



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-eighth session
3–14 May 2021

Summary of Stakeholders' submissions on Belgium*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 38 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. Amnesty International recommended to ratify the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, without further delays and any reservations and establish as a matter of priority a National Preventative Mechanism that can monitor all places where people are deprived of their liberty.⁴

3. The International Federation of Action by Christians for the Abolition of Torture (FIACAT) and Action by Christians for the Abolition of Torture (ACAT) Belgium recommended that Belgium ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it signed in 2005, and set up a national preventive mechanism in accordance with the provisions of the Optional Protocol without further delay.⁵

4. Unia, Myria and the Service to Combat Poverty, Precarity and Social Exclusion (joint submission (JS)) pointed out that Belgium has still not ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, despite the commitments it had made during the last universal periodic review.⁶

5. The Human Rights League and the International Federation for Human Rights (JS) reported that Belgium has not signed or ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁷

* The present document is being issued without formal editing.



6. The Movement against Racism, Antisemitism and Xenophobia (MRAX) recommended that Belgium withdraw its declarations regarding article 2 of the Convention on the Rights of the Child and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Additional Protocol to the Convention on Cybercrime.⁸

B. National human rights framework⁹

7. FIRM stressed that despite the fact that during its second UPR, Belgium had accepted recommendations to establish, a national human rights institution in compliance with the Paris Principles, an NHRI with a broad human rights mandate was still lacking.¹⁰

8. The Confederation of Christian Trade Unions (ACV-CSC Confederation) reported that the Act of 12 May 2019 provided for the creation of the Federal Institute for the Protection and Promotion of Human Rights, or the Federal Human Rights Institute. However, it noted that it is still concerned that, as the Institute operates at the federal level, the regions and communities are not involved.¹¹

9. The ACV-CSC Confederation also noted that the Institute will not be competent to hear individual complaints. Members of the public who wish to report a violation of their human rights will therefore have to file a complaint with a court or mediation service.¹² The mandate of the Institute does not extend to fundamental rights falling within the area of responsibility of sectoral bodies charged with protecting and promoting a specific aspect of human rights.¹³

10. Amnesty International recommended to reform the Federal Human Rights Institute to make it fully compliant with the Paris Principles by ensuring that all human rights issues are within its mandate, including regional competencies and transversal issues and by establishing an individual complaints procedure.¹⁴

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination¹⁵

11. The Human Rights Centre (Ghent) recommended to Belgium to lift rules that may result in discriminatory access to public services and adopt a national action plan against racism and discrimination in which discrimination on the basis of religion is incorporated.¹⁶

12. The ACV-CSC Confederation called for the implementation of the action plan against racism announced long ago. The plan raises many questions and sets out limited measures. The Confederation noted the urgency of convening the interministerial conference against racism announced by the Government. The coronavirus disease (COVID-19) crisis has brought the entire process to a standstill, but it cannot be used as an excuse for not continuing with the efforts because it is once again the most vulnerable groups who risk bearing the brunt of the health crisis and experiencing its effects through increased unemployment and labour market exclusion.¹⁷

13. NGO Monitor recommended legislation and other steps to combat antisemitism, including the appointment of a special coordinator and a halt to public funding or support to organizations involved in promoting antisemitism.¹⁸

14. Amnesty International recommended to amend the Police Act by incorporating an explicit prohibition of direct and indirect discrimination, and by explicitly prohibiting ethnic profiling.¹⁹

15. The joint submission put together by the Belgian Disability Forum recommended ending gender-related intersectional discrimination by implementing concrete measures in specific areas, such as quality employment, training, recreation and culture, with the involvement of the lesbian, gay, bisexual and transgender community.²⁰

16. The ACV-CSC Confederation indicated that, despite considerable legislative and administrative advances, transgender persons and persons who have changed their sex still experience significant exclusion in real life. In practice, they probably face a significant amount of direct discrimination and unconscious bias.²¹

17. The Comité de pilotage et d'appui méthodologique (Coalition of Sexual Health NGOs for UPR) (CPAM) (JS) recommended the continuation of efforts to fight discrimination and racism targeting gay men and immigrants of sub-Saharan origin, the largest groups of people living with HIV in Belgium.²²

Development, the environment, and business and human rights

18. FIAN recommended that Belgium ensure that companies are held accountable for human rights abuses and that victims are able to bring legal challenges in Belgium against companies that are based or operate there.²³

19. St Raten-Generaal, Climaxi and Stand Up For Your Rights (JS) advised Belgium to develop and implement clear human rights-based criteria and indicators to ensure that the Paris Agreement and EU targets are implemented, which included intergenerational equity, specific groups and compliance by non-state actors, such as businesses. They added that progression toward the specific goals and implementation of the Paris Agreement should be periodically reviewed and evaluated based on these criteria and indicators.²⁴

Human rights and counter-terrorism²⁵

20. The Comité de vigilance en matière de lutte contre le terrorisme (Counter-Terrorism Watch Committee) (Committee T) (JS) recommended putting a stop to the increasing use of administrative action in counter-terrorism law and introducing a series of procedural guarantees to go with the para-criminal procedures that have been established and that have significant consequences for the people prosecuted.²⁶

21. Committee T (JS) reiterated the need for oversight of and limitations on the use of laws relating to foreign nationals in connection with counter-terrorism efforts, in accordance with the recommendations of the Special Rapporteur.²⁷

22. The Liga voor Mensenrechten (Dutch-speaking League for Human Rights) informed that during his previous UPR, Belgium accepted recommendations to “ensure that domestic measures in the fight against terrorism and all forms of extremism uphold fundamental rights”. In practice, however Belgium authorities have failed to implement this recommendation as regard to Local Integral Security Cells (LIVCs). The LIVCs have a significant impact on the fundamental rights. Young people are deprived of job opportunities in the security sector, as pilots, in the army or in the police. They are consistently stopped, searched and checked. People classified as ‘radicalised’ can no longer travel to certain countries. They are stopped on public roads and at airports. Bank accounts are closed, making it impossible for people to pay their rent or loan. These examples show the risks to fundamental rights posed by LIVCs.²⁸

23. The Liga voor Mensenrechten recommended to define the scope of the LIVCs and limit it to cases where there are signs of violent extremism and in doing so, remove the focus on Muslim youth.²⁹

24. Committee T emphasized the protection provided to Belgian citizens under international human rights law in terms of their right to return to Belgian territory. Belgium must implement the interim measures ordered by the Committee against Torture in its decision of 6 March 2020 and honour the “request for consular measures” made on 5 May 2020. It must also abide by the recommendations of the Special Rapporteur, the observations of the Human Rights Committee and the Committee on the Rights of the Child and the recommendations of the Delegate General for Children’s Rights of the Wallonia-Brussels Federation. The State must make the arrangements for the repatriation of its citizens to Belgian territory. While it is true that returns have been arranged, they have only involved a small number of citizens, all of whom were children. These few repatriations have been too limited and restrictive to be significant. This is all the more regrettable since Belgium has jurisdiction over the persons concerned and their repatriation remains possible in practice.³⁰

2. Civil and political rights

*Right to life, liberty and security of person*³¹

25. OSCE-ODIHR reported that numerous virus-related hate incidents have been reported since the beginning of the COVID-19 pandemic. Individuals perceived to be of Asian descent also appear to have been particularly and highly disproportionately targeted in hate incidents, including instances of serious physical assault.³²

26. OSCE-ODIHR stressed the need to respond swiftly to hate crimes, to record and investigate them so that the perpetrators can be brought to justice and adequate penalties be imposed. It further recommended to assess and improve relevant mechanisms for hate crime recording and data collection and enhance law enforcement and justice sector capacities to recognize and effectively investigate hate crimes and to ensure that specialized training, focused on hate crime victims and their needs, is provided for officials and civil society organizations within the victim support structures.³³

27. Ethnic profiling by police, which violates the right to be free from discrimination, remains a problem. Amnesty International's research showed that police officers acknowledge the practice exists and that the legal and policy framework for decision-making by police officers provides insufficient guidance. Though testimonies are common, the full extent of the problem is hard to assess since authorities have failed to collect thorough and disaggregated data. The absence of data on identity checks particularly hampers an adequate response to the problem.³⁴

28. One man died following a violent police intervention in a holding cell at Charleroi airport in February 2018. Leaked video footage of the intervention showed police officers joking and one officer making a Nazi-salute next to the man as he is being restrained by several colleagues. A criminal investigation is ongoing but it was only after the footage was leaked – in August 2020 – that provisional measures were taken against the officers. The Committee Against Torture has already expressed its concern over how this death in similar circumstances in 2010, had been handled by Belgian authorities. In 2017 and 2018 Doctors of the World and Amnesty International received numerous credible allegations of ill-treatment by police against migrants and asylum seekers transiting through Belgium.³⁵

29. Amnesty International was also concerned that law enforcement officials resorted to unlawful use of force in enforcing the lockdown measures aimed at protecting public health in the context of the COVID-19 pandemic.³⁶

30. FIACAT and ACAT Belgium recommended that Belgium ensure that all allegations of police violence against migrants are independently and thoroughly investigated and that the perpetrators are prosecuted and given sentences commensurate with the seriousness of their acts.³⁷

31. The Human Rights League and the International Federation for Human Rights (JS) recommended that the independence of the members of the Investigation Service of the Standing Committee for Police Monitoring be ensured.³⁸

32. ADF International reported that Belgian doctors have repeatedly expressed concerns over the further liberalization of the country's euthanasia law, warning that "budgetary problems in healthcare for the elderly, may lead to debating euthanasia policies based on socioeconomic reasons". In the meantime, euthanasia advocates argue that treatment of incurable diseases, such as Alzheimer's, should be interrupted so that money can be invested for "patients with treatable conditions". This inevitable slippery slope would allow certain people to become the final arbiter over whose lives and health are worth treating.³⁹

33. Minnesota Citizens Concerned for Life Global Outreach reported that the oversight of euthanasia in Belgium was demonstrably inadequate to protect against abuse. A large percentage of euthanasia deaths were not reported to the Federal Commission, and the reported cases—even ones in which some of the euthanasia protocols were not followed—were virtually never investigated. The Commission, which included many leading practitioners of euthanasia, had been accused (including by former members) of gross negligence. To fulfil its international human rights obligations, Belgium should revise its law to prohibit euthanasia and safeguard the lives and health of all patients.⁴⁰

*Administration of justice, including impunity, and the rule of law*⁴¹

34. The Council of Europe highlighted the excessive length of civil proceedings before first instance courts, the detention of internees (criminal non liability due to their mental health disorders) in prison psychiatric wings without appropriate care and lack of effective remedies and the poor conditions of detention in prisons, including problems of overcrowding, hygiene and dilapidation.⁴²

35. Committee T (JS) recommended radically limiting the use of strict regimes that have serious effects on prisoners and their mental health and establishing adequate procedural safeguards to be implemented by the prison service.⁴³

36. DeMens.nu urged Belgium stressed the need to prioritize the renovation of prisons and continue efforts to build new and modern facilities for people with mental health issues to avoid incarcerating them and provide them with adequate treatment that meet their mental health needs.⁴⁴

37. FRA (Fundamental Rights Agency) reported that there was no national standard in terms of minimum cell space in prisons, with each of the 32 prisons in Belgium having different cell sizes and no standard on access to sanitary facilities in prisons was prescribed by law.⁴⁵

38. Problematic consequences of the prison system should not be solved only within that system, but also by training of judges and the justice apparatus in general. De Mens.nu strongly advised to launch a broader societal debate around this issue, including academics, human rights organisations, former detainees and all relevant stakeholders.⁴⁶

39. International Prison Watch and the Human Rights League called for pretrial detention orders to be limited to cases involving only the most serious offences, since 35 to 40 per cent of the inmates in Belgian custodial establishments are actually in pretrial detention. There is thus an urgent need to curtail the excessive use of pretrial detention, particularly by limiting the offences for which it can be ordered.⁴⁷

40. EUROMIL stated that military personnel should have the possibility to seek judicial or non-judicial remedies before an independent non-judicial body, such as an ombudsman. Establishing independent complaints mechanism outside the military chain of command was the most effective way to deal with complaints and contributed to transparency and accountability in the armed forces. It would also help addressing systemic problems.

41. EUROMIL recommended to establish an independent armed forces ombudsperson outside of the military chain of command as it exists in other countries. It also called on the State to start discussions with military trade unions on the possible establishment of a 'Standing Committee of Supervision of the Armed Forces' as an external supervisory body of the Defense department.⁴⁸

Fundamental freedoms and the right to participate in public and political life

42. Unia, Myria and the Service to Combat Poverty, Precarity and Social Exclusion (JS) reiterated that students in higher education or adult education are free to express their philosophical beliefs by bearing signs of such beliefs.⁴⁹

43. The Human Rights League and the International Federation for Human Rights (JS) recommended that the use of special powers during the COVID-19 pandemic and the impact of that use on the fundamental rights of individuals and groups be assessed. It also recommended that the tracing policy meet national and international standards in terms of respect for individuals' privacy – that is, only data that are strictly necessary should be collected, the data collected should be completely anonymized, the centralization and interconnection of databases should be prohibited and the data should be destroyed within a brief period of time.⁵⁰

Right to privacy and family life

44. Unia, Myria and the Service to Combat Poverty, Precarity and Social Exclusion (JS) recommended that efforts to fight social fraud be conducted in a way that is respectful of the right to privacy and does not hinder access to rights.⁵¹

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

45. The ACV-CSC Confederation noted that only 46.5 per cent of people of the Maghreb are employed, compared with 73.7 per cent of people of Belgian origin. People from other regions fare even more poorly, with an employment rate of 33.6 per cent. Young people of foreign origin are also much less likely to find a job than their peers of Belgian origin. People of foreign origin are more likely to work in low-paid, precarious jobs.⁵²

46. The joint submission put together by the Belgian Disability Forum recommended guaranteeing the right to employment of persons with disabilities in the public and private sectors by providing vocational training, full accessibility and effective protection against discrimination.⁵³

Right to an adequate standard of living

47. Unia, Myria and the Service to Combat Poverty, Precarity and Social Exclusion (JS) called for an interministerial conference to be held on the topic of social integration in order to take coordinated measures and achieve a sustainable approach to poverty reduction.⁵⁴

48. They suggested that the Government assess the effects of the COVID-19 crisis on the various fundamental rights using data disaggregated by subgroups (such as socioeconomic groups, migrants, prisoners, children, persons with disabilities and older persons) and institute a systematic, coordinated policy, formulated with civil society, to address those effects.⁵⁵

49. The Coordination des ONG pour les droits de l'enfant (Committee of NGOs for the Rights of the Child) (CODE) stressed that the design and evaluation of fiscal, financial and other support measures and post-COVID-19 measures must involve and be geared towards persons living in poverty. Fighting poverty requires structural, sustainable and multifaceted responses (involving, for example, housing, health, the individualization of rights, education and social protection) in addition to increased incomes so that the lowest social benefit amounts and incomes can be brought above the national poverty line.⁵⁶

50. The ATD Quart Monde (All Together in Dignity Fourth World) movement recommended guaranteeing everyone an income sufficient for them to lead a life consistent with human dignity, individualizing social benefits, abolishing the status of "cohabitee" and strictly regulating investigations by the welfare authorities in order to ensure respect for the privacy and family life of persons dependent on social security and social assistance.⁵⁷

51. The Rassemblement Bruxellois pour le Droit à l'Habitat (Brussels Alliance for the Right to Housing) (RBDH) and the Rassemblement Wallon pour le Droit à l'Habitat (Walloon Alliance for the Right to Housing) (RWDH) recommended deploying and providing more effective mechanisms prior to the initiation of proceedings in order to prevent evictions (and thus homelessness) and guaranteeing homeless people access to emergency shelter.⁵⁸

52. RBDH and RWDH referred to article 23 of the Belgian Constitution, which provides for the right of everyone to decent housing: "Everyone has the right to lead a life consistent with human dignity. ... These rights include the right to decent housing." Housing essentially falls within the competence of the regions, and this has been particularly true since the sixth State reform. The regions now hold all the policy tools in the area. In the Brussels Housing Code, adopted in 2003, the Brussels-Capital Region notes that everyone has the right to decent housing. Article 2 of the Walloon Sustainable Housing Code states that "the Region and other public authorities, in their respective areas of competence, shall implement the right to decent housing, with such housing being a place for living, emancipation and the growth of individuals and families". Despite all of these commitments, it is clear that the right to housing has not become a reality for everyone in the country's three regions. As the housing crisis continues to worsen – particularly acutely in Brussels, in Wallonia – housing remains a significant element in the efforts to keep groups from slipping into poverty.⁵⁹

Right to health

53. International Prison Watch and the Human Rights League stressed that, under the exceptional circumstances of the health crisis, there was an even greater need than under “normal” circumstances for Belgium to take special measures to reduce prison overcrowding. The overcrowding made it particularly difficult to control the spread of the virus within prisons and made it impossible to guarantee decent living conditions for prisoners.⁶⁰

54. Amnesty International recommended to ensure a comprehensive, effective and independent review into Belgium’s response to the COVID-19 pandemic and provide adequate and accessible remedy for any human rights violations as a result of acts of omission and commission as part of the government’s COVID-19 response.⁶¹

55. Amnesty International also recommended that the public health system is adequately funded and staffed, and that care homes have sufficient specialised and trained staff, adequately equipped to guarantee respect for the rights of older persons living in care homes and ensure that the human rights of older persons and residents of care homes are respected, including by ensuring that any restrictions on those rights are provided by law, necessary and proportionate to meet a legitimate aim.⁶²

56. CPAM (JS) recommended that a dialogue be started with the various health-sector stakeholders with a view to re-evaluating temporary deferral criteria and the related donor deferral periods that are based on sexual orientation.⁶³

57. CPAM (JS) suggested that there be a systematic, free screening campaign and free screening for HPV-related lesions among immunocompromised people, such as those living with HIV.⁶⁴

Right to education

58. MRAX recommended that Belgium provide more training on anti-discrimination efforts as part of initial teacher training programmes and that discrimination be addressed in the evaluations conducted by the inspection services. Schools and academic institutions should be encouraged to develop clear procedures for combating discrimination during internships done by students as part of their studies and mechanisms should be set up to allow discriminatory decisions not to accept an intern to be challenged.⁶⁵

59. The Flemish Youth Council-Vlaamse Jeugdraad, the Belgian French-speaking Youth Forum-Forum des Jeunes, and the European Youth Forum (JS) requested that education policies include training for teachers to better engage with children and young people from more disadvantaged backgrounds, with an emphasis on recognising signs of poverty and fostering diversity as a value.⁶⁶

60. They also encouraged Belgium to improve access to online learning material by investing in online tools and open source databases for students, and providing financial support to cover for IT costs, to reduce the costs of public transport from and to school and teaching materials.⁶⁷

4. Rights of specific persons or groups*Women*

61. The Association des Tuteurs Francophones de Mineurs Etrangers Non Accompagnés (Association of French-speaking Guardians of Unaccompanied Foreign Minors) (ATF-MENA) recommended that financial support be given to associations that fight female genital mutilation and provide restorative and rehabilitation services and that offer specialized psychological follow-up or issue certificates attesting to female genital mutilation, assault and the after-effects of torture.⁶⁸

62. FRA (Fundamental Rights Agency) reported that the Belgian Institute for Equality of Women and Men, the Romanian Institute for Human Rights, and the Slovak Centre for Human Rights have participated actively in consultations or are members of specially created national bodies observing the implementation of SDGs. However, this type of involvement was not widespread.⁶⁹

63. According to the Flemish Youth Council-Vlaamse Jeugdraad, the Belgian French-speaking Youth Forum-Forum des Jeunes, and the European Youth Forum (JS) efforts to end all forms of gender-based discrimination do not prioritize young women and their rights. The above-mentioned legal frameworks do not provide the right tools for tackling the double prejudice young women face today by being young and a woman. Such intersection of gender and young age results in women being structurally disadvantaged on many grounds in Belgium.⁷⁰

64. Unia, Myria and the Service to Combat Poverty, Precarity and Social Exclusion (JS) noted that the employment rate of persons with disabilities is still far below the European average and that it is mainly unskilled persons with disabilities and women with disabilities who are affected.⁷¹

Children

65. ATF-MENA stressed that decisions regarding the best interests of the child should be made collectively by a committee comprising a juvenile court judge, an academic or a representative from a non-governmental organization or the United Nations Children's Fund, a representative of the Immigration Office and the legal guardian, and not by the Immigration Office alone, when seeking a durable solution under the procedure for unaccompanied foreign minors called the "MENA procedure", because the Immigration Office often places migration-related considerations above the best interests of the child.⁷²

66. CODE stated that the detention or confinement of minors on purely administrative grounds must be prohibited as a matter of absolute necessity. Suitable, age-appropriate conditions of reception must be provided for all migrant children, whether European or non-European.⁷³

67. CODE recommended that a statistical system be put in place on the sexual exploitation and trafficking of children. All actors in the field should be made aware of the issues so that they are able to identify and guide victims and ensure that child victims are cared for by trained professionals and have access to services (such as suitable accommodation, medical care, psychological support and schooling), regardless of their willingness or ability to cooperate with the judicial authorities.⁷⁴

Persons with disabilities⁷⁵

68. The joint submission put together by the Belgian Disability Forum recommended nationwide planning to better implement the rights of persons with disabilities and increase their inclusion in society, in all areas of life, so as to mainstream disability perspectives in all federal and federated government bodies, including in the preparation of public service agreements.⁷⁶

69. It suggested that reasonable accommodation be provided for persons with disabilities at all levels of the country, from the federal to the local, and that an interministerial conference on disability be established.⁷⁷

70. It recommended making it compulsory to consult representative associations of persons with disabilities at the interregional level on the technical aspects and to introduce and apply deterrent penalties for non-compliance with regulations.⁷⁸

Minorities and indigenous peoples⁷⁹

71. MRAX recommended that municipalities build transit and permanent residence sites for members of the Roma community and Travellers and that additional such spaces be built on land owned by the regions or the federal government if necessary.⁸⁰

Migrants, refugees, asylum seekers and internally displaced persons⁸¹

72. The CGRS concluded it could not confirm nor deny allegations of ill-treatment but found shortcomings in the risk assessment prior to the return of the Sudanese nationals, and criticised aspects of the collaboration with the Sudanese identification mission.⁸²

73. FRA (Fundamental Rights Agency) was concerned by the intimidation of humanitarian workers and volunteers who support migrants in an irregular situation. Authorities continued to use intimidation techniques targeting not only civil society rescue vessels deployed in the Mediterranean, but also volunteers and NGOs active in the EU. In Belgium, two journalists, a social worker, and a fourth person faced trial because they had given shelter or otherwise supported migrants. The fourth person spent eight months in pre-trial detention; the social worker spent two months there, having to stop breastfeeding her new-born son.⁸³

74. ATF-MENA noted that, as COVID-19 has complicated and interrupted family reunification procedures and greatly increased their cost and duration, there is an urgent need to take steps to simplify the procedures and waive the procedural costs for unaccompanied minors.⁸⁴

75. The Council of Europe encouraged the coordination and collaboration of the different actors who intervene for and with children affected by the refugee crisis to ensure that preventive measures in regards to protection from sexual exploitation and sexual abuse are in place and protective measures are taken as speedily as possible.⁸⁵

76. The Federal Ombudsman, the Kinderrechtencommissariaat and the Delegate General for Children's Rights of the Wallonia-Brussels Federation (JS) called for an absolute ban on detaining families with children on migration grounds. The Federal Ombudsman recommended that Parliament conduct a study into the reasons why removal procedures for families with children staying in open family units called "return houses" have failed and into measures that could make alternatives to detention more effective and ensure the families' actual removal.⁸⁶

77. FIACAT and ACAT Belgium recommended that Belgium strengthen its international protection system so as to guarantee all applicants an independent and thorough review of their applications, provide a time frame that would give applicants the opportunity to properly prepare their applications and ensure that all applicants for international protection can bring proceedings that have suspensive effect and full jurisdiction proceedings against decisions denying protection.⁸⁷

78. FIACAT and ACAT Belgium called on Belgium to grant the right to be received to all applicants for international protection and increase support for unaccompanied foreign minors. They also called on Belgium to ensure that the administrative detention of migrants is used only as an absolute last resort by establishing alternatives to detention, end the detention of families with children and ensure that there is independent oversight of the implementation of forced return measures.⁸⁸

Stateless persons

79. NANSEN, the European Network on Statelessness and the Institute on Statelessness and Inclusion (JS) urged Belgium to fully promote, respect and fulfil its obligations towards stateless persons and the right to a nationality under international human rights law, in line with UNHCR guidance and good practice by ensuring that the procedure was fair, effective and accessible to all persons in Belgium regardless of their legal status. This includes access to interpreting services and legal aid and taking concrete steps to improve the recording of statelessness, namely by harmonising quantitative data on stateless persons and ensuring that the statistical categories cover the entire stateless population including stateless people in immigration detention and removal procedures.⁸⁹

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF International	Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom);

ATD Fourth World ATF-MENA	(France); Association des Tuteurs Francophones de Mineurs Etrangers Non Accompagnés (Belgium);
CPTI	Conscience and Peace Tax International, Geneva (Switzerland);
DeMens.nu	Unie Vrijzinnige Verenigingen, Brussels (Belgium);
FIAN	Brussels (Belgium);
Human Rights Center	Ghent, (Belgium);
LvM	Liga voor Mensenrechten, Ghent (Belgium);
MCCL	Minnesota Citizens Concerned for Life Inc. Education Fund, Minneapolis, Minesotta (USA);
MRAX	Mouvement contre le Racisme, l'Antisémitisme et la Xénophobie, Brussels (Belgium);
NGO Monitor	Institute for NGO Research, Jerusalem (Israel).
<i>Joint submissions:</i>	
JS1	Joint submission 1 submitted by: Confederation ACV-CSC, (Belgique);
JS2	Joint submission 2 submitted by: BDF Belgian Disability Forum, Brussels (Belgium);
JS3	Joint submission 3 submitted by: CAFF- ADHUM, Coalition des Associations Francophones de Flandre et de l'Association de Promotion des Droits Humains et des Minorités pour le 3e EPU de la Belgique, (Belgium);
JS4	Joint submission 4 submitted by: CODE, Coordination des ONG pour les droits de l'enfant, Brussels (Belgium);
JS5	Joint submission 5 submitted by: Comite T, Comité de Vigilance en matière de lutte contre le terrorisme, Brussels (Belgium);
JS6	Joint submission 6 submitted by: CPAM, Coalition of Sexual Health NGOs for UPR, Brussels (Belgium);
JS7	Joint submission 7 submitted by: ISI, Institute on Statelessness and Inclusion, Brussels (Belgium);
JS8	Joint submission 8 submitted by: LDH & FIDH, Ligue des droits humains et Fédération internationale des droits de l'homme, Brussels (Belgium);
JS9	Joint submission 9 submitted by: Le Médiateur federal, Le Collège des médiateurs fédéraux, Brussels (Belgium);
JS10	Joint submission 10 submitted by: OIP Section belge et Ligue des droits humains Brussels (Belgium);
JS11	Joint submission 11 submitted by: Rassemblements Bruxellois et Wallons pour le Droit à l'Habitat, Namur (Belgium);
JS12	Joint submission 12 submitted by: St Raten-Generaal, Climaxi and Stand Up For Your Rights, Antwerpen (Belgium);
JS13	Joint submission 13 submitted by: Flemish Youth Council- Vlaamse Jeugdraad, the Belgian French-speaking Youth Forum-Forum des Jeunes and the European Youth Forum, Brussels (Belgium);
JS14	Joint submission 14 submitted by: la Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture, FIACAT et ACAT Belgique, Paris (France).
<i>National human rights institution:</i>	
FIRM	National Human Rights Institution, Brussels (Belgium);
Unia-Myria-SLP	Coalition Institutions Publiques Indépendantes, Brussels (Belgium).
<i>Regional intergovernmental organization(s):</i>	
CoE	The Council of Europe, Strasbourg (France);
EU FRA	European Union Agency for Fundamental Rights, Vienna (Austria);
EUROMIL	European Organisation of Military Associations and Trade Unions, Brussels (Belgium);

OSCE-ODIHR Office for Democratic Institutions and Human Rights/Organization for Security and Co-operation in Europe, Warsaw (Poland).

² The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ For relevant recommendations see A/HRC/32/8 paras. 138.1-138.20.

⁴ Amnesty International submission page 5.

⁵ Soumission conjointe de la Fédération International⁵ de l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT) et ACAT Belgique, para. 52.

⁶ Contribution de Unia (INDH – statut B), Myria et du Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, page 2.

⁷ Rapport de la Ligue des droits humains et de la Fédération Internationale pour les droits humains, page 4.

⁸ Soumission du Mouvement contre le Racisme l'Antisémitisme et la Xénophobie (MRAX), page 2.

⁹ For relevant recommendations see A/HRC/32/8 paras. 138.21-138.52.

¹⁰ FIRM submission, page 1.

¹¹ Contribution de la Confédération ACV-CSC, Belgique paras 1.1,1.2.

¹² Contribution de la Confédération ACV-CSC, Belgique para 1.3.

¹³ Contribution de la Confédération ACV-CSC, Belgique para 1.4.

¹⁴ Amnesty International submission page 5.

¹⁵ For relevant recommendations see A/HRC/32/8 paras. 138.57–138.70.

¹⁶ Soumission de Human Rights Centre (Ghent), page 7.

¹⁷ Contribution de la Confédération ACV-CSC, Belgique para 2.3.

¹⁸ Submission of NGO Monitor, page 6.

¹⁹ Amnesty International submission page 6.

²⁰ Soumission Conjointe Coordonnée par le Belgian Disability Forum, page 8.

²¹ Contribution de la Confédération ACV-CSC, Belgique para 3.4.

²² CPAM submission, page 4.

²³ Soumission de FIAN Belgium, page 7.

²⁴ Soumission de St Raten-Generaal, Climaxi and Stand Up For Your Rights, page 11.

²⁵ For relevant recommendations see A/HRC/32/8 paras. 138.71–138.72.

²⁶ Rapport du Comité T, page 5.

²⁷ Rapport du Comité T, page 9.

²⁸ Liga voor Mensenrechten (Dutch-speaking League for Human Rights), page 3.

²⁹ Liga voor Mensenrechten (Dutch-speaking League for Human Rights), page 8.

³⁰ Rapport du Comité T, page 14.

³¹ For relevant recommendations see A/HRC/32/8 paras. 138.75–138.102.

- 32 OSCE/ODIHR Submission, page 3.
- 33 OSCE/ODIHR Submission, page 3.
- 34 Amnesty International submission page 3.
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- 36 Amnesty International submission page 3.
- 37 Soumission conjointe de la Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT) et ACAT Belgique, para. 52.
- 38 Rapport de la Ligue des droits humains et de la Fédération Internationale pour les droits humains, page 5.
- 39 ADF International para 10.
- 40 Minnesota Citizens Concerned for Life Global Outreach submission, page 4.
- 41 For relevant recommendations see A/HRC/32/8 paras. 138.57–138.70, 139.7–139.16.
- 42 Council of Europe contribution, page 12.
- 43 Rapport du Comité T, page 11.
- 44 De Mens.nu submission, para 25.
- 45 European Union Agency for Fundamental Rights (FRA) submission, page 13.
- 46 De Mens.nu submission, para 25.
- 47 Rapport de l'Observatoire International des Prisons et de la Ligue des droits humains, page 5.
- 48 EUROMIL submission, page 2.
- 49 Contribution de Unia (INDH – statut B), Myria et du Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, page 17.
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- 52 Contribution de la Confédération ACV-CSC, Belgique para 4.
- 53 Soumission Conjointe Coordinée par le Belgian Disability Forum, page 13.
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- 59 Soumission des Rassemblements Bruxellois et Wallons pour le Droit à l'Habitat (RBDH et RWDH), pages 1-2.
- 60 Rapport de l'Observatoire International des Prisons et de la Ligue des droits humains, page 8.
- 61 Amnesty International submission page 6.
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- 65 Soumission du Mouvement contre le Racisme l'Antisémitisme et la Xénophobie (MRAX), page 6.
- 66 Joint submission from the Flemish Youth Council-Vlaamse Jeugdraad, the Belgian French-speaking Youth Forum-Forum des Jeunes, and the European Youth Forum, page 4.
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- 71 Contribution de Unia (INDH – statut B), Myria et du Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, page 14.
- 72 Contribution de l'ATF-MENA page 2.
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- 74 Contribution de la CODE.
- 75 For relevant recommendations see A/HRC/32/8 paras. 138.120–138.125.
- 76 Soumission Conjointe Coordinée par le Belgian Disability Forum, page 6.
- 77 Soumission Conjointe Coordinée par le Belgian Disability Forum, page 7.
- 78 Soumission Conjointe Coordinée par le Belgian Disability Forum, page 17.
- 79 For relevant recommendations see A/HRC/32/8 paras. 138.126–138.129.
- 80 Soumission du Mouvement contre le Racisme l'Antisémitisme et la Xénophobie (MRAX), page. 4.
- 81 For relevant recommendations see A/HRC/32/8 paras. 139.21–139.26.

- ⁸² Amnesty International submission page 3.
- ⁸³ European Union Agency for Fundamental Rights (FRA) submission, page 7.
- ⁸⁴ Contribution de l'ATF-MENA page 3.
- ⁸⁵ Council of Europe contribution, page 10.
- ⁸⁶ Contribution conjointe du Médiateur fédéral, le Kinderrechtencommissariaat et du Délégué général aux droits de l'enfant de la Fédération Wallonie-Bruxelles, pages 1 et 6.
- ⁸⁷ Soumission conjointe de la Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT) et ACAT Belgique, para. 47.
- ⁸⁸ Soumission conjointe de la Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT) et ACAT Belgique, para. 47.
- ⁸⁹ NANSEN, the European Network on Statelessness and the Institute on Statelessness and Inclusion joint submission, page 9.
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