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Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

Visit to Belgium

Report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement* **

Summary

The present report contains the findings and recommendations of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement following its visit to Belgium, undertaken from 2 to 11 June 2025 at the invitation of the Government and pursuant to Human Rights Council resolutions 47/21 and 56/13. The visit was focused on good practices and challenges faced by Belgium in advancing racial justice and equality in the context of law enforcement and the criminal justice system, with a focus on Africans and people of African descent.

The delegation held meetings with government officials and representatives of law enforcement agencies, oversight bodies and other stakeholders, including civil society organizations, and visited a criminal detention centre and an administrative detention centre for migrants. It listened to testimonies from affected individuals and communities.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.

** The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.



Annex

Report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement on its visit to Belgium

I. Introduction

1. Pursuant to Human Rights Council resolutions 47/21 and 56/13, and at the invitation of the Government of Belgium, the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement undertook a visit to Belgium from 2 to 11 June 2025, during which it visited Antwerp, Brussels, Charleroi, Mechelen and Namur.
2. The delegation comprised Tracie Keesee and Víctor Rodríguez, members of the Mechanism.
3. During the visit, the delegation held meetings with government officials at the federal, regional and local levels and representatives of law enforcement agencies, oversight bodies and other stakeholders, including human rights institutions and civil society organizations. The delegation received direct testimonies from affected individuals, including detainees, and communities.
4. The Mechanism thanks the Government of Belgium for accepting its request to visit the country. It expresses appreciation for the genuine cooperation and facilitation extended throughout the visit, including the numerous informative meetings with government officials, who generously answered questions and shared presentations, references, reports and other materials before, during and after the visit. The Mechanism expresses particular appreciation for the support of the Directorate for Human Rights of the Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation in arranging the programme of work.
5. The Mechanism would also like to extend its deepest thanks to all the people whom the delegation met during the country visit. The Mechanism is deeply grateful to affected individuals for their bravery and generosity in sharing their experiences and providing testimony. It also thanks all the contributors of written submissions.
6. In Brussels, the delegation met with representatives of the Federal Public Service for Justice and the Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation and with members of the High Council of Justice, representatives of the Flanders and Brussels Regions, the Mayor of the City of Brussels and members of the Standing Commission of the local police, the police department of Brussels North, the Standing Police Monitoring Committee (Committee P) and the General Inspectorate of the Federal and Local Police. It also met with representatives of Unia (the main equality body in Belgium), the Flemish Human Rights Institute and the Federal Institute for the Protection and Promotion of Human Rights. The delegation visited the local police zones of Brussels Capital-Ixelles and Brussels-West, the “Caricole” detention centre for migrants and the Royal Museum for Central Africa in Tervuren.
7. In Namur, the delegation met with representatives of the Walloon Region and the French Community and visited Namur Prison. In Antwerp and in Charleroi, the delegation met with representatives of the city governments and the local police departments. In Mechelen, the delegation visited Kazerne Dossin, a Holocaust memorial, human rights museum and documentation centre.
8. In line with the Mechanism’s mandate, the visit was aimed at examining good practices and challenges faced by Belgium in advancing racial justice and equality in the context of law enforcement and the criminal justice system, with a focus on Africans and people of African descent. The present report contains the Mechanism’s findings and recommendations.

II. Background

9. Belgium is a Party to eight of the nine core international human rights instruments. Of particular relevance to the issues scrutinized by the Mechanism are the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Belgium is not a Party to either the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹

10. The national legal framework in Belgium includes several protections against racial discrimination. Articles 10 and 11 of the Constitution guarantee equality for all Belgians, including the enjoyment of rights and freedoms without discrimination. Relevant federal legislation includes the Act to Suppress Certain Acts Inspired by Racism or Xenophobia² and the Act to Combat Certain Forms of Discrimination.³ It also includes criminal provisions relating to hate crimes as an aggravating circumstance in both the current Penal Code and the Penal Code that will enter into force in 2026.⁴ Local federal entities also provide a legal framework, such as the Brussels Code on Equality, Non-discrimination and the Promotion of Diversity,⁵ the Decrees on Combating Certain Forms of Discrimination of Wallonia⁶ and the German-speaking Community⁷ and the Decree on Equal Opportunities and Equal Treatment of Flanders.⁸

11. As at 1 January 2025, Belgium had a population of approximately 11.8 million persons.⁹ Currently, no official statistics are available on the racial or ethnic composition of the population; however, according to Statbel (the Belgian statistical office), as at 1 January 2025, 35.9 per cent of the population (4.2 million persons) had a foreign background (22.1 per cent with Belgian nationality and 13.8 per cent without). Among those, 1.1 million persons (10 per cent of the total population) were of African origin: 6.2 per cent (729,036 persons) from North Africa and 3.3 per cent (393,011 persons) from sub-Saharan Africa.¹⁰

12. Belgium is a parliamentary constitutional monarchy with a complex federal system structured on regional and linguistic grounds. It is divided into three autonomous regions: (Flanders, Wallonia and Brussels-Capital Region) and three linguistic communities (Dutch-speaking Flemish Community, French-speaking Community and German-speaking Community). Within these regions, Belgium has 10 provinces and 581 municipalities.¹¹

13. Law enforcement in Belgium is divided into two levels: federal and local. The federal police operates nationwide, handling specialized tasks such as combating organized crime, providing highway patrol services and conducting judicial criminal investigations. It is under the authority of the Federal Public Services for Home Affairs and Justice.¹² The local police consists of approximately 178 law enforcement agencies (also known as police zones), each

¹ See https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=17&Lang=EN.

² See <https://www.ejustice.just.fgov.be/eli/loi/1981/07/30/1981001359/justel>.

³ See https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2007051035&table_name=loi.

⁴ See <https://www.unia.be/fr/legislation-et-jurisprudence/code-penal-delits-de-haine>.

⁵ See <https://www.ejustice.just.fgov.be/eli/decret/2024/04/04/2024003443/justel>.

⁶ See <https://www.ejustice.just.fgov.be/eli/decret/2008/11/06/2008204573/justel>.

⁷ See <https://www.ejustice.just.fgov.be/eli/decret/2012/03/19/2012202232/justel>.

⁸ See <https://www.ejustice.just.fgov.be/eli/decret/2008/07/10/2008203387/justel>.

⁹ See <https://statbel.fgov.be/en/themes/population/structure-population>.

¹⁰ See <https://statbel.fgov.be/en/themes/population/structure-population/origin>.

¹¹ See https://www.belgium.be/en/about_belgium/government.

¹² See <https://www.police.be/5998/fr/a-propos/police-integree/presentation>.

serving one or more municipalities. It is responsible for community policing, traffic control and local crime prevention, among other things.¹³

III. Systemic racism

14. Systemic racism against Africans and people of African descent, including as it relates to structural and institutional racism, is understood to be the operation of a complex, interrelated system of laws, policies, practices and attitudes in State institutions, the private sector and societal structures that, combined, result in direct or indirect, intentional or unintentional, de jure or de facto discrimination, distinction, exclusion, restriction or preference on the basis of race, colour, descent or national or ethnic origin. Systemic racism often manifests itself in pervasive racial stereotypes, prejudice and bias and is frequently rooted in histories and legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism.¹⁴

15. Manifestations of systemic racism in the context of law enforcement and the criminal justice system have been documented in reports by the Mechanism and the United Nations High Commissioner for Human Rights, and persist in part due to inadequate action to address the legacies of enslavement and colonialism.¹⁵ A serious barrier to reparatory justice in this respect is the lack of awareness and understanding among political leaders and the general public regarding the legacies of enslavement and colonialism and the successive racially discriminatory policies and systems, which are frequently denied or not fully considered to be factors that have a deep impact on policing, public security policies and access to justice. Establishing the truth about the causes and impacts of systemic racism is crucial to building support for reparatory justice. Society as a whole, and the State and its institutions specifically, should acknowledge the negative widespread and systemic effects of the injustices suffered by Africans and people of African descent in the past, the effects of which continue to disadvantage them today, especially in the context of law enforcement and the criminal justice system.¹⁶

16. In Belgium, Africans and people of African descent, as well as against other persons perceived as foreigners based on their ethnic, religious or linguistic profile – including Belgian nationals and persons born in Belgium – face racism, racial discrimination, xenophobia and related intolerance.¹⁷ Systemic racism against Africans and people of African descent in Belgium manifests in various sectors of society, including employment, education, healthcare and housing,¹⁸ and has permeated into law enforcement and the criminal justice system.¹⁹ Those violations are rooted in the legacies of enslavement and colonialism, the long-lasting impacts of which continue to be felt today in the country.

17. The delegation found that, even though some authorities recognized cases of racism, racial discrimination, xenophobia and related intolerance, there was a general denial of the existence of systemic racism against Africans and people of African descent in Belgium. Moreover, the delegation received reports that some authorities publicly and explicitly denied the existence of such racism, and that others even amplified racist, xenophobic and intolerant voices. This has been observed in relation to the rise of elected officials advocating an end to

¹³ See <https://be.brussels/en/about-region/structure-and-organisations/local-authorities-and-municipalities/police-zones>.

¹⁴ A/HRC/47/53, para. 9.

¹⁵ See A/HRC/47/53 and the accompanying conference room paper of the High Commissioner on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers, available at <https://www.ohchr.org/en/documents/reports/ahrc4753-promotion-and-protection-human-rights-and-fundamental-freedoms-africans>; A/HRC/51/53; A/HRC/54/66; A/HRC/54/69; A/HRC/57/67; and A/HRC/57/71.

¹⁶ A/HRC/57/71, para. 65. See also A/HRC/47/53.

¹⁷ See CERD/C/BEL/CO/20-22 and CCPR/C/BEL/CO/6. See also European Union Agency for Fundamental Rights, *Being Black in the EU: Experiences of People of African Descent* (Vienna, 2023).

¹⁸ See A/HRC/42/59/Add.1.

¹⁹ See CAT/C/BEL/CO/4.

migration, linking it to an alleged increase in criminality and a supposed decrease in local values. Such narratives fuel systemic racism against African and people of African descent, as well as against other persons perceived as foreigners based on their ethnic, religious or linguistic profile, including Belgian nationals and persons born in Belgium.

18. The delegation heard of positive initiatives taken towards facing the colonial past of Belgium, including the renaming of streets and public spaces and the removal of some statues or the adding of explanatory plaques to contextualize their current existence. The delegation visited the Royal Museum for Central Africa where it learned about efforts to change the narratives in relation to the colonial past and stereotypes related to Africans and people of African descent. The Mechanism welcomes the steps taken, including in response to the conclusions of the Working Group of Experts on People of African Descent on its visit in 2019,²⁰ and encourages further action. The Mechanism is concerned about reports of a very low level of meaningful involvement of Africans and people of African descent in these endeavours, including their low representation among the Museum's staff. African and colonial narratives cannot be adequately told without the meaningful participation of Africans and people of African descent.

19. The Mechanism welcomes the landmark judicial decision of 2 December 2024 by the Brussels Court of Appeal, which recognized the systematic search for and abduction of children born to Black mothers and white fathers and raised by their mothers in the Belgian Congo²¹ (commonly known as *métis*), solely because of their origin. The Court also recognized that their abduction was an inhuman act and an act of persecution constituting a crime against humanity under the principles of international law, awarding reparations to the victims of the case.²² The judgment marks a critical step towards justice for the thousands of individuals who suffered from forced separation, loss of identity and State-sponsored discrimination, which, as the Court ruled, constitute crimes against humanity. In the same vein, the Mechanism commends the adoption, in March 2023, of the law that simplifies access to colonial archives, enabling survivors and their descendants to trace their origins and reclaim their histories.²³ Building on these advances, the Mechanism sees the need for Belgium to develop a comprehensive reparations framework – with the effective participation of all affected individuals and their families in Belgium and across former colonial territories – that addresses the full scope of the harm inflicted upon them.

20. The Mechanism welcomes the initiative of several federal and local authorities to designate special departments or officers, in different regions and cities across the country, to fight discrimination. It also welcomes the efforts made by Wallonia, the French Community and the Brussels-Capital Region to develop action plans to combat racism. It further welcomes the adoption of a horizontal integration policy for the period 2025–2029 by the Flemish Region, one of the aims of which is to combat discrimination and racism in all sectors. The Mechanism is concerned that it has not yet been possible to develop an intergovernmental action plan against racism.²⁴ However, it recognizes the efforts of the current administration to forge agreement on a plan that is functional and implementable in all regions.

21. The delegation learned about the work of Unia in the fight against racism and racial discrimination in Belgium. The Mechanism recognizes as a good practice the existence of such an equality body with the resources and powers necessary to operate, including to take legal action in specific cases. The Mechanism has received with concern reports of recent political initiatives aiming at dissolving Unia or reducing its resources. It is concerned that Unia does not have the legal power to request information on a mandatory basis, meaning that authorities from which information is requested do not have the obligation to provide it. This situation hampers its capacity to analyse cases and its efficiency in deciding in which cases it should take legal action.

²⁰ A/HRC/42/59/Add.1, paras. 69 and 75 (n)–(p).

²¹ As known during the Belgian colonial administration; now the Democratic Republic of the Congo.

²² See https://www.unia.be/files/2024_12_02-Cour-Bruxelles.pdf.

²³ See <https://www.ejustice.just.fgov.be/eli/loi/2023/03/21/2023030953/moniteur>.

²⁴ In the context of Belgium, the term “intergovernmental” refers to initiatives, institutions or policies that span and are coordinated among the different levels of government (federal, regional and community).

22. The Mechanism notes the recent creation of the Flemish Human Rights Institute, a new human rights and equality body for the Flanders region. Although the Institute has some resources to operate and can follow up on individual cases, the Mechanism is concerned that it lacks the powers needed to take specific cases to court and to compel authorities to provide information. The Mechanism has also heard that, as the current resources available to it are very limited, only one person oversees and follows up on all situations of racism and racial discrimination in the region, limiting the capacity of the Institute for effective action.

23. The Mechanism has heard of an initiative by the federal and some regional and local governments of giving specific direct grants to organizations that fight against racism, including to some who work directly with affected communities. Although it has heard criticism of the way the grants are allocated and that the support assigned is very limited, the Mechanism considers these grants as a good practice.

IV. Law enforcement

A. Well-being of law enforcement personnel

24. The Mechanism has learned about several initiatives addressing the well-being and mental health of police officers. Circular GPI 100 of 24 November 2022, for example, sets out a clear framework of zero tolerance for any form of violence against, threat to or intimidation or attack on the integrity of police officers.²⁵ The Code on Well-being in the Workplace contains a chapter on monitoring the health of workers, which is compulsory for those undertaking high-risk jobs that involve carrying weapons, driving vehicles and duties requiring heightened vigilance.²⁶ Police officers can also consult an internal service staffed by psychologists and social workers in case of work-related difficulties, including violent incidents, and, in some federal and local police units, colleagues are trained in stress management and peer support during high-risk traumatic events.

25. While welcoming these initiatives, the Mechanism is concerned by the results of a study on post-traumatic stress disorder in Belgian police officers conducted in 2023.²⁷ According to this study, one police officer in seven suffers from post-traumatic stress disorder, half of whom report particularly severe symptoms. About 1 police officer in 10 reported depressive symptoms, and almost 1 in 15 had considered suicide in the two weeks preceding the survey.

26. The Mechanism acknowledges the challenging and stressful nature of law enforcement work and the potentially traumatic impact that some situations can have on law enforcement officers. The mental health of officers directly affects the way in which they perform their duties and their interactions with the communities they serve. It is essential that law enforcement officers and their families receive the resources that they need to support their mental and physical health.

B. Policing practices and institutional culture

27. In 2001, Belgium undertook a structural reform of the police.²⁸ The three former police forces – the municipal police, the national gendarmerie and the judicial police attached to the public prosecutor's offices – were combined into an integrated police service at the federal and local levels. The reform also led to the development of community policing and community agents. During the visit, the delegation witnessed positive examples of

²⁵ See https://www.ejustice.just.fgov.be/cgi/article.pl?language=fr&sum_date=2022-12-08&lg_txt=f&pd_search=2022-12-08&s_edition=&numac_search=2022042924.

²⁶ See <https://emploi.belgique.be/fr/themes/bien-etre-au-travail/principes-generaux/code-du-bien-etre-au-travail>.

²⁷ Nils Rentmeesters and Dirk Hermans, "Posttraumatic stress disorder in Belgian police officers: prevalence and the effects of exposure to traumatic events", *European Journal of Psychotraumatology*, vol. 14, No. 1 (January 2023).

²⁸ See <https://refli.be/fr/lex/2001000333>.

community policing, in particular in the Ixelles neighbourhood and in the Molenbeek-Saint-Jean municipality of the Brussels region. In several police zones, law enforcement officials actively cooperate with civil society actors, including social workers, to build relationships with the communities. Another positive example is the establishment of the positions of liaison assistants and youth outreach workers to strengthen connections between police and community in the police zone of Brussels North, as well as the organization of games for children and youth to present the work of the police. The Mechanism welcomes the active participation of the police in anti-racial discrimination campaigns and initiatives such as the display of a “No Hate badge” by the Charleroi police to mark their commitment to fighting discrimination.

28. These initiatives, however, remain sporadic and based on the goodwill and commitment of specific law enforcement officers. The Mechanism regrets that community policing appears to be reduced or non-existent in several police zones, with a harmful impact on community-police relations. In the Marolles neighbourhood of Brussels, for example, the delegation was informed that relations between the population and the police had been more peaceful when there was a police station in the neighbourhood.

29. The Mechanism notes a widespread and deeply rooted lack of trust in law enforcement among Africans and people of African descent, in particular among the youth. According to various testimonies, many young people instinctively run away when they see the police. As members of these communities continue to associate law enforcement with repression rather than service and protection, they are more likely to avoid them, less likely to cooperate and less likely to call on the police if they need help or protection.

30. The Mechanism notes the importance for police officers to understand the cultural and socioeconomic contexts in which they operate. For example, understanding that young people in socially vulnerable situations might gather outdoors because they do not have sufficient space at home. A police officer noted that prevention and communication should be the focus of police interventions, rather than a formalistic enforcement of the law.

31. The Mechanism wishes to emphasize the importance of a human rights-based approach to policing, whereby law enforcement officers have a duty to respect, protect and fulfil the human rights of the individuals and communities they serve. Law enforcement officers must be fully aware of all their human rights responsibilities.

C. Lack of disaggregated data

32. The compilation, analysis, publication and use of data disaggregated by race or ethnic origin and additional factors are crucial to effectively respond to issues related to racial discrimination in law enforcement – including disproportionate targeting for stops, searches or arrests, racial profiling and use of force – towards specific groups. Understanding discriminatory patterns, revealed by consistently gathered data, is essential for identifying recurrent concerns, preventing them and developing effective policies and reforms to address them. In addition to such data in relation to law enforcement practices, disaggregated data on the composition of law enforcement forces are also needed.

33. The systematic collection of disaggregated data on race and ethnicity is necessary to hold public institutions accountable for their role in perpetuating inequalities and to foster diversity, inclusion and equitable representation across all sectors. Guidance is available on ensuring that such data disaggregation is conducted with strict safeguards and in line with human rights standards.²⁹ It can also contribute to raising awareness among law enforcement officers, with the goal of enabling more targeted and effective decision-making. Moreover, diversifying the types of data gathered beyond those data traditionally collected by law

²⁹ See [A/77/333](#); and Office of the United Nations High Commissioner for Human Rights, “A human rights-based approach to data: leaving no one behind in the 2030 Agenda for Sustainable Development” (Geneva, 2018).

enforcement entities would provide a more robust picture of the interaction between Africans and people of African descent and the law enforcement and criminal justice sectors.³⁰

34. During its visit, the delegation identified significant gaps in the collection and analysis of data disaggregated by race or ethnic origin and by other factors, concerning encounters between law enforcement officials and the population. In particular, there is a gap in data concerning police encounters with foreign nationals or individuals of non-European origin, including Africans and people of African descent. The lack of data disaggregated by race or ethnic origin has been stressed repeatedly by other United Nations mechanisms, including treaty bodies, which have recommended to Belgium the collection and analysis of such data.³¹

35. The Mechanism welcomes, however, the data-collection work based on protected grounds conducted by Unia in relation to the reports it receives. According to its 2023 analysis, 65 per cent of the cases that Unia opened in the area of police and justice concerned discrimination based on race or ethnic origin, often concerning racial profiling by police.³² Unia also emphasized the lack of data on complaints regarding acts of racial discrimination by law enforcement,³³ as part of a more generalized lack of disaggregated data on race and ethnic origin in Belgium.

D. Training

36. Authorities informed the delegation that new recruits in the integrated police must undergo training specific to their rank. The duration of the training varies from six months for police constables to two years for externally recruited police superintendents. Modules on integrity, anti-racism and anti-discrimination, as well as stress and violence management, are systematically covered in every training course.

37. The Mechanism emphasizes the importance of training law enforcement officers on human rights, and more specifically on racial discrimination, racial bias and racial profiling, at police academies and throughout officers' careers. In this regard, the delegation was pleased to learn about the training programme on the topic "Holocaust, police and human rights" organized at Kazerne Dossin for members of the integrated Belgian police force. In addition, the delegation was informed about the training course entitled "Serious game: coping with police dilemmas" and the online training course entitled "ProProfile", aimed at preventing racial profiling. However, the Mechanism regrets the non-compulsory nature of these types of training courses at the local and federal levels.

38. The delegation heard that many police officers working in Brussels were from smaller towns and non-urban areas and lacked lived experience of racial and ethnic diversity and knowledge of local dynamics. The Mechanism welcomes initiatives to provide training on cultural diversity at the police zone level and encourages the delivery of such training at all levels of the police across the country.

E. Diversity and inclusion

39. The Mechanism is of the view that policing is more effective and that there is more trust between law enforcement and the population when police forces reflect the society they serve, including in their ethnic and gender composition. The Mechanism notes the efforts undertaken by the integrated police to recruit a more diverse workforce, including people of African descent. The organization of information sessions in ethnically diverse neighbourhoods is good practice in this regard. Nevertheless, there is still a significant lack of representation of people of different racial or ethnic backgrounds, including people of

³⁰ A/77/333, para. 37.

³¹ See CERD/C/BEL/CO/20-22, CAT/C/BEL/CO/4 and CCPR/C/BEL/CO/6.

³² See https://www.unia.be/files/Rapport_chiffres_2023_FR_-_finale_versie_1.pdf. In the report, the term "race or ethnic origin" encompasses skin colour, descent, nationality and national or ethnic origin, and perceived race.

³³ See <https://www.unia.be/fr/connaissances-recommandations/rapport-discriminations-personnes-afrodescendantes-2022>.

African descent, in the police. Such representation is particularly relevant in highly diverse cities such as Brussels where, in some neighbourhoods, most of the population is of different racial or ethnic backgrounds.

40. During the visit, the delegation held meetings with police officers of ethnic minority backgrounds who shared their experiences, including regarding police-community relations. For example, a police officer told the Mechanism that people in North African communities trusted him more because he was of North African origin himself. To enhance racial and ethnic diversity, including people of African descent, in law enforcement agencies, it is crucial to change the image of the police to that of an inclusive and non-discriminatory institution.

41. Once hired, the retention of police officers of diverse ethnic origins is crucial. A law enforcement officer told the delegation that providing good work conditions and ensuring that staff remained motivated about their work were the most important elements for retaining staff. The Mechanism would like to underline the importance of a racism-free environment within the ranks. In this regard, it is concerned about several reports of racism within the police.³⁴ Some police officers reported having experienced racism themselves, both on and off duty, including from co-workers.

42. One important step to ensure a work environment free from racism and discrimination in police forces is to assess the values of potential recruits from the onset of the hiring process and throughout their careers. Representatives of the integrated police explained that discriminatory and racist views, as well as integrity, were primarily assessed during the recruitment process. However, the delegation was informed about the absence of regular integrity screening of serving law enforcement officers.

F. Racial profiling

43. Before and during the visit, the Mechanism received numerous testimonies of racial profiling against people of African descent by the police. According to a survey conducted by the European Union Agency for Fundamental Rights, published in 2023, 12 per cent of women of African descent and 36 per cent of men of African descent in Belgium had been stopped by the police in the previous five years.³⁵ Some civil society activists of African descent told the delegation that, while they had good relations with law enforcement officials in the context of their work, they had also experienced tense interactions with the police when in public spaces.

44. The delegation received information indicating that boys and young men of African descent were disproportionately targeted by law enforcement officials. Some interlocutors suggested that that was partially because, for cultural reasons, girls and young women of African descent were less present in public spaces. It was also reported that, while girls and young women of African descent were more often witnesses than victims of police violence, they also experienced verbal abuse by the police. Racialized young men reported being regularly stopped for identity checks when they were simply walking on the street, waiting for the bus or gathering with friends. Some testimonies highlighted how the police would treat groups of white youth and groups of racialized youth differently, even when there were no notable differences in their behaviour. The delegation identified a general feeling among people of African descent that they were perceived as foreigners, even when they were born in Belgium and/or were Belgian citizens.

45. As a result, affected individuals develop a profound distrust in law enforcement institutions and a tendency to avoid the police at all costs, as reported above. It leads young people to restrain their own movements, as they are afraid to go to other neighbourhoods. This feeling of being othered, and associated with criminality, has a damaging impact on their well-being. “We are in survival mode”, a young man of African descent told the delegation.

³⁴ See [ULB-SPFJustice-RapportPoliceDiversite_Racisme2023-VF.pdf](#).

³⁵ *Being Black in the EU*, p. 74.

46. The Mechanism wishes to emphasize that racial profiling erodes the relations between law enforcement entities and communities and, hence, law enforcement effectiveness. Moreover, repeated interventions in the same location contribute to stigmatizing residents and strengthening the harmful association with crime. The Mechanism is concerned about this dynamic: when law enforcement officers overpolice a particular community, they are more likely to identify offences committed by members of that community, leading to the false assumption that most crimes are committed by that community.

47. The Mechanism recalls that these dynamics can be exacerbated by the use of automated identification and predictive policing technologies, noting that these systems tend to produce biased outcomes. Civil society representatives expressed concerns over the use of facial recognition, noting that such systems were fed with information embedded with racial bias, leading to Africans and people of African descent being disproportionately targeted.³⁶

48. The Mechanism notes the publication in 2023 of the “CP 5” circular, setting out the reference framework for “professional profiling and control” as a measure to reduce racial profiling.³⁷ However, it notes that the circular is non-binding and has not been implemented in all the police zones. The Mechanism has received allegations that the term “professional profiling” is simply being used to justify the actions of the police, while in many cases it is simply a euphemism for racial profiling.

G. Excessive use of force

49. The Mechanism expresses profound concern regarding reports – from interviews and written testimonies – of cases of excessive use of force by police against Africans and people of African descent.³⁸ The Mechanism is particularly concerned about reported cases of police violence against children. All of the 20–25 reports of police violence against children recorded by the Delegate-General for Children’s Rights since taking office on 1 February 2023, concerned children from an ethnic minority background.³⁹

50. The Mechanism has heard several concerning allegations of police violence against children of African descent in Belgium, including the following cases: a 9-year-old boy who was tackled by police and forced to the ground at his school when experiencing a crisis after being subjected to racist remarks from another child; a 12-year-old boy who was caught and beaten by the police when running away, following the movement of a crowd; a group of racialized teenagers, including of African descent, who were verbally and physically assaulted by a group of off-duty police officers during a kayaking excursion; and a child who was arrested during a protest and beaten up in police custody.⁴⁰ A shocking example of police violence against children occurred in Brussels on 2 June 2025, during the visit of the Mechanism. An 11-year-old boy ran away from the police with his e-scooter and was chased by a patrol car that ended up running him over and killing him.⁴¹

51. The Mechanism notes with concern that children of African descent suffer from “adultification”, whereby discrimination and bias result in them being perceived as older, which affects their treatment by law enforcement officers.⁴² More generally, there seems to be a perception among police officers that Africans and people of African descent are aggressive, violent and disproportionately strong, a narrative that encourages the use of excessive force against them. Community members reported that cases of violent interactions with law enforcement officials were often labelled as situations of conflict between the victims and the police, with victims accused of having been aggressive. Consequently, there

³⁶ See also [A/HRC/56/68](#), in particular paras. 26–29.

³⁷ See https://www.ejustice.just.fgov.be/mopdf/2023/08/25_1.pdf#Page337.

³⁸ See, for example, <https://auvio.rtbf.be/media/investigation-investigation-3135468>.

³⁹ See <https://www.rtbf.be/article/mort-de-fabian-a-ganshoren-les-droits-elementaires-de-ce-jeune-ont-ete-bafoues-estime-solayman-laqdim-11556897>.

⁴⁰ See <https://obspol.be/les-victimes/mathis-05-09-2023-ham-sur-heure-brutalise/>; <https://www.enar-eu.org/police-brutality-and-racialised-minors-in-belgium-death-threats-slurs-and-victim-blaming/>; and <https://auvio.rtbf.be/media/investigation-investigation-3135468>.

⁴¹ See <https://www.brusselstimes.com/1621960/death-of-11-year-old-fabian-what-we-know-so-far>.

⁴² [A/HRC/57/67](#), para. 33.

is a reversal of the burden of proof, with victims expected to prove that they are indeed victims.

52. The delegation heard heartbreaking testimonies about Africans and people of African descent killed by law enforcement officers. Lamine Langoura, a 27-year-old man, was killed by the police in his home in 2018 during an intervention due to unpaid rent.⁴³ Unia records shared with the delegation show that, of 14 persons killed by the police since 2018, 13 were of foreign origin. The Mechanism is also concerned about reported cases of deaths in police custody. According to Unia, five of the seven persons who died in police custody between 2018 and 2023 were of African descent.

53. The Mechanism would like to recall that any decision by law enforcement officers to use force must comply with the principles of legality, necessity, proportionality, precaution, non-discrimination and accountability.⁴⁴ Article 37 of the Police Act and article 49 of the Police Code of Ethics authorize the use of force to pursue a legitimate objective that cannot otherwise be achieved, adding that any use of force must be reasonable and proportionate to the objective pursued.⁴⁵ It is also stated in the Code of Ethics that the objective pursued must be legal, that it cannot be achieved by less violent means and that law enforcement officers must seek the least violent appropriate means of intervention possible. The Mechanism is concerned that, considering the cases reported above, these principles are not always respected in the interactions between law enforcement officers and Africans and people of African descent.

H. Accountability

54. The Mechanism is deeply concerned by reports that a very high proportion of complaints against the police are dismissed: 90–95 per cent of the thousands of cases of alleged police violence received by the Delegate-General for Children's Rights since February 2023 were closed by Committee P.⁴⁶ Further, the Mechanism has heard about several instances where victims of police violence were allegedly discouraged from complaining by the police, sometimes invoking a risk of reprisals. The Mechanism wishes to stress that the low level of complaints makes the issue of racialized violence by law enforcement officers less visible.

55. The Mechanism is concerned that, in several cases of alleged excessive use of force by police officers, the alleged perpetrators have reportedly remained in service, sometimes in the same police station. This practice denies the guarantees of non-recurrence for victims and, according to reports received, exposes them to intimidating and provoking behaviour by the police officers involved.

56. Representatives of African communities and communities of African descent pointed to a prevailing feeling of impunity among law enforcement officers involved in discriminatory and violent behaviours that further eroded their confidence in public institutions. To quote a civil society representative: "When the Belgian Government grants impunity to police officers, it becomes complicit in the murders they commit."

57. The Mechanism regrets the lack of a unified database of complaints against the police to improve the effectiveness of oversight work, a concern shared by interlocutors working with both Committee P and the General Inspectorate of the Federal and Local Police. Moreover, the Mechanism notes the absence of a unified integrity policy for the country and that not all regions have a unified police integrity plan.

58. According to information received, even in cases in which an offence was committed by a civilian, Africans and people of African descent are often reluctant to report it to the

⁴³ See <https://www.solidaire.org/articles/lamine-bangoura-ex-espoir-du-foot-tue-par-la-police>.

⁴⁴ See Code of Conduct for Law Enforcement Officials and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

⁴⁵ See <https://www.ejustice.just.fgov.be/eli/loi/1992/08/05/1992000606/justel>; and https://www.ejustice.just.fgov.be/cgi_loi/article.pl?language=fr&lg_txt=f&cn_search=2006051033.

⁴⁶ See <https://www.rtb.be/article/mort-de-fabian-a-ganshoren-les-droits-elementaires-de-ce-jeune-ont-ete-bafoues-estime-solayman-laqdim-11556897>.

police, notably because they are afraid to go to a police station. This is exacerbated for undocumented migrants, who fear that they will be questioned about their immigration status. By way of illustration, the delegation heard about the case of a woman of African descent who had been to the police to report domestic violence and was asked about her migration status as a first step in filing a complaint. The delegation also heard that Africans and people of African descent often felt that they were not being taken seriously by the police.

59. Civil society representatives informed the delegation that factors such as language barriers and the design of complaint forms could also make complaining more difficult. They considered that police officers were not sufficiently trained to support victims of racial discrimination and tended to ignore or sideline aspects of cases that related to racism and racial discrimination. In a 2022 report, Unia noted that, although the number of reports related to discrimination that they received was growing, the number of complaints processed by the police remained low.⁴⁷

60. The Mechanism welcomes police initiatives to promote a victim-centred approach. Representatives of the police zone of Brussels North, in particular, informed the delegation about mandatory training for new police officers to better support victims wishing to lodge a complaint and create a safe environment in which victims feel heard and respected. The Mechanism also notes the development of the “Police on web” tool to report offences online. While not always the most appropriate mechanism for complaints pertaining to racism and racial discrimination, it might be a useful tool for people who are reluctant to make a report in a police station.

I. Oversight

61. Oversight of police forces is an essential element in identifying and preventing police misconduct and human rights violations, including racial profiling and excessive use of force. During the visit, the delegation learned about the work of Committee P and the General Inspectorate of the Federal and Local Police, two bodies in charge of overseeing the work of law enforcement entities.

62. Committee P is an external oversight body for the police established under the auspices of the Federal Parliament.⁴⁸ It oversees policing practices and examines complaints. Recently, its mandate was expanded to allow it to receive whistle-blower complaints,⁴⁹ a good practice that should be encouraged. The General Inspectorate is an independent institution within the police services whose main mission is to contribute to optimizing the functioning of police services, at both the federal and the local levels. It carries out this mission through monitoring.⁵⁰ It also drafts reports, vision documents and manuals.

63. While the General Inspectorate oversees the different local police zones and the federal police, Committee P has a broader oversight function to monitor special inspection services, persons individually responsible for identifying and recording offences, security services within public transport companies and the Coordination Unit for Threat Assessment, in addition to local and federal police.⁵¹

64. The Mechanism welcomes as a good practice the establishment of Committee P as a specialized autonomous police watchdog outside of the executive power that reports to Parliament, as well as the fact that it deals with all cases of deaths involving the police. The Mechanism appreciates that cases relating to racism are automatically shared with Unia, on the basis of a cooperation protocol. However, the Mechanism also notes that, due to its limited budget, Committee P does not have sufficient capacity to process all the complaints it receives.

⁴⁷ See <https://www.unia.be/fr/connaissances-recommandations/rapport-discriminations-personnes-afrodescendantes-2022>.

⁴⁸ See <https://comitep.be/about-committee-p.html>.

⁴⁹ See https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&caller=summary&pub_date=2022-12-23&numac=2022034749.

⁵⁰ Including monitoring of forced returns of migrants and of the quality of police training.

⁵¹ See <https://comitep.be/who-is-monitored.html>.

65. The Mechanism wishes to stress that, although independence and impartiality are crucial, so is the perception thereof. That means that there must be independence not only in law and in practice, but also in the public perception.⁵² A perception of independence and impartiality by affected individuals and communities is largely lacking with regard to both the General Inspectorate and Committee P, which has former police officers among its staff.

66. The Mechanism welcomes recent legislative amendments to regulate the use of body cameras.⁵³ Such cameras are an essential tool for accountability and transparency, while also protecting law enforcement officers who wear them from possible false accusations of misconduct. According to information received, however, the use of body cameras by law enforcement officers is neither systematic nor compulsory and officers can decide whether to activate them, and when.⁵⁴

67. Under article 41 of the Police Act, police staff on duty must be identifiable in all circumstances. They must wear a visible and legible name tag or, in some circumstances, an intervention number, affixed to their uniform. The delegation learned that those identification tags were sometimes covered by the equipment worn by officers, particularly in the context of public assemblies. The use of Velcro badges placed on top of law enforcement equipment was mentioned as a good practice.

J. Migrants, refugees and asylum-seekers

68. The migration policy of Belgium is regulated by the Law on Access to the Territory, Residence, Establishment and Removal of Foreigners.⁵⁵ Migrants whose visa or residency permit has expired or who entered the territory irregularly and have not obtained international protection become undocumented if they remain on Belgian territory.⁵⁶

69. Migrants in Belgium are highly vulnerable to racial discrimination and other human rights violations by law enforcement and authorities. Moreover, the lack of legal documents hinders the access of migrants in irregular situations to basic services, with a dire impact on their enjoyment of human rights.⁵⁷ Interlocutors noted that there was little awareness among undocumented migrants of their rights. The fear of being identified discourages them from interacting with public institutions and reporting possible instances of racial discrimination that they experience. Access to housing is particularly critical in the absence of proper documentation, leading to homelessness.⁵⁸ The Mechanism stresses that the intervention of the police to remove homeless migrants from accommodation risks escalating the situation and resulting in violations of the use of force.⁵⁹

70. The delegation heard concerns about the criminalization and dehumanization of African asylum-seekers and undocumented migrants and about instances of excessive use of force and harassment against them. It was noted that the overpolicing of individuals perceived as foreigners, including Africans and people of African descent, put undocumented migrants at particular risk of being searched and detained.

71. The Mechanism appreciates the information provided at the Caricole closed centre and the efforts undertaken by the management to offer adequate living conditions to residents,

⁵² A/HRC/57/71, paras. 44 and 48.

⁵³ See <https://www.thebulletin.be/belgium-adopts-new-rules-police-use-bodycams>; and <https://polinfo.kluwer.be/NewsView.aspx?contentdomains=POLINFO&id=VS301051610&lang=fr>.

⁵⁴ Under the terms of the law of 21 March 2007 on surveillance cameras and its implementing decrees (Royal Decree of 10 February 2022), use is possible but not compulsory, and is subject to conditions.

⁵⁵ See <https://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel>.

⁵⁶ See <https://dofi.ibz.be/fr/themes/sejour-irregulier>.

⁵⁷ See <https://www.caritasinternational.be/en/asylum-migration-en/undocumented-migrants-in-belgium-causes-and-consequences-long-read/>.

⁵⁸ See <https://www.amnesty.org/en/documents/eur14/9161/2025/en/>.

⁵⁹ See <https://www.despecialist.eu/nl/nieuws/brusselse-autoriteiten-verjagen-kwetsbare-mensen-die-staat-zelf-de-straat-heeft-opgeduwd.html>; <https://www.brusselstimes.com/brussels/1211794/brutal-squat-eviction-sees-60-undocumented-people-on-the-streets-again>; and <https://www.theguardian.com/world/2019/jul/01/brussels-police-clear-homeless-people-from-park-tour-de-france>.

in accordance with the Royal Decree of 2 August 2002 regulating closed centres.⁶⁰ It also welcomes efforts to improve communication between staff and residents, such as cooperation with interpreters and the recruitment of more diverse staff. Staff at the centre indicated that 25 per cent of the staff working in Caricole were of non-Belgian origin, including of African descent. The delegation observed that the living conditions and services available to residents in Caricole were good. However, it heard reports that the conditions in other, similar centres were poorer.

V. Criminal justice system

A. Overrepresentation of foreigners and persons of foreign origin, including Africans and people of African descent, in criminal detention

72. In March 2025, Belgium had a total prison population of 13,018 individuals, of whom 4.5 per cent were women.⁶¹ According to official statistics on the average daily prison population in 2023, 43.6 per cent of the inmates were not Belgian; 32 per cent of whom were from North Africa and approximately 5 per cent from sub-Saharan Africa.⁶² The Mechanism wishes to emphasize that statistics based on nationality do not provide an accurate view of the proportion of people of African descent in detention, as such people are not necessarily foreign nationals or nationals of African countries. According to information received, there is a disproportionate representation of people of certain racial or ethnic backgrounds in criminal detention, including people of African descent. Factors such as racial profiling and the overpolicing of people perceived as foreigners, coupled with harsher sentences and less access to alternatives to detention, contribute to this overrepresentation.

73. According to information submitted to the Mechanism, Africans and people of African descent are more likely than other groups to be denied bail and held in pretrial detention. The Mechanism has also learned how intersecting identities have an impact on the interactions of Africans and people of African descent with the criminal justice system: women, migrants, LGBTIQ+ persons and persons with disabilities, including psychosocial disabilities, who are of African descent, face multiple and intersecting forms of discrimination, including violence and exclusion. It was reported to the delegation that society tended to view incarcerated women more negatively than incarcerated men, and that African women and women of African descent were particularly likely to be negatively stereotyped. The delegation learned about allegations of women of African descent who had been separated from their children by the State while facing a criminal investigation, without having been convicted.

74. Information received suggests that undocumented migrants represent about one third of the prison population.⁶³ The delegation was informed that the migration status of defendants influenced decisions on placing them in pretrial detention instead of using alternatives to detention. Likewise, it was noted that judges tended to take regularization prospects into account when envisaging access to parole. The Mechanism is concerned about individuals being deprived of liberty on the basis of their migration status rather than the offence they committed, leading to overpopulation in prisons, as detailed below.

B. Conditions of detention and overcrowding

75. During the visit to Namur Prison, the delegation noted its good condition, as it had been recently renovated, as well as the standard of training, the goodwill and the dedication

⁶⁰ See <https://dofi.ibz.be/en/themes/irregular-stay/detention/regulatory-compliance-and-control>.

⁶¹ See <https://www.prisonstudies.org/country/belgium>.

⁶² See

https://justice.belgium.be/sites/default/files/downloads/EPI_Chiffres%20annuels%202023_FR.pdf.

⁶³ Figures from the Directorate General of Penitentiary Establishments, shared with the delegation by the Central Prisons Supervisory Council, show that, among the 13,015 individuals incarcerated as at 1 July 2025, 4,096 were undocumented migrants.

of the staff and managers running it. However, the delegation received information that those good conditions were the exception among Belgian prisons.

76. The Mechanism is deeply concerned about the critically high overcrowding rates in Belgian prisons, which has a significant impact on the human rights of detainees, including those of African descent. According to Eurostat, Belgium had the fourth highest rate of prison overcrowding within the European Union in 2023, with an occupancy rate of 113.2 per cent.⁶⁴ The Mechanism finds it particularly worrying that overcrowding rates in several facilities, such as Antwerp Prison, exceed 50 per cent.⁶⁵ This overcrowding has negative consequences for the human rights of detainees, including conditions of detention and access to healthcare, work, educational and recreational activities. The Mechanism recalls that overcrowding and sub-standard conditions of detention may constitute a severe form of ill-treatment or even torture.⁶⁶

77. As of March 2025, the incarceration rate in Belgium was 109 per 100,000 inhabitants, compared with 104 in March 2024 and 95.3 in January 2023, with a very limited increase in prison capacity. Based on information received, this overpopulation is the result of an increased use of pretrial detention. Concerns over the impact of pretrial detention on overcrowding were shared with the delegation during the visit. It has also been denounced by several prison directors in Belgium.⁶⁷ Official data from 2023 reveal that 35 per cent of incarcerated people were pretrial detainees. The Mechanism recalls that pretrial detention should be used as a means of last resort in criminal proceedings and, when used, should not last longer than necessary.⁶⁸

78. Despite the efforts of the penitentiary administration to provide inmates with a range of healthcare services, the delegation was informed that such services remained insufficient. It was also informed about recommendations by medical practitioners to have the prison health system placed under the responsibility of the Federal Public Service for Health instead of the Federal Public Service for Justice.⁶⁹ The Mechanism reminds the State of its obligation to provide healthcare in prisons, including mental health services, and that prisoners are entitled to the same standards of healthcare as those available in the community.⁷⁰ The Mechanism regrets the understaffing of psychosocial services for detainees.

79. The Mechanism is concerned about the lack of interpretation services in prison, noting that it affects the ability of detainees who do not speak an official language of Belgium to communicate with staff and other inmates and, in the case of pretrial detainees, to adequately prepare their defence. The delegation was informed that prison staff sometimes refused to speak to inmates in a common foreign language. On a positive note, the Mechanism welcomes the use of translation devices in some prisons to compensate for the absence of interpretation services and the availability of online meetings at Namur Prison for detainees to keep in contact with relatives abroad.

80. Official statistics indicate that persons with psychosocial disabilities represented 7 per cent of the prison population in 2023. The Mechanism is concerned about the placement of persons with such disabilities in prisons, due to the lack of capacity of specialized mental health institutions. It emphasizes that prisons are not suitable for persons with psychosocial disabilities, as adequate medical care cannot be provided there.⁷¹ Moreover, information suggests that they tend to be overmedicated due to the insufficient number of qualified

⁶⁴ See https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Prison_occupancy_statistics.

⁶⁵ https://justice.belgium.be/sites/default/files/downloads/EPI_Chiffres%20annuels%202023_FR.pdf.

⁶⁶ See A/HRC/30/19; and A/HRC/55/52, para. 7.

⁶⁷ See <https://www.vrt.be/vrtnws/nl/2022/11/25/open-brief-gevangenisdirecteuren>.

⁶⁸ United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), rule 6.

⁶⁹ See https://www.unodc.org/documents/hiv-aids/publications/Prisons_and_other_closed_settings/Good-governance-for-prison-health-in-the-21st-century.pdf.

⁷⁰ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rule 24.

⁷¹ The so-called social defence incarceration.

medical staff.⁷² The Mechanism emphasizes that deprivation of liberty in a prison is likely to have a deleterious impact on persons with psychosocial disabilities and to exacerbate their mental health conditions.⁷³

C. Access to justice

81. The Mechanism has noted a troubling crisis of confidence in the Belgian justice system on the part of Africans and people of African descent. Lengthy judicial proceedings, often ending with a dismissal of charges in cases involving racial discrimination or bias, exacerbate this loss of public trust, as well as the perception of a “two-speed” justice system that is biased against them. Some civil society representatives highlighted what they described as a “racialization of sentences”, in which the same act is not treated in the same way when committed by a person of African descent or a white person. An illustrative case brought to the attention of the Mechanism is the death of Sanda Dia, a 20-year-old student of African descent, who died because of violence suffered during a hazing ritual. The 18 students involved were sentenced to community service only. In contrast, it was noted that Africans and people of African descent tended to receive harsh sentences for lesser crimes involving deprivation of liberty.

82. A significant barrier to access to justice for Africans and people of African descent is the cost of adequate legal representation. The delegation was informed that, while free legal aid was available for individuals on a low income, State-assigned lawyers often lacked expertise in human rights, social justice or racism. In addition, the delegation heard from affected communities and individuals that it was common for lawyers to suggest dropping legal argumentation relating to racial discrimination or bias on the basis that it did not help the overall strategy of the case. These factors, combined with lesser awareness among Africans and people of African descent of their rights, hinder their chances of obtaining justice.

83. The Mechanism highlights how the intersection between race and gender particularly affects African women and women of African descent within the justice system. The delegation heard several cases of women of African descent who had been deprived of the custody of their children following a separation from their white partner, often seemingly based on stereotypical views of mothers of African descent.

84. The Mechanism regrets the lack of representation of people of African descent in the judiciary and noted the reported difficulties in recruiting candidates from ethnic minority backgrounds. While the provision of a mandatory e-course for judges on combating hate crimes and racial discrimination is a welcome initiative, regular training on addressing racial discrimination and implicit and explicit bias is needed to more effectively tackle systemic racism in the judiciary.

D. Prevention of torture and other cruel, inhuman or degrading treatment or punishment

85. The Mechanism welcomes the expressed willingness of Belgium to continue to work towards the ratification of the Optional Protocol to the Convention against Torture. The Mechanism also welcomes the designation in 2024 of the national preventive mechanism competent at the federal level within the Federal Institute for the Protection and Promotion of Human Rights. However, it notes that the Institute has a very limited number of staff to carry out monitoring visits to all places of deprivation of liberty under its preventive mandate.

⁷² See https://www.unia.be/files/Rapport_internement.pdf. The delegation spoke with an inmate in social defence detention and noticed that he was heavily medicated.

⁷³ See https://www.unia.be/files/Rapport_internement.pdf. Belgium was condemned by the European Court of Human Rights on this matter in 2024 (*B.D. v. Belgium*, Application No. 50058/12, Judgment, 27 August 2024). There is only one facility specifically designed to accommodate individuals who have been found not responsible for their actions (Paifve) (see <https://www.internement.be/lieux-secures/annexes-psychiatriques-prisons-paifve/>).

86. The Mechanism is concerned that the Federal Institute for the Protection and Promotion of Human Rights only has a mandate to conduct preventive monitoring visits to federal facilities; it cannot monitor places of deprivation of liberty that come under the responsibility of regional authorities. The Mechanism takes note of the plans in Flanders to place the preventive mechanism under the Flemish Human Rights Institute and encourages the establishment of prevention mechanisms in other regions to ensure that all places of deprivation of liberty of the country can be monitored.

VI. Conclusions and recommendations

87. The Mechanism is of the view that systemic racism against Africans and people of African descent in Belgium, as in many other countries around the world, is rooted in the legacies of enslavement and colonialism, which continue to shape structures, institutions and societal attitudes today. The denial of the existence of systemic racism is compounded by the amplification of racist and xenophobic rhetoric and the persistent portrayal of Africans and people of African descent as outsiders. The impact of these dynamics is visible across multiple sectors, especially law enforcement and the criminal justice system, where instances of racial profiling, disproportionate use of force, underrepresentation and lack of accountability continue to erode community trust in institutions. The absence of data disaggregated by race or ethnic origin significantly hampers the identification of these racial disparities and measures to effectively address them. To dismantle systemic racism, efforts with a human rights-based and intersectional approach should be scaled up and implemented with the meaningful partnership of affected communities.

88. The Mechanism expresses satisfaction at the willingness of officials to engage in dialogue and to cooperate with the Mechanism before, during and after the visit. It acknowledges the efforts taken by the federal Government and local governments to address racism against Africans and people of African descent, including in the context of law enforcement and the criminal justice system. The Mechanism looks forward to continuing to cooperate with Belgium to implement its recommendations.

89. The Mechanism addresses the following recommendations to the competent Belgian authorities:

- (a) Adopt a human rights-based and intersectional approach to law enforcement and the criminal justice system;
- (b) Establish a comprehensive diversity and inclusion programme designed to increase representation and foster inclusivity within law enforcement agencies and the criminal justice system, including by adapting the police entry and examination strategy and requirements to effectively and efficiently increase diversity, including in terms of race and gender, within the ranks;
- (c) Eliminate and prohibit racial profiling, record all identity checks and consider issuing a written certificate to the individual after each identity check, establish clear guidelines to regulate the use of artificial intelligence in the conduct of law enforcement activities and ensure that all allegations of racial profiling are investigated, prosecuted and punished;
- (d) Ensure that law enforcement officers receive specific training on fighting racial discrimination, racial bias and racial profiling at police academies and throughout their career, standardize such training among police entities and ensure that it is evidence-based and subjected to regular evaluation and make the training at Kazerne Dossin on the topic “Holocaust, police and human rights” mandatory and part of the police academy curriculum;
- (e) Ensure that all laws, policies, procedures and practices to restrict the use of force comply with international standards, in particular the principles of legality, precaution, necessity, proportionality, accountability and non-discrimination;

- (f) Ensure that all use of force is strictly reviewed accordingly and that violations are punished;
- (g) Ensure that Committee P complies with the requirements of a national independent civilian oversight body for law enforcement, with full financial and structural independence, as outlined in the 2024 report of the Mechanism;⁷⁴
- (h) Ensure the mandatory use of body cameras, leaving no discretion to officers on when and how the cameras must be used;
- (i) Establish a legal framework mandating a common and structured integrity policy at all levels of the integrated police;
- (j) Increase community policing and the presence of community agents in all police zones, particularly in racially and ethnically diverse neighbourhoods;
- (k) Ensure, through legislation, the capacity required to collect, compile, analyse and publish data, disaggregated by race or ethnic origin and by other factors, on direct interactions of the population with law enforcement officers and the criminal justice system, including stop-and-search, arrests, the reporting of racially motivated crimes, the use of force and related complaints, investigations, prosecutions and convictions;
- (l) Create a unified national database to harmonize the recording and processing of complaints between Committee P and the General Inspectorate of the Federal and Local Police to further improve cooperation and the effectiveness of oversight work;
- (m) Ensure that police officers are adequately trained, including on victim-centred police responses, to welcome and support individuals who wish to lodge a complaint;
- (n) Strengthen the programmes to provide mental healthcare and wellness for law enforcement officials and their families;
- (o) Adopt a national strategy to reduce the overrepresentation of Africans and people of African descent in criminal detention, pursue efforts to improve conditions of detention and alleviate the overcrowding of penitentiary institutions and other detention facilities, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and other relevant international standards, and privilege the application of alternatives to detention in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);
- (p) Ensure that migration status does not influence decisions on criminal deprivation of liberty and access to alternatives to detention, in both pretrial and post-sentencing phases;
- (q) Stop the placement of individuals with psychosocial disabilities in prisons;
- (r) Ensure that all criminal justice actors, including prosecutors, lawyers, judges, magistrates and penitentiary staff, are regularly trained on fighting racial discrimination and racial bias;
- (s) Stop and prevent the separation of families that come into contact with the criminal justice system, which is especially affecting women and children of African descent;
- (t) Promptly ratify the Optional Protocol to the Convention against Torture;
- (u) Ensure that the Federal Institute for the Protection and Promotion of Human Rights is adequately funded and staffed to carry out its mandate of national preventive mechanism at the federal level, ensure that regional preventive mechanisms are promptly established in all regions and consider the establishment of an intergovernmental

⁷⁴ [A/HRC/57/71](#).

national preventive mechanism to monitor all places of deprivation of liberty at all levels;

(v) Adopt an interfederal action plan against racism that includes the areas of law enforcement and the criminal justice system, with the effective participation of civil society, including Africans and people of African descent, allocate sufficient financial and human resources for its implementation and establish a mechanism to assess and monitor its progress;

(w) Strengthen the direct financial support provided to organizations working to combat racism, including those representing or working directly with the most affected and those working in areas relating to law enforcement and the criminal justice system, and ensure that these resources are allocated in an objective, apolitical and non-discriminatory manner;

(x) Ensure that cases of hate speech and hate crimes are investigated and prosecuted consistently and impartially, identifying systemic issues and providing support to the victims and their families;

(y) Take the measures necessary to ensure the independence and effectiveness of human rights and equality bodies, with the allocation of adequate legal tools and human and financial resources for the implementation of their mandates. Their mandates must be equipped to support the dismantling of systemic racism, including in law enforcement and the criminal justice system. Unia and the Flemish Human Rights Institute should be supported and strengthened, including through the statutory authority to compel disclosure of information in cases or situations it deems necessary. The Flemish Human Rights Institute should have the powers to initiate legal action to take cases or situations to court;

(z) Strengthen and continue to implement initiatives to confront the legacies of enslavement and the colonial past, intensify efforts to ensure the comprehensive inclusion of the history of colonialism and enslavement in school curricula and raise public awareness of the current consequences of these legacies and the importance of ethnic and cultural diversity, as well as general campaigns aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(aa) Develop a comprehensive reparations framework – with the effective participation of all affected individuals and their families in Belgium and across former colonial territories – that addresses the full scope of harm inflicted upon them, including that experienced by mixed-race children (commonly known as *métis*);

(bb) Implement the recommendations of the Mechanism contained in its previous annual thematic reports, notably on data collection, policing and justice, accountability and redress, and the criminal justice system;

(cc) Fully implement the agenda towards transformative change for racial justice and equality, containing 20 actionable recommendations to end systemic racism and human rights violations by law enforcement officers against Africans and people of African descent.⁷⁵

⁷⁵ A/HRC/47/53, annex.