lutte contre la violence sexuelle, y compris contre les enfants et le plan flamand sur la politique de jeunesse et les droits de l'enfant qui comprend aussi la problématique de la violence à l'égard des enfants.
- <sup>42</sup> UN Doc. CRC/C/BEL/5-6, §§34-36, 153-177; UN Doc. CRC/C/BEL/Q/5-6/Add.1, §§ 6 et 58-59;

- UN Doc CESCR. E/C.12/BEL/5, §§ 214-224.
- <sup>43</sup> Centres publiques d'action sociale.
- <sup>44</sup> UN Doc. CRC/C/BEL/5-6, §§58-64.
- <sup>45</sup> Le Plan de lutte contre la pauvreté flamand (2015-2019) porte plus précisément l'attention aux services sociaux; à la famille (nouveau système d'allocations familiales); à l'éducation (mesures visant à maximaliser la participation des enfants à bas âge); à la création d'emplois; et au logement. Le système d'allocations familiales a évolué vers un programme de croissance pour lutter contre la pauvreté infantile et supporter financièrement des familles dans les frais d'éducation.
- <sup>46</sup> Parmi les actions prévues: soutenir la parentalité et renforcer la prévention. Certaines mesures récentes ont permis d'alléger le coût de l'école pour les familles (projet-pilote de gratuité dans les cantines de l'enseignement maternel en milieu socio-économique défavorisé et le décret imposant la gratuité scolaire en maternelle).
- <sup>47</sup> Notamment concernant la gratuité scolaire, l'accueil de la petite enfance, le soutien aux familles et la prévention sociale, l'accès aux loisirs et à la culture.
- <sup>48</sup> UN Doc. CRC/C/BEL/Q/5-6/Add.1, §15.
- <sup>49</sup> Infractions de coups et blessures et/ou traitements dégradants avec circonstances aggravantes si commis envers un mineur par ses parents ou toute autre personne ayant autorité sur lui. Voir entre autres les articles 371 du Code civil et 22 bis de la Constitution.
- <sup>50</sup> Le gouvernement flamand établit au début de chaque nouvelle législature un cadre commun d'objectifs, qui sont ensuite traduits en deux cycles en plans d'action pour la mise en œuvre de ces objectifs. En Région wallonne, un rapport triennal est rédigé par l'AVIQ sur l'application de 'handstreaming' dans le chef des organismes d'intérêt publics wallons. À Bruxelles, la 'Charte Handstreaming a été adoptée en 2015 par la Région de Bruxelles-Capitale, la Commission communautaire commune (COCOM) et la Commission communautaire française (COCOF). Cette charte implique que chaque ministre doit accorder une attention spécifique aux droits des personnes handicapées dans le cadre de ses compétences. Elle a été légalement ancrée dans la législation des trois entités fédérées bruxelloises et est d'application depuis lors. En Communauté germanophone, le plan d'action 'DG Inklusiv 2025' a été adopté par le DSL en 2015 en vue de la mise en œuvre de la Convention. Pour une présentation de ces plans, CRPD session 21, page 4).
- <sup>51</sup> À Bruxelles, le Conseil bruxellois des personnes handicapées a été créé en 2018 (en plus de celui existant au niveau de la COCOF depuis de nombreuses années). En Communauté flamande, un 'Conseil consultatif flamand des personnes handicapées' a été créé et une évaluation est en cours (en vue d'une éventuelle consolidation décentralisée). Le gouvernement de la Communauté germanophone s'est aussi engagée à soutenir la société civile dans la création d'un conseil consultatif. En Région Wallonne, les personnes handicapées et leurs organisations sont associées structurellement aux politiques via la 'Commission wallonne des personnes handicapées'. Pour une présentation de ces mesures, voir CRPD session 21, page 6.
- <sup>52</sup> En Communauté flamande, plusieurs mesures politiques ont été prises pour rendre l'enseignement ordinaire plus inclusif. Le nouvel accord de coalition du gouvernement flamand (septembre 2019) stipule que le décret sur les mesures en faveur des élèves ayant des besoins éducatifs spéciaux sera remplacé par un nouveau décret. L'intention de ce décret est d'apporter le soutien approprié à chaque élève dans le bon contexte, le cadre et l'école. Le gouvernement flamand souhaite apporter un soutien efficace et réalisable aux élèves et aux écoles. En Communauté française, le décret de 2019 prévoit la création de classes ou d'implantations de l'enseignement spécialisé au sein des bâtiments de l'enseignement ordinaire. Ces classes sont désignées sous l'appellation de 'classes à visée inclusive'. Un Décret relatif aux aménagements raisonnables entré en vigueur en septembre 2018, vise à améliorer l'accueil, l'accompagnement et le maintien des enfants à besoins spécifiques dans l'enseignement ordinaire en rendant obligatoire la mise en œuvre d'aménagements raisonnables; des outils spécifiques d'information relatifs aux besoins spécifiques et aux aménagements raisonnables sont mis à disposition des équipes éducatives. En outre, le Pacte pour un Enseignement d'excellence prévoit l'adoption d'un Plan global de lutte contre le décrochage. A Bruxelles, la COCOF a renforcé ses services de soutien en matière d'inclusion scolaire via des services d'accompagnement agréés, le renforcement des aides à l'inclusion dans les écoles ordinaires et une augmentation des interventions en accompagnement pédagogique pour les études supérieures et universitaires. En Communauté germanophone, l'accent a été mis davantage sur le soutien individuel des élèves au cours de la dernière législature. Pour une présentation des mesures, voir CRPD session 21, pages 34-35.
- <sup>53</sup> Pour une présentation de ces mesures, voir CRPD session 21, pages 34-35.
- <sup>54</sup> En Région flamande, la prime de soutien flamande (VOP) est une subvention salariale pour les employeurs qui embauchent ou emploient des personnes handicapées et pour les indépendants handicapés. La réglementation relative aux mesures spéciales d'aide à l'emploi a été adaptée afin que les demandeurs d'emploi et les élèves handicapés aient également le droit d'adapter leur environnement de travail. En Région wallonne, l'objectif d'accroissement du taux d'emploi est travaillé sur plusieurs axes: aménagements de l'environnement, obligations légales, sensibilisation des

- employeurs. De plus, des mesures d'accompagnement pour les demandeurs d'emploi handicapés ont été mises en place. A Bruxelles, le gouvernement a généralisé le projet 'Pool H' qui organise des actions de prospection type face-to-face envers les employeurs, des secteurs privé et public, actifs en Région bruxelloise et manifestant un intérêt pour la mise à l'emploi et la rétention de personnes handicapées. En Communauté germanophone, le DSL propose, en coopération avec des entreprises, différentes mesures spécifiques d'intégration sur le marché du travail.
- <sup>55</sup> Au niveau fédéral, la Régie des bâtiments a adopté en 2018 un ensemble de nouvelles obligations et recommandations sur l'accessibilité des bâtiments. En Flandre, l'agence pour l'accessibilité 'Inter' soutient et conseille les domaines politiques flamands, fournit un soutien à la construction et à l'architecture dans toutes les phases du processus de construction, sensibilise, recherche et organise des formations et des projections d'accessibilité. En Région wallonne, le plan Accessibilité wallon 2017-2019 vise à promouvoir l'accessibilité universelle dans les domaines de l'action sociale, l'aménagement du territoire, le logement, les infrastructures, la mobilité, le tourisme et les pouvoirs locaux. Les différents niveaux de pouvoir ont également introduit des législations transposant la directive européenne sur l'accessibilité des sites web et des applications mobiles des autorités publiques. A Bruxelles, equal.brussels (Service public régional de Bruxelles) est le point de contact privilégié pour tout ce qui concerne l'accessibilité. Enfin, la Belgique a transposé la directive européenne 2014/25/UE qui vise à définir des critères d'accessibilité pour les personnes handicapées dans le cadre de la passation de marchés par des entités opérant notamment dans le secteur des services postaux. Pour une présentation de ces mesures, voir CRPD session 21, pages 13–15.
- <sup>56</sup> Ainsi par exemple, au niveau de la Communauté et de la Région flamande, le Plan horizontal de la politique d'égalité des chances 2015-2019 a inclus l'objectif d'atteindre une accessibilité intégrale. En Région wallonne, le plan Accessibilité wallon 2017-2019 vise également à promouvoir l'accessibilité universelle dans les domaines de l'action sociale, l'aménagement du territoire, le logement, les infrastructures, la mobilité, le tourisme et les pouvoirs locaux. Pour une présentation de ces mesures, voir CRPD session 21, pages 13–15.
- <sup>57</sup> La loi privilégie le régime de protection extrajudiciaire par lequel le mandant organise, pour le futur, la gestion de ses intérêts patrimoniaux et extrapatrimoniaux. L'objectif est de limiter autant que possible l'intrusion de personnes dans la gestion des intérêts de la personne protégée. De plus, la priorité est donnée au régime d'assistance sur celui de la représentation. Ce n'est que par défaut que la personne protégée est placée sous régime de représentation. Dans ce cas, au cours de sa gestion, l'administrateur doit respecter les principes que la personne a énoncés dans une éventuelle déclaration et la faire participer autant que possible dans l'exercice de sa mission. Pour une présentation de ces mesures, voir CRPD session 21, page 17.
- <sup>58</sup> Directive 2008/115/CE du Parlement européen et du Conseil du 16 décembre 2008 relative aux normes et procédures communes applicables dans les États membres au retour des ressortissants de pays tiers en séjour irrégulier.
- <sup>59</sup> Article 74/19 de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers prévoit: 'Les mineurs étrangers non accompagnés ne peuvent pas être maintenus dans des lieux au sens de l'article 74/8, § 2'.
- <sup>60</sup> Arrêté royal du 14 mai 2009 fixant le régime et les règles de fonctionnement applicables aux lieux d'hébergement au sens de l'article 74/8, § 1er, de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers.
- <sup>61</sup> n° 244.190.
- <sup>62</sup> n° 248.424.
- <sup>63</sup> Art. 74/17, §1, part 1 ; art. 24, §3; art. 49, §3; 49/2, §5 et 61/8, §2 de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers.
- <sup>64</sup> Art. 74/17, § 1er, alinéa 1er de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers.
- <sup>65</sup> Dans l'arrêt M.A. c. Belgique, 19656/18, la Belgique a été condamnée pour violation des articles 3 (interdiction des traitements inhumains ou dégradants) et 13 (droit à un recours effectif) de la Convention européenne des droits de l'homme.
- <sup>66</sup> Arrêté royal du 21 juillet 2016 relatif à la banque de données commune Terrorist Fighters, mise à jour au 27 janvier 2020.
- <sup>67</sup> Arrêté royal du 23 avril 2018 relatif à la banque de données commune Propagandistes de haine et portant exécution de certaines dispositions de la section 1erbis " de la gestion des informations " du chapitre IV de la loi sur la fonction de police, mise à jour au 27 janvier 2020.
- <sup>68</sup> Loi organique du 18 juillet 1991 du contrôle des services de police et de renseignement et de l'Organe de coordination pour l'analyse de la menace, mise à jour au 5 septembre 2018.
- <sup>69</sup> L'OCAM n'a pas de compétence directe dans les matières de profilage ethnique illégal et du racisme, mais est compétent dans toutes les matières relatives au terrorisme et à l'extrémisme. Ce dernier peut comporter, entre autres, des conceptions ou les visées racistes ou xénophobes, quand ils sont contraires aux principes de la démocratie, des droits humains ou des autres fondements de l'Etat de

droit. (Article 8, §1, 1°, c du Loi organique de 30 novembre 1998 relative aux services de renseignement et de sécurité et article 3 §1 du Loi de 10 juillet 2006 relative à l'analyse de la menace).

- <sup>70</sup> Le gouvernement flamand a un rôle préventif et curatif dans la lutte contre la radicalisation violente. À cette fin, un plan d'action a été adopté en 2015, qui a été mis à jour en 2017. Le principe clé est une approche préventive intégrée dans laquelle chaque domaine politique prend sa responsabilité dans le cadre de ses compétences respectives. L'objectif n'est pas de créer de nouvelles structures, mais de renforcer les installations régulières existantes et les compétences des travailleurs de première ligne. Actuellement, un nouveau plan d'action est en cours d'élaboration.
- <sup>71</sup> La Région bruxelloise a intégré dans son Plan Global de Sécurité et de Prévention 2017-2020 un plan d'action coordonné par Bruxelles-Prévention et Sécurité (BPS) destiné à offrir un soutien aux communes, aux zones de police bruxelloises et aux associations et aux organismes régionaux en termes de ressources, d'expertise, de relais et de coordination, optimiser les actions locales par une approche intégrative et intégrale, soit visant les différentes étapes du processus de radicalisation, soit de la prévention précoce à la réinsertion sociale et à renforcer l'analyse de l'image de ces phénomènes en Région de Bruxelles-Capitale.
- <sup>72</sup> Il existe différents instruments pour les jeunes peu qualifiés (réduction des coûts du travail), les personnes de plus de 58 ans (réduction des coûts du travail), les personnes handicapées (par exemple, réduction des coûts du travail, prime pour l'employeur d'un employé handicapé, formation professionnelle individuelle, orientation spécialisée pour les personnes ayant des problèmes médicaux, mentaux, psychologiques ou sociaux et se trouvant à une grande distance du marché du travail) et les personnes d'origine étrangère (programme "Intégration par le travail" et politique 'Focus on Talent').
- <sup>73</sup> Il s'agit notamment de mesures visant à limiter les frais de scolarité, à payer automatiquement les allocations scolaires, à accroître la participation des enfants des groupes vulnérables à l'enseignement préscolaire et à lutter contre le décrochage scolaire. Une éducation d'accueil est organisée pour les nouveaux arrivants. Il existe également des mesures spécifiques pour les enfants des groupes de population itinérants.
- <sup>74</sup> Chaque établissement est amené à se doter d'objectifs et d'actions spécifiques en vue de contribuer à l'atteinte des objectifs du système. Parallèlement, la Communauté française élabore un Plan global de lutte contre le décrochage qui reposera sur trois axes - des mesures de prévention, d'intervention et de compensation.
- <sup>75</sup> Parmi les mesures de soutien aux groupes vulnérables, on peut compter les suivantes: Depuis la rentrée scolaire 2019, la gratuité s'applique à l'enseignement maternel (par étape). Elle devrait s'élargir ensuite aux classes primaires, puis secondaires; Renforcement du dispositif relatif à l'accueil, la scolarisation et l'accompagnement des élèves primo-arrivant et les francophones qui ne maîtrisent pas la langue de l'enseignement dans l'enseignement, à travers la mise en place d'un système harmonisé et renforcé de soutien à la langue de l'enseignement et aux compétences langagières dès le plus jeune âge; Un renforcement de la qualité de l'enseignement maternel, axé sur les mesures suivantes: renforcer l'encadrement, adoption d'un cadre de référence des apprentissages en maternel afin d'assurer que tous les enfants disposent du même cadre de compétences initiales, obligation de la fréquentation de la 3e maternelle.
- <sup>76</sup> Parmi les contenus d'enseignement obligatoires pour tous les futurs enseignants, qui peuvent être reliés à la problématique des droits humains on peut compter: la psychologie sociale et relative à la gestion des relations humaines à l'égard des élèves, des étudiants et de leur environnement familial et des groupes, les inégalités découlant des rapports sociaux de sexe opérant dans le milieu scolaire, et plus généralement des rapports de pouvoir entre les groupes majoritaires et les groupes minorisés socialement ;la sociologie de l'éducation, en ce compris la diversité culturelle et les inégalités relatives aux différents critères de discrimination, les inégalités liées au sexe, les inégalités socio-économiques et notamment les phénomènes de pauvreté, les formes que peuvent prendre certaines radicalisations en analysant leurs idéologies, leurs processus, leurs manifestations excessives possibles et les moyens de les prévenir, les violences sexistes faites aux femmes et basées sur le genre et la prise en compte de ces réalités dans une perspective inclusive dont les relations entre les familles et l'école, ainsi qu'inter-sectionnelle.
- <sup>77</sup> Compréhension des phénomènes de relations interpersonnelles, de groupes restreints et développement de comportements propres à gérer les relations humaines et démocratiques au niveau des élèves (notamment le harcèlement entre élèves en milieu scolaire). Etude des facteurs sociaux, économiques et culturels qui influencent le comportement des jeunes et leurs conditions d'apprentissage (notamment en lien avec le décrochage scolaire).
- <sup>78</sup> [https://www.sdgs.be/sites/default/files/publication/attachments/plan\\_daction\\_national\\_entreprises\\_et\\_droits\\_de\\_lhomme\\_2017.compressed.pdf](https://www.sdgs.be/sites/default/files/publication/attachments/plan_daction_national_entreprises_et_droits_de_lhomme_2017.compressed.pdf).
- <sup>79</sup> <https://www.developpementdurable.be/sites/default/files/document/files/pdf-b1hr-fr-final.pdf>.
- <sup>80</sup> <https://www.nationalbaselineassessment.be/>.

- <sup>81</sup> Loi du 11 juillet 2018 portant des dispositions diverses en matière pénale, MB 18 juillet 2018, 57582 : Loi portant des dispositions diverses en matière pénale et en matière de cultes, et modifiant la loi du 28 mai 2002 relative à l'euthanasie et le Code pénal social, MB 24 mai 2019, 50023.
- <sup>82</sup> Voyez notamment les données publiées par l'Office belge de statistique, <https://statbel.fgov.be/fr/covid-19-donnees-statbel> et <https://www.info-coronavirus.be/fr/news/>.
- <sup>83</sup> Pour un aperçu des organes compétents, voyez <https://www.info-coronavirus.be/fr/que-font-les-autorites-sanitaires/>.
- <sup>84</sup> <https://www.unia.be/fr/publications-et-statistiques/publications/covid-19-les-droits-humains-a-lepreuve-2020>.
- <sup>85</sup> Pour un aperçu plus détaillé, voyez <https://www.luttepauvrete.be/wp-content/uploads/sites/2/2020/04/200409-aperçu-covid-19-FR.pdf>.
- <sup>86</sup> En ce qui concerne l'interdiction d'exécution de décisions d'expulsion de logements, voyez [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=2020031707&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2020031707&table_name=loi); <http://www.ejustice.just.fgov.be/eli/arrete/2020/05/13/2020041337/moniteur>; <http://www.ejustice.just.fgov.be/eli/besluit/2020/03/27/2020030439/staatsblad%20>.
- <sup>87</sup> Voir le rapportage plus détaillé fait au Conseil de l'Europe, disponible sur le site <https://www.coe.int/en/web/education/responses-from-our-member-states>.
- <sup>88</sup> En ce qui concerne le 'Hospital & transport surge capacity', voyez <https://www.health.belgium.be/fr/covid-19-hospital-transport-surge-capacity-etapes-suivantes-2e-vague> Une avance d'un montant d'1 milliard d'euros a également été versée aux hôpitaux, voyez à ce sujet <https://www.health.belgium.be/fr/covid-19-organisation-des-soins-de-sante>.
- <sup>89</sup> 'L'objectif est de pouvoir offrir un test de laboratoire à toutes les personnes qui en ont besoin, c'est-à-dire ceux qui présentent des symptômes et pour qui un médecin suspecte une infection, les personnes fortement exposées au virus de par leur profession et les personnes exposées au virus après un contact intense avec une personne infectée', voyez <https://www.info-coronavirus.be/fr/news/cns-24-04/>.
- <sup>90</sup> Voyez les mesures rapportées au Conseil de l'Europe: [https://www.coe.int/fr/web/genderequality/promoting-and-protecting-women-s-rights#{"63001324":4}](https://www.coe.int/fr/web/genderequality/promoting-and-protecting-women-s-rights#{); <https://rm.coe.int/prems-140520-fra-2530-cdadi-covid-19-a5-web/1680a08c97>; [https://www.coe.int/fr/web/children/covid-19#{"2269831531%22:\[6\]](https://www.coe.int/fr/web/children/covid-19#{) <https://rm.coe.int/belgium-covid-19/1680a02229>.
- <sup>91</sup> <https://news.belgium.be/fr/covid-19-plan-daction-federal-de-lutte-contre-les-violences-de-genre-et-intrafamiliales>.
- <sup>92</sup> Voir les mesures rapportées au Comité pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT) du Conseil de l'Europe: <https://www.coe.int/fr/web/cpt/belgium>; <https://www.coe.int/fr/web/cpt/-/council-of-europe-anti-torture-committee-publishes-response-of-the-belgian-authorities>.
- <sup>93</sup> En ce qui concerne la stratégie de sortie, voyez <https://www.info-coronavirus.be/fr/news/cns-24-04/>.
- <sup>94</sup> Les politiques de protection des données sont publiées sur les sites suivants: <https://www.zorg-en-gezondheid.be/sites/default/files/atoms/files/Privacyverklaring%20%20Contactonderzoek%20Covid19%20V2.0.pdf>; [https://www.info-coronavirus.be/fr/suividescontacts/?fbclid=IwAR3dxtZQTgNxxwQ6FKUaIZIOQuDKxaqn7noyNpuaVmwe6Bm--ElqVAyp\\_TK0](https://www.info-coronavirus.be/fr/suividescontacts/?fbclid=IwAR3dxtZQTgNxxwQ6FKUaIZIOQuDKxaqn7noyNpuaVmwe6Bm--ElqVAyp_TK0).