

Frans National contribution to the Fundamental Rights Report 2024

Belgium

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Contents

1. Impact of the cost-of-living crisis and rising poverty in the EU	3
1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.	3
1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.	10
2. Threats to democratic values - Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression	20
2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level.....	20
2.2. Legislative and policy measures having an impact on the freedom of assembly/association/expression of civil society actors.	28

1. Impact of the cost-of-living crisis and rising poverty in the EU

1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

Measure	Legal basis	Price-suppressing or income-supporting / earmarked or not earmarked / targeted or not targeted	Estimated costs (2022-2023)	Description	Expected impact
Automatic indexation of wages and social insurance benefits	Law of 2 August 1971 ¹ Law of 1 March 1977 ²		/	<p>The smoothed health index is used as the basis for wage and benefit indexations. The smoothed health index, also called smoothed index (the average value of the health indexes of the last 4 months) is used as a basis for the indexation of retirement pensions, social security benefits and some salaries and wages. Public wages and social benefits are indexed as soon as the smoothed index reaches a given value, called the central index. The smoothed index is also called moving average.[1]</p> <p>[1] Belgium, STATBEL, Consumer price index from 1920 and health index from 1994, (Consumptieprijsindex vanaf 1920 en gezondheidsindex van 1994) (last accessed 21 December 2023).</p>	This structural measure was the primary buffer against price increases in Belgium. The automatic indexation mechanism brought many wage increases in Belgium, keeping wages almost fully and directly in line with inflation. OECD and European Commission studies show that real wages and benefits and thus living standards were hardly affected by the inflation crisis.[1] The automatic indexation of incomes is the most effective measure in compensating the loss in purchasing power, however favouring higher-income households more than lower-income ones because of the application of the same indexation percentage of 2% for all incomes.[2] See the promising practice table for further analysis.

¹ Belgium, Law organising a system of linking to the consumer price index of salaries, wages, pensions, allowances and subsidies payable by the public treasury, certain social benefits, limits of remuneration to be taken into consideration for the calculation of certain social security contributions for workers, as well as obligations imposed in social matters on self-employed workers ([Loi organisant un régime de liaison à l'indice des prix à la consommation des traitements, salaires, pensions, allocations et subventions à charge du trésor public, de certaines prestations sociales, des limites de rémunération à prendre en considération](#)), 2 August 1971. Published on the official Belgian Gazette on 20 August 1971.

² Belgium, Law organising a regime for linking certain expenditure in the public sector to the Kingdom's consumer price index ([Loi organisant un régime de liaison à l'indice des prix à la consommation du Royaume de certaines dépenses dans le secteur public](#)), 1 March 1977. Published in the Official Belgian Gazette on 12 March 1977.

Measure	Legal basis	Price-suppressing or income-supporting / earmarked or not earmarked / targeted or not targeted	Estimated costs (2022-2023)	Description	Expected impact
					<p>[1] European Commission, Commission Staff Working Document, 2023 Country Report – Belgium, 2023; Organisation for Economic Co-operation and Development (OECD), OECD Economic Outlook, Volume 2023 issue 1, 2023 (last accessed 22 December 2023).</p> <p>[2] Capéau, B., Decoster, A., Güner, D., Sheikh Hassan, N., Vanderkelen, J., Vanheukelom, T. and Van Houtven, S. (2022), We are all facing the same storm, but not all are in the same boat, Discussion Note, <i>KU Leuven Department of Economics</i> (last accessed 22 December 2023).</p>
VAT-reduction on electricity	<p>Royal Decree of 21 February 2022 (from 01/03 until 30/06/2022)³</p> <p>Royal Decree of 23 March 2022 (Extension from 01/07 until 30/09/2022)⁴</p> <p>Royal Decree of 27 June 2022 (Extension and expansion from 01/08 until 31/12/2022)⁵</p>	Price / earmarked / not targeted	1338,8m	Reductions in VAT on electricity resulting in a reduction of price increases, financed by the increased VAT revenues due to the price increases.	<p>Because heating expenses constitute a relatively heavier burden for low-income families, this measure had a relatively greater impact on poor households. Overall, the VAT-reduction has a minimal overall impact, slightly benefiting low incomes.[1]</p> <p>[1] Belgium, Capéau, B., Decoster, A., Güner, D., Sheikh Hassan, N., Vanderkelen, J., Vanheukelom, T. and Van Houtven, S. (2022), We are all facing the same storm, but not all are in the same boat, Discussion Note, <i>KU Leuven</i></p>

³ Belgium, Royal Decree amending Royal Decrees Nos. 4 and 20 on value added tax with regard to the reduction of the rate of value added tax relating to the delivery of electricity under residential contracts ([Arrêté royal modifiant les arrêtés royaux nos 4 et 20 en matière de taxe sur la valeur ajoutée en ce qui concerne la diminution du taux de la taxe sur la valeur ajoutée relatif à la livraison d'électricité dans le cadre de contrats résidentiels](#)), 21 February 2022. Published in the Official Belgian Gazette on 28 February 2022.

⁴ Belgium, Royal Decree amending Royal Decrees Nos. 4 and 20 on value added tax with regard to the reduction of the rate of value added tax relating to the delivery of electricity, natural gas and heat via networks heat in the context of residential contracts ([Arrêté royal modifiant les arrêtés royaux nos 4 et 20 en matière de taxe sur la valeur ajoutée en ce qui concerne la diminution du taux de la taxe sur la valeur ajoutée relatif à la livraison d'électricité, de gaz naturel et de chaleur via des réseaux de chaleur dans le cadre de contrats résidentiels](#)), 23 March 2022. Published in the Official Belgian Gazette on 30 March 2022.

⁵ Belgium, Royal Decree amending Royal Decree no. 20 of 20 July 1970 fixing the rates of value added tax and determining the apportionment of goods and services according to those rates as regards the supply of electricity under residential contracts, natural gas and heat via heat networks and certain heat pumps ([Arrêté royal modifiant l'arrêté royal n° 20, du 20 juillet 1970, fixant les taux de la taxe sur la valeur ajoutée et déterminant la répartition des biens et des services selon ces taux en ce qui concerne la livraison d'électricité dans le cadre de contrats résidentiels, de gaz naturel et de chaleur via des réseaux de chaleur et certaines pompes à chaleur](#)) 27 June 2022. Published in the Official Belgian Gazette on 30 June 2022.

Measure	Legal basis	Price-suppressing or income-supporting / earmarked or not earmarked / targeted or not targeted	Estimated costs (2022-2023)	Description	Expected impact
	<p>Law of 21 December 2022 (Extension (01/01 until 31/03/2023))⁶</p> <p>Law of 13 March 2023 (the measure becomes permanent)⁷</p>				<i>Department of Economics</i> (last accessed 22 December 2023).
VAT-reduction on gas	<p>Royal Decree of 23 March 2022 (From 01/04 until 30/09/2022)⁸</p> <p>Royal Decree of 27 June 2022 (Extension and expansion from 01/08 until 31/12/2022)⁹</p> <p>Law of 21 December 2022 (Extension (01/01 until 31/03/2023))¹⁰</p> <p>Law of 13 March 2023 (the measure</p>	Price / earmarked / not targeted	876m	Reductions in taxes on gas resulting in a reduction of price increases, financed by the increased VAT revenues due to the price increases.	<p>Because heating expenses constitute a relatively heavier burden for low-income families, this measure had a relatively greater impact on poor households. Overall, the VAT-reduction has a minimal overall impact, slightly benefiting low incomes.[1]</p> <p>[1] Belgium, Capéau, B., Decoster, A., Güner, D., Sheikh Hassan, N., Vanderkelen, J., Vanheukelom, T. and Van Houtven, S. (2022), We are all facing the same storm, but not all are in the same boat, Discussion Note, <i>KU Leuven Department of Economics</i> (last accessed 22 December 2023).</p>

⁶ Belgium, Law “miscellaneous tax provisions” ([Loi portant des dispositions fiscales diverses](#)), 21 December 2022. Published in the Official Belgian Gazette on 29 December 2022.

⁷ Belgium, Law reforming the taxation of energy bills ([Loi portant réforme de la fiscalité sur la facture d'énergie](#)), 19 March 2023. Published in the Official Belgian Gazette on 29 March 2023.

⁸ Belgium, Royal Decree amending Royal Decrees Nos. 4 and 20 on value added tax with regard to the reduction of the rate of value added tax relating to the delivery of electricity, natural gas and heat via networks heat in the context of residential contracts ([Arrêté royal modifiant les arrêtés royaux nos 4 et 20 en matière de taxe sur la valeur ajoutée en ce qui concerne la diminution du taux de la taxe sur la valeur ajoutée relatif à la livraison d'électricité, de gaz naturel et de chaleur via des réseaux de chaleur dans le cadre de contrats résidentiels](#)), 23 March 2022. Published in the Official Belgian Gazette on 30 March 2022.

⁹ Belgium, Royal Decree amending Royal Decree no. 20 of 20 July 1970 fixing the rates of value added tax and determining the apportionment of goods and services according to those rates as regards the supply of electricity under residential contracts, natural gas and heat via heat networks and certain heat pumps ([Arrêté royal modifiant l'arrêté royal n° 20, du 20 juillet 1970, fixant les taux de la taxe sur la valeur ajoutée et déterminant la répartition des biens et des services selon ces taux en ce qui concerne la livraison d'électricité dans le cadre de contrats résidentiels, de gaz naturel et de chaleur via des réseaux de chaleur et certaines pompes à chaleur](#)) 27 June 2022. Published in the Official Belgian Gazette on 30 June 2022.

¹⁰ Belgium, Law “miscellaneous tax provisions” ([Loi portant des dispositions fiscales diverses](#)), 21 December 2022. Published in the Official Belgian Gazette on 29 December 2022.

Measure	Legal basis	Price-suppressing or income-supporting / earmarked or not earmarked / targeted or not targeted	Estimated costs (2022-2023)	Description	Expected impact
	becomes permanent) ¹¹				
Reduction of excise taxes on gasoline, until 31/3/2023	Royal Decree of 16 March 2023 ¹² Amended by the Law of 19 March 2023 ¹³	Price / earmarked / not targeted	1041,9m	Reductions in taxes on gasoline resulted in a reduction of price increases, financed by the increased VAT revenues due to the price increases.	Because heating expenses constitute a relatively heavier burden for low-income families, this measure had a relatively greater impact on poor households. Overall, the tax-reduction has a minimal overall impact, slightly benefiting low income.[1] [1] Belgium, Capéau, B., Decoster, A., Güner, D., Sheikh Hassan, N., Vanderkelen, J., Vanheukelom, T. and Van Houtven, S. (2022), We are all facing the same storm, but not all are in the same boat , Discussion Note, <i>KU Leuven Department of Economics</i> (last accessed 22 December 2023).
VAT-reduction on solar panels and heat pumps until 31/12/2023	Royal Decree of 27 March 2022 ¹⁴	Price / earmarked / not targeted	37m	Price reductions to encourage investments in green energy.	Measure unlikely to have an impact on low-income households, as they often do not have the resources to invest in solar panels and heat pumps.

¹¹ Belgium, Law reforming the taxation of energy bills ([Loi portant réforme de la fiscalité sur la facture d'énergie](#)), 19 March 2023. Published in the Official Belgian Gazette on 29 March 2023.

¹² Belgium, Royal Decree temporarily amending Article 419, b), c), e) i) and f) i), Article 420, § 3 and Article 429, § 5, 1) of the Programme Law of 27 December 2004 ([Arrêté royal modifiant provisoirement l'article 419, b\), c\), e\) i\) et f\) i\), l'article 420, § 3 et l'article 429, § 5, 1\) de la loi-programme du 27 décembre 2004](#)), 16 March 2022. Published in the Official Belgian Gazette on 18 March 2023.

¹³ Belgium, Law reforming the taxation of energy bills ([Loi portant réforme de la fiscalité sur la facture d'énergie](#)), 19 March 2023. Published in the Official Belgian Gazette on 29 March 2023.

¹⁴ Belgium, Royal Decree amending Royal Decree No. 20, of 20 July 1970, fixing the rates of value added tax and determining the distribution of goods and services according to these rates with regard to photovoltaic solar panels, solar panels thermal and solar water heaters, heat pumps and the demolition and reconstruction of buildings throughout the territory of Belgium ([Arrêté royal modifiant l'arrêté royal n° 20, du 20 juillet 1970, fixant les taux de la taxe sur la valeur ajoutée et déterminant la répartition des biens et des services selon ces taux en ce qui concerne les panneaux solaires photovoltaïques, les panneaux solaires thermiques et les chauffe-eaux solaires, les pompes à chaleur et la démolition et la reconstruction de bâtiments sur tout le territoire de la Belgique](#)), 27 March 2022. Published in the Official Belgian Gazette on 31 March 2022.

Measure	Legal basis	Price-suppressing or income-supporting / earmarked or not earmarked / targeted or not targeted	Estimated costs (2022-2023)	Description	Expected impact
VAT-reduction on demolition and reconstruction of residences until 31/12/2023	Royal Decree of 27 March 2022 ¹⁵	Price / earmarked / not targeted	406m	Price reductions to encourage investments in green energy and to assist businesses severely affected by price increases.	Unknown impact, may have safeguarded employment for lower-skilled workers.
Aid to enterprises: reduction of excises taxes on gas and electricity until 30/6/2023	Royal Decree of 11 October 2022 ¹⁶	Price / earmarked / not targeted	137,8m	Reduction of excises taxes on gas and electricity for enterprises.	Unknown impact, may have safeguarded employment for lower-skilled workers.
Special system of temporary unemployment for energy-intensive companies + bridging rights for the self-employed until 31/3/2023	Law of the 30 October 2022 ¹⁷	Income / earmarked / not targeted	9,1m	Short term unemployment benefits intended to protect employers and employees in sectors heavily affected by price increases.	Unknown impact, may have safeguarded employment for lower-skilled workers.
Expansion of social tariff until 1/7/2023	Royal Decree of 24 April 2022 ¹⁸	Price / earmarked / targeted	1885,1m	Extensions of the so-called 'social tariff' (which helps welfare beneficiaries and social tenants in the payment of the energy bills) to all low income households (regardless of their social security or tenant status).	The social tariff and expanded eligibility criteria played a crucial role in compensating bottom deciles.[1] However, notwithstanding automatic granting of the social tariff, it has been shown that non take up stands at 45% for 18- to 64-year-

¹⁵ Belgium, Royal Decree amending Royal Decree No. 20, of 20 July 1970, fixing the rates of value added tax and determining the distribution of goods and services according to these rates with regard to photovoltaic solar panels, solar panels thermal and solar water heaters, heat pumps and the demolition and reconstruction of buildings throughout the territory of Belgium ([Arrêté royal modifiant l'arrêté royal n° 20, du 20 juillet 1970, fixant les taux de la taxe sur la valeur ajoutée et déterminant la répartition des biens et des services selon ces taux en ce qui concerne les panneaux solaires photovoltaïques, les panneaux solaires thermiques et les chauffe-eaux solaires, les pompes à chaleur et la démolition et la reconstruction de bâtiments sur tout le territoire de la Belgique](#)), 27 March 2022. Published in the Official Belgian Gazette on 31 March 2022.

¹⁶ Belgium, Royal decree provisionally modifying article 419, i), iii), 1), a) and b) and k), 1) a) and b), of the program law of 27 December 2004 ([Arrêté royal modifiant provisoirement l'article 419, i\), iii\), 1\), a\) et b\) et k\), 1\) a\) et b\), de la loi-programme du 27 décembre 2004](#)), 11 October 2022. Published in the Official Belgian Gazette on 18 October 2022.

¹⁷ Belgium, Law on temporary support measures following the energy crisis ([Loi portant des mesures de soutien temporaires suite à la crise de l'énergie](#)), 30 October 2022. Published in the Official Belgian Gazette on 3 November 2022.

¹⁸ Belgium, Royal Decree extending the extension of maximum prices for protected residential customers to beneficiaries of the increased intervention until 1 October 2022 ([Arrêté royal portant la prolongation de l'extension des prix maximaux pour les clients protégés résidentiels aux bénéficiaires de l'intervention majorée jusqu'au 1er octobre 2022](#)), 24 avril 2022. Published in the Official Belgian Gazette on 9 June 2022.

Measure	Legal basis	Price-suppressing or income-supporting / earmarked or not earmarked / targeted or not targeted	Estimated costs (2022-2023)	Description	Expected impact
					<p>old people and 24% for 65 years+ people.[2]</p> <p>[1] Belgium, Capéau, B., Decoster, A., Güner, D., Sheikh Hassan, N., Vanderkelen, J., Vanheukelom, T. and Van Houtven, S. (2022), We are all facing the same storm, but not all are in the same boat, Discussion Note, <i>KU Leuven Department of Economics</i> (last accessed 22 December 2023).</p> <p>[2] Belgium, Van Geyte, J. (5 April 2023), Study University of Antwerp: Many do not take up the right to increased health insurance reimbursement (Studie Universiteit Antwerpen: Velen nemen recht op verhoogde tegemoetkoming ziekenfonds niet op), spaargids.be (last accessed 22 December 2023).</p>
Heating premium from the Social Heating Fund until 31/3/2023	Royal Decree of 6 August 2022 ¹⁹	Income / not earmarked / targeted	69m	Households with social tariff received a one-off energy premium of €80 for electricity.	Reinforced the social tariff.
Additional assistance measures – Social Energy Fund	Royal Decree of 26 December 2022 ²⁰	Income / earmarked / targeted	63,8m	Allowances from the social heating fund was temporarily increased to maximum €720 from January to March 2023 and to €400 from 1 April to end December 2023, for fuel oil at a maximum amount of 2000 liters. This measure is granted through the welfare agencies to households on increased reimbursement of healthcare costs, households in debt mediation and households with low income. Also, the amount of energy that could be provided through prepaid meters has been	Reinforced the social tariff.

¹⁹ Belgium, Royal Decree amending the Royal Decree of 27 March 2009 concerning the heating allowance granted by the Public Centre for Social Action under the Social Fuel Oil Fund ([Arrêté royal modifiant l'arrêté royal du 27 mars 2009 concernant l'allocation de chauffage octroyée par le centre public d'action sociale dans le cadre du Fonds Social Mazout](#)), 6 August 2022. Published in the Official Belgian Gazette on 15 September 2022.

²⁰ Belgium, Royal decree establishing emergency measures in terms of energy aid for the target audiences of public social action centers for the year 2022 and for the year 2023 ([Arrêté royal portant des mesures d'urgence en matières d'aides énergétiques à destination des publics cibles des centres publics d'action sociale pour l'année 2022 et pour l'année 2023](#)), 26 December 2022. Published in the Official Belgian Gazette on 20 January 2023.

Measure	Legal basis	Price-suppressing or income-supporting / earmarked or not earmarked / targeted or not targeted	Estimated costs (2022-2023)	Description	Expected impact
				increased. Temporary stops on disconnection were provided in Flanders and Wallonia.	
Reduction of NSSO-employer contributions until the first and second quarter of 2023	Program Law of 26 December 2022 ²¹	Income / earmarked / not targeted	975m	Reduction of employer contributions with a view to preserving competitiveness and employment.	Unknown.
Federal basic package - gas	Law of the 30 October 2022 ²² Law of 19 December 2022 ²³	Income / Both possible: decrease of energy bill or deposit on bank account / Not targeted	2355,7m (gas and electricity together)	Federal basic package for gas (270 euros) and electricity (122 euros), for the months of November and December 2022 (which was later extended to the period from January 2023 until March 2023 and elevated to 405 euros for gas and 183 euros for electricity). These amounts of the federal basic package were either withheld from the respective energy bills or deposited to the beneficiary bank accounts. If the energy contract is already billed at the social tariff rate the basic package is not applicable.	Although the measure is not targeted and not applicable when energy contracts are billed according to the social tariff rates, considering the higher share of energy expenditures in lower-income groups and the lump-sum nature, this measure benefits lower-income groups more. Unknown distributional impact.
Federal basic package - electricity	Law of the 30 October 2022 ²⁴ Law of 19 December 2022 ²⁵	Income / Both possible: decrease of energy bill or deposit on bank account / Not targeted		Federal basic package for gas (270 euros) and electricity (122 euros) for the months of November and December 2022 (which was later extended to the period from January 2023 until March 2023 and elevated to 405 euros for gas and 183 euros for electricity). These amounts of the federal basic package were either withheld from the respective energy bills or deposited to the beneficiary bank accounts. If the energy contract is	Although the measure is not targeted and not applicable when energy contracts are billed according to the social tariff rates, considering the higher share of energy expenditures in lower-income groups and the lump-sum nature, this measure benefits lower-income groups more. Unknown distributional impact.

²¹ Belgium, Program Law I ([Loi-programme \(I\)](#)), 26 December 2022. Published in the Official Belgian Gazette on 30 December 2022.

²² Belgium, Law on temporary support measures following the energy crisis ([Loi portant des mesures de soutien temporaires suite à la crise de l'énergie](#)), 30 October 2022. Published in the Official Belgian Gazette on 3 November 2022.

²³ Belgium, Law granting a second federal electricity and gas premium ([Loi portant l'octroi d'une deuxième prime fédérale d'électricité et de gaz](#)), 19 December 2022. Published in the Official Belgian Gazette on 23 December 2022.

²⁴ Belgium, Law on temporary support measures following the energy crisis ([Loi portant des mesures de soutien temporaires suite à la crise de l'énergie](#)), 30 October 2022. Published in the Official Belgian Gazette on 3 November 2022.

²⁵ Belgium, Law granting a second federal electricity and gas premium ([Loi portant l'octroi d'une deuxième prime fédérale d'électricité et de gaz](#)), 19 December 2022. Published in the Official Belgian Gazette on 23 December 2022.

Measure	Legal basis	Price-suppressing or income-supporting / earmarked or not earmarked / targeted or not targeted	Estimated costs (2022-2023)	Description	Expected impact
				already billed at the social tariff rate the basic package is not applicable.	
Pellet premium until 31/3/2023	Program Law of 26 December 2022 ²⁶	Income / not earmarked / not targeted	21,5m	Benefit of 250 euros for households who predominantly use pellets as a heating source, did not receive the heating allowance (for oil/propane), and did not have received the basic gas package or the social rate for gas.	Although the measure is not targeted and not applicable when energy contracts are billed according to the social tariff rates, considering the higher share of energy expenditures in lower-income groups and the lump-sum nature, this measure benefits lower-income groups more. Unknown distributional impact.

1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

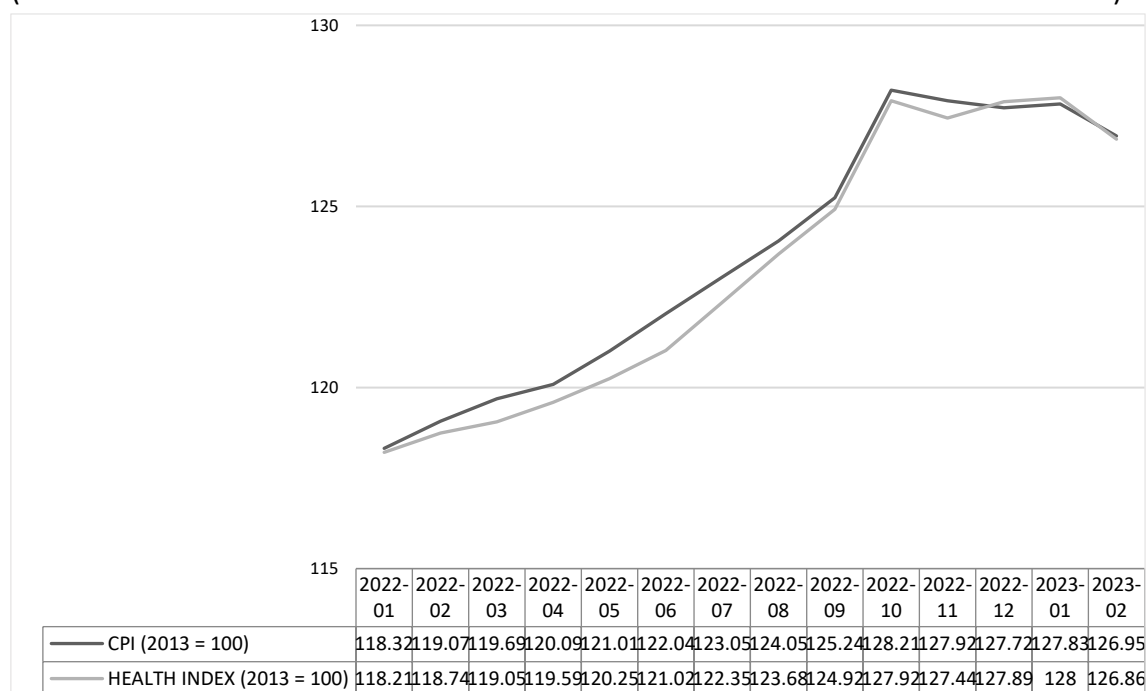
In Belgium the indexation of wages and social benefits was the automatic response to rising prices. Although, before the crisis, the automatic indexation of wages and social benefits, had been a constant source of political and social struggle, the system now proved a welcome response tool for all. Without much political discussion, in April, July, September and December 2022 the wages of public service employees, all social benefits (except the Flemish child benefits) and the wages of a number of private sector workers were each time increased by 2%. In the sectors where wages are indexed once a year, the indexing amounted to more than 10% in January 2023. The Flemish child benefits were the only exception. When transferring the competence for child benefits to the communities, the Flemish government decided to no longer automatically link the amounts of the reformed benefits to the index. During the inflation crisis, this gave rise to fierce political debates in which the Christian Democrats wanted full indexation but the other parties in the government argued that this would have been too expensive. In

²⁶ Belgium, Program Law I ([Loi-programme \(I\)](#)), 26 December 2022. Published in the Official Belgian Gazette on 30 December 2022.

the end it was decided to index only the selective part of the child allowances intended as additional support for poor families.²⁷

The indexation of wages and (most of the) social benefits was, however, not considered sufficient. Firstly, because some wages are indexed only after a year, the shock would not be absorbed in time for everyone; secondly, because the percentage indexation does not take into account the fact that the products that increased the most in price - namely energy and nutrients - weigh more heavily for low-income households;²⁸ and thirdly, because the health index does not take full account of increases of the energy price. Figure 1 shows the increasing discrepancy between price increases and the evolution of the health index in the months when inflation rose most sharply.

Figure 1: Evolution Consumer Price Index (CPI) and health index in Belgium (2022-2023) (2013 = 100)²⁹



²⁷ Cantillon, B., Lemmens, A., Neelen, W., van den Broeck, R. (2023), [Silent elements of policy change: inflation and uprating mechanisms in the Low Countries, Working Paper No. 23/12, University of Antwerp](#), December 2023 (last accessed 8 February 2024).

²⁸ See Lévy, P. Z., Vanhille, J., Goedemé, T. and Verbist, G. (August 2021), [The association between the carbon footprint and the socio-economic characteristics of Belgian households](#), *Ecological Economics*, Vol. 186, 107065; Blake, H. and Bulman, T. (2022), [Surging energy prices are hitting everyone, but which households are more exposed?](#), *Ecoscope*, 10 May 2022 (last accessed 22 December 2023).

²⁹ Figure developed based on data retrieved from: Belgium, Statbel, [Consumer price index \(Chart\)](#) (last accessed 8 February 2024).

Therefore, additional measures were taken. These measures were aimed more at price reduction than at income support. The top-right panel of Figure 2 shows which energy measures were targeted at vulnerable households (either by status or income level). The largest expenditures related to measures with a universal coverage (most notably the VAT reductions and lump-sum payments to households). These measures accounted for almost 80% of total spending. The main measure to support low-income households related to the existing (but extended) social energy tariff accounting for more than 20% of total spending.

The universal measures consisted of: (1) a reduction of VAT-percentages to 6% for energy, solar panels and heat pumps (and a reduction of the excise taxes on gasoline); (2) a one-off lump-sum benefit of 100 euros for all households, independent from which heating source is used; (3) a benefit of 250 euros for households who predominantly use pellets as a heating source; (4) a lump-sum benefit of 300 euros for households using heating oil of propane between November 2021 and March 2023 and (5) a federal basic package for gas (270 euros) and electricity (122 euros) for the months of November and December 2022 (which was later extended to the period from January 2023 until March 2023 and elevated to 405 euros for gas and 183 euros for electricity). These amounts of the federal basic package were either withheld from the respective energy bills or deposited to the beneficiary bank accounts.

The targeted energy-related measures included: (1) the extensions of the so-called 'social tariff' (which helps welfare beneficiaries and social tenants in the payment of the energy bills) to all low income households (regardless of their social security or tenant status); (2) a one-off lump-sum benefit of 80 euros for households eligible for the extended social tariff and (3) an increase in the heating premium of the Social Heating Fund, linked to the rising prices in heating oil, for vulnerable households experiencing financial difficulties. The extension of the social tariff proved to be very impactful, which was reflected in the large increase of eligible households and the total amount of governmental expenditures spent on this measure (1885.1 million euros). In total, 400,000 extra Belgian household became eligible for the social tariff due to the extension, which was an important resource for lower income households in limiting their energy costs.³⁰

³⁰ Federal Public Service Economy (2023), Social rate for energy for people with an increased allowance ([Sociaal tarief voor energie voor personen met een verhoogde tegemoetkoming](#)), 3 August 2023 (last accessed 8 February 2024); De Morgen (2023), Government ends extensive social rate: 'Savings for people who already live below the poverty line' ([Regering maakt einde aan uitgebreid sociaal tarief: 'Besparing op mensen die al onder armoedegrens leven'](#)), 6 February 2023 (last accessed 22 December 2023).

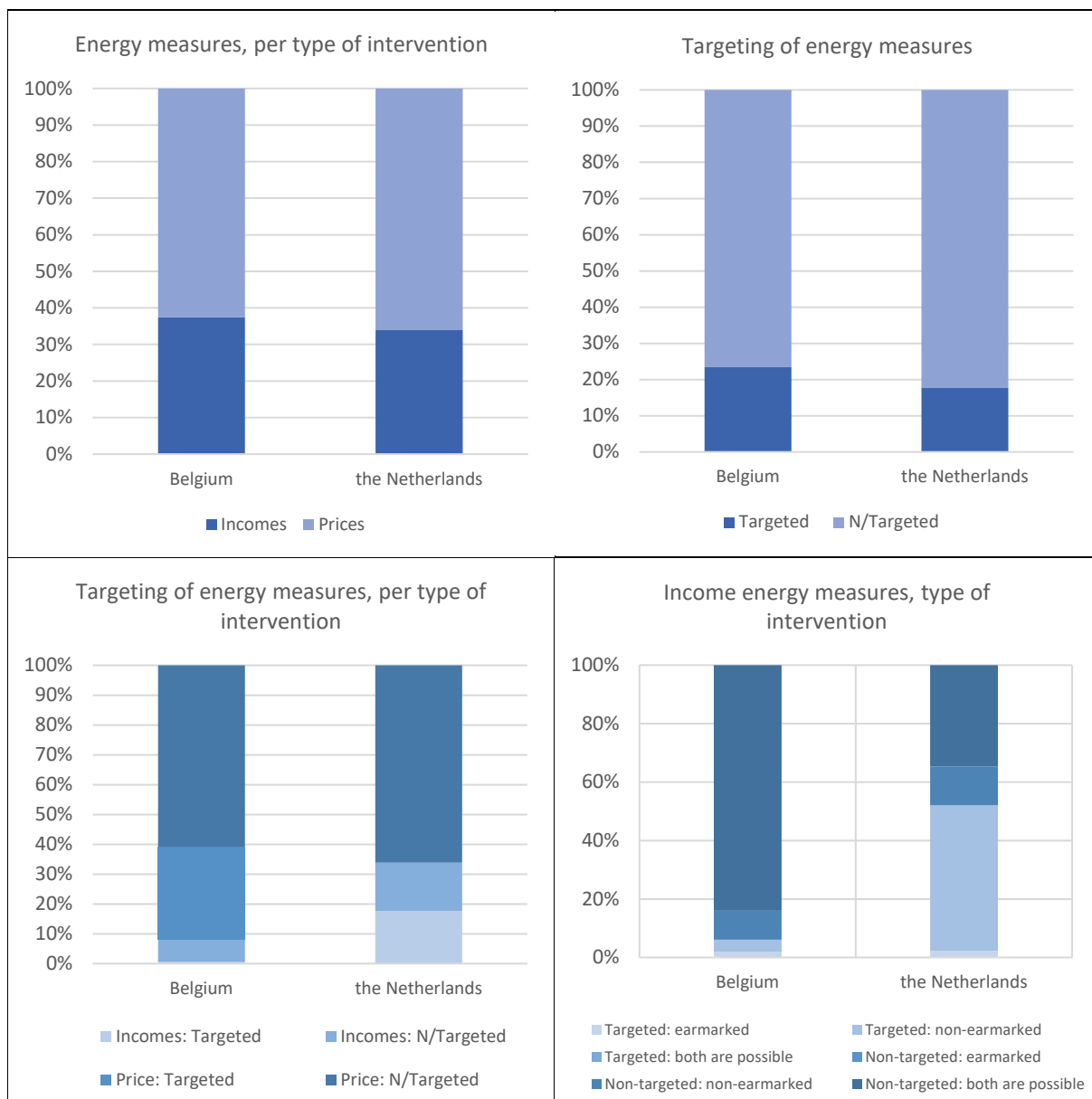
Taken as a whole the largest share of spending was dedicated to universal, non-targeted and income-increasing measures (listed supra). This is illustrated in the right panel of Figure 2 which shows the share of spending on selective and universal measures, as well as the proportion of spending dedicated to price-reductions or income-increases. The budgetary cost refers to the anticipated budget expenditures between October 2021 and December 2023.³¹

The same figure illustrates the distribution in the Netherlands. The distribution of measures according to the degree of universality and selectivity (right panel of Figure 2) and income and price support (left panel of Figure 2), is quite similar in both countries. However, the weight of non-targeted and price-supporting measures was larger in the Netherlands than in Belgium. The comparison with the Netherlands is relevant because Belgium, unlike the Netherlands, could fall back on the mechanism of automatic indexation of wages and social benefits. Additional interventions were, therefore, less extensive than in the Netherlands where government spending was significantly higher and income measures also less targeted than in Belgium. As in other countries, in Belgium and the Netherlands, the cost of support delivered to mitigate the impact of the inflation crisis on households has been very significant. However, the aggregate fiscal cost of measures provided between October 2021 and December 2023 in the Netherlands amounted to 3.03% of the GDP compared to 1.82% in Belgium (excluding the costs of automatic indexation of wages and social benefits in Belgium and the increase in the statutory minimum wage and social benefits in the Netherlands)³². In the absence of automatic indexation, the Netherlands had to rely more on ad hoc measures that were about roughly double the cost of government efforts in Belgium.

³¹ Belgium, Rekenhof (2022), Comments and remarks on the draft state budget for the 2023 financial year ([Commentaar en opmerkingen bij de ontwerpen van staatsbegroting voor het begrotingsjaar 2023](#)), 25 November 2022 (last accessed 8 February 2024).

³² Organisation for Economic Co-operation and Development (OECD), OECD Policy Responses on the Impacts of the War in Ukraine, [Why governments should target support amidst high energy prices](#), 30 June 2022 (last accessed 22 December 2023).

Figure 2: Energy measures*, 2021-2023, as % of the total amount of energy measures for households³³



*Excluding (automatic) indexation of wages/social benefits

³³ Figure developed based on data retrieved from: Sgaravatti, G., Tagliapietra, S. and Zachmann, G. (2022), [National policies to shield consumers from rising energy prices](#), *Bruegel Datasets*, 26 June 2023 (last accessed 8 February 2024).

Table 1 – Promising practice

Promising practice	
Title (original language)	Automatische indexerings lonen, wedden en sociale uitkeringen volgens de afgevlakte gezondheidsindex
Title (EN)	Automatic wage and benefit indexations based on the smoothed health index
Organisation (original language)	Federale overheid/regional governments
Organisation (EN)	Federal government/regional governments
Government / Civil society	
Funding body	N/A
Reference (incl. URL, where available)	https://www.loonindex.be/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	N/A
Type of initiative	
Main target group	Universal
Indicate level of implementation: Local/Regional/National	Federal & regions
Brief description (max. 1000 chars)	It concerns the structural uprating mechanism of wages and social benefits. Wage indexing in Belgium is done on an automatic basis for all employees working in the private sector, as well as all public sector workers. All social benefits (with the notable exception of the Flemish child benefits ³⁴) are also automatically linked to the price

³⁴ The Walloon and Brussels child benefits follow the above methodology, while the Flemish variant is detached from these indexation rules since January 2020. This has implications for the payout of the child benefit, the study allowance and for the calculations of the income thresholds for the social supplement. More concrete, a yearly indexation of 2% will be applied within the Flemish child benefit system every first of September, regardless whether the central index has been exceeded. However, due to high inflation costs, the Flemish government had decided to not apply this 2% indexation on the base amounts in 2022, but instead conducted a

Promising practice	
	<p>index. The inflation crisis has underscored the importance of this mechanism in safeguarding household incomes.. Indexing is a silent, therefore sometimes forgotten, but powerful policy instrument to protect the poor. Assessing the impact of policies on poverty and inequality in a large number of countries Paulus, Sutherland and Tasseva (2020³⁵) found, for instance, that in the first decade of the 2000's the impact of indexing on poverty and inequality reduction was more important than policy reforms³⁶.</p> <p>Automatic indexation is a practice that has been abandoned in many countries (including the Netherlands) over the past decades. However, the experience in Belgium during the inflation crisis has taught us that this 'silent' tool of social policy can be of great significance in supporting incomes during periods of price increases, thereby serving as a potent instrument to prevent rises in poverty.</p> <p>This is evident from the comparison with the Netherlands where automatic indexation was abolished in the 1980s: the budgetary cost to protect households against price increases was much higher and less targeted in the Netherlands than in Belgium (see supra). The importance of automatic indexation has also been evident from the experience in Flanders, where the practice was abolished when the child benefit system was reformed and where a political debate arose</p>

1% indexation on these base amounts in September 2022 and once again in December 2022. From September 2023 onwards, the normal indexation rule has been adopted once more. In exception to this, all other payouts like the education allowance and the social supplement still received a 2% indexation. Finally, there are a few components that will not receive any indexation whatsoever until the 31st of August 2025, being the age supplements and the highest base amounts (for the third child or later within a family) within the old system of the Flemish child benefits.

³⁵ Paulus, A., Sutherland, H. and Tasseva, I. (2019), [Indexing Out of Poverty? Fiscal Drag and Benefit Erosion in Cross-National Perspective](#), *Review of Income and Wealth*, Vol. 66, No. 2, pp. 311-333 (last accessed 22 December 2023).

³⁶ For a discussion on other aspects of automatic indexation in Belgium, particularly the impact on competitiveness and inflation, see: National Bank of Belgium, Overview of the indexation debate in Belgium ([Overzicht van het indexeringsdebat in België](#)) (last accessed 22 December 2023).

Promising practice	
	<p>regarding the adjustment of child benefits to the rise in prices, ultimately resulting in a partial indexation only of social supplements for low-income families.³⁷</p> <p>Wage indexing in Belgium is done on an automatic basis for all employees working in the private sector, as well as all public sector workers. All social benefits (with the notable exception of the Flemish child benefits) are also automatically linked to the price index.</p> <p>The Walloon and Brussels child benefits follow the above methodology, while the Flemish variant is detached from these indexation rules since January 2020. This has implications for the payout of the child benefit, the study allowance and for the calculations of the income thresholds for the social supplement. More concrete, a yearly indexation of 2% will be applied within the Flemish child benefit system every first of September, regardless whether the central index has been exceeded. However, due to high inflation costs, the Flemish government had decided to not apply this 2% indexation on the base amounts in 2022, but instead conducted a 1% indexation on these base amounts in September 2022 and once again in December 2022. From September 2023 onwards, the normal indexation rule has been adopted once more. In exception to this, all other benefits like the education allowance and the social supplement still received a 2% indexation. Finally, some benefit components, such as the age supplements and the amounts for the third child, are not adapted to price increases until the 31st of August 2025 within the old system of the Flemish child benefits³⁸.</p> <p>During the inflation crisis the lack of automatic indexation of the Flemish child allowances sparked political conflicts and compromise solutions that undermined the transparency of the system. It stands as a contrasting example, highlighting the crucial role of clear indexation mechanisms in protecting family incomes—not only during times of high inflation but consistently.</p>

³⁷ Cantillon, B., Lemmens, A., Neelen, W., van den Broeck, R. (2023), [Silent elements of policy change: inflation and uprating mechanisms in the Low Countries, Working Paper No. 23/12, University of Antwerp](#), December 2023 (last accessed 8 February 2024).

³⁸ Ibid.

Promising practice	
Highlight any element of the actions that is transferable (max. 500 chars)	via collective bargaining or legal provision
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	<p>The indexation ensures the automatic adjustment of wages and social benefits to price increases. Comparison with other similar countries shows that in Belgium, this has not led to higher inflation. Public expenditures also remained relatively lower than, for example, in the Netherlands, where more ad hoc measures were needed to compensate for the absence of the linkage to price increases.</p> <p>In the absence of indexation, ad hoc measures are necessary. When these measures are universal they impose a heavy burden on the government budget. When they are targeted to low income households they face problems of:</p> <ul style="list-style-type: none"> a) Unemployment traps (households with income above the specified thresholds lose benefits). b) Non-take up (selective measures are often not automatically granted). c) Prone to errors.
Give reasons why you consider the practice as having concrete measurable impact	The measure affects directly household incomes.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	See above
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	Collective bargaining

Promising practice	
Explain, if applicable, how the practice provides for review and assessment	N/A

2. Threats to democratic values - Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression

2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level.

Table 2 – Challenges

Based on a scan of legislative and policy and other developments and the public discourse please identify **three major challenges** to democracy emerged in the course of 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Attacks and threats to the safety of civil society organisations, human rights defenders and journalists	Regarding civil society organisations, in 2022, the Federal Institute for the protection and promotion of Human Rights started a research project on the space for human rights defenders in Belgium, ³⁹ in which it surveyed 159 human rights organisations. In 2023, the Institute reported part of the project's results. According to the provisional results of the survey conducted, 106 out of the 159 organisations reported having received verbal or physical threats in 2021-2022, 25 of

³⁹ Belgium, Federal Institute for the protection and promotion of Human Rights, Research, [Room for human rights defenders in Belgium](#) (last accessed 6 October 2023).

which reported that this happened on average more than twice a month. Online threats are not necessarily more common than offline threats. Some 34 organisations (including public human rights institutions) reported having been the target of negative media campaigns, more than half of them on several occasions. Physical attacks against collaborators and volunteers were reported by at least 15 organisations, while damage to private property was reported by at least 19 organisations. Excessive administrative controls on the part of Belgian or foreign authorities have been more rarely reported, but this phenomenon nevertheless exists.⁴⁰ The Institute will continue with the project and plans to conduct a second survey focusing on the experiences of employees, volunteers and individual administrators of the organisations that took part in the first survey.⁴¹

Regarding journalists, Belgium dropped 8 places in the World Press Freedom Index in 2023 (after dropping 12 places in 2022).⁴² According to Reporters Without Border, “Journalists enjoy a relatively high degree of trust, yet they are subject to violence by police and protesters during demonstrations, as well as online threats directed, above all, at women.”⁴³ The organisation further notes that “police violence, along with online threats with a racist or sexist cast, have led to a sense of lack of safety among journalists. In this climate, some of them decided against covering certain events deemed to be too

⁴⁰ Belgium, Federal Institute for the protection and promotion of Human Rights (2023), Annual Report 2022 - Human rights near you ([Rapport annuel 2022 - Les droits humains près de chez vous](#)), 25 May 2023, p. 28. See also: Federal Institute for the protection and promotion of Human Rights (2023), Human rights at the heart of policy: Recommendations for a policy consistent with human rights ([Les droits humains au cœur de la politique : Recommandations pour une politique conforme aux droits humains](#)), 27 September 2023, pp. 54-55; Federal Institute for the protection and promotion of Human Rights (2023), First survey on the pressures suffered by human rights organizations in Belgium: more than half of the organizations questioned have suffered intimidation and attacks ([Première enquête sur les pressions subies par les organisations de défense des droits humains en Belgique : plus de la moitié des organisations interrogées ont subi des intimidations et agressions](#)), 5 December 2023 (last accessed 22 December 2023).

⁴¹ Ibid.

⁴² Belgium, Reporters Without Border, [Belgium](#) (last accessed 11 August 2023). See also European Network of National Human Rights Institutions (2023), [State of the rule of law in the European Union](#), p. 88 (last accessed 10 August 2023).

⁴³ Belgium, Reporters Without Border, [Belgium](#) (last accessed 11 August 2023).

	<p>dangerous. And some journalists even quit the profession.”⁴⁴ The European Commission’s 2023 Rule of law report also notes that multiple organisations “cite several cases of online harassment and intimidation in 2022, notably of female journalists. According to stakeholders, there are so many online attacks, it would be difficult for the law enforcement agencies to follow suit.”⁴⁵</p> <p>In this regard, a largescale study to which over a thousand journalists replied reported that more than half of the journalists in the survey had been confronted with transgressive behaviour. The most frequent form of violence was verbal abuse, but various forms of intimidation (such as legal threats, threats from sources not to share information, etc.) were also experienced by almost a third of respondents.⁴⁶ According to surveyed journalists, verbal abuse is mostly related to news coverage⁴⁷ while most instances of physical violence were linked to their job as a journalist.⁴⁸ Acts of intimidation, in turn, were linked to both their job as a journalist and news coverage.⁴⁹ The survey also showed that sexually transgressive behaviours and discrimination primarily affect women.⁵⁰ For all forms of transgressive behaviour, the survey showed that many journalists choose not to act, react or prevent, although they often suffer consequences in their professional or personal life.⁵¹</p>
<p>Legal and administrative constraints, harassment, intimidation, and reprisals against civil</p>	

⁴⁴ Ibid.

⁴⁵ European Commission (2023), [2023 Rule of law report - Country Chapter Belgium](#), 5 July 2023, p. 22 (last accessed 11 August 2023).

⁴⁶ Belgium, Libert, M., Le Cam, F., Lethimonnier, C., Vanhaelewyn, B., Van Leuven, S. and Raeymaeckers, K. (2023), Portrait of Belgian journalists in 2023 ([Portrait des journalistes belges en 2023](#)), Gent, Academia Press, 2023, p. 44 (last accessed 11 August 2023).

⁴⁷ Ibid, p. 45.

⁴⁸ Ibid, p. 49.

⁴⁹ Ibid, p. 52.

⁵⁰ Ibid, p. 56.

⁵¹ Ibid.

society organisations, human rights defenders (including SLAPPs - strategic lawsuits against public participation)	
Lack of media freedom a/o media pluralism; disinformation (incl. online)	
Foreign interference	
Lack of (processes for) transparent, accountable, democratic and pluralistic participation in law and policymaking; incl. access to information	
Lack of election integrity (incl. electoral process, political campaigning and party financing)	
Disproportionate use of law enforcement measures (surveillance, police violence, unlawful arrest etc.)	
Corruption, including misuse of EU funds	
Lack of (effective judicial protection by) independent and impartial courts	The European Commission's 2023 Rule of law report notes that despite some progress, "a lack of adequate human and financial resources remains a challenge for the [Belgian] justice

system.”⁵² In this regard, the report notes that the number of professional judges per 100 000 inhabitants and the budget spent on the justice system in Belgium are both below the EU average.⁵³ The lack of resources for the judiciary is not a new problem and has been reported on by media outlets in the past years.⁵⁴ Regarding the Brussels Court of Appeal more specifically, understaffing was identified as a problem in an audit by the High Council of Justice in 2022.⁵⁵

Media outlets have also denounced the consequence of such shortage, namely the excessive length of judicial procedures in the country.⁵⁶ The unreasonable delay of the Belgian justice system was also noted by the World Justice Project, which, in its 2023 evaluation of Belgium, rated the country below regional and global average with regards to unreasonable delays in civil justice.⁵⁷ Indeed, the European Court of Human Rights multiple times condemned Belgium for violation of the right to be tried within a reasonable time.⁵⁸ The most recent

⁵² European Commission (2023), [2023 Rule of law report - Country Chapter Belgium](#), 5 July 2023, p. 6 (last accessed 11 August 2023).

⁵³ Ibid.

⁵⁴ Belgium, La Libre (2022), Justice sounds the alarm over its underfunding ([La Justice sonne l'alarme sur son sous-financement](#)), 18 May 2022; Belgium, Le Soir (2021), Translation result The Brussels family court is working on the verge of asphyxiation ([Le tribunal de la famille de Bruxelles travaille au bord de l'asphyxie](#)), 21 November 2021 (last accessed 4 October 2023).

⁵⁵ Belgium, High Council of Justice (*Conseil supérieur de la Justice / Hoge Raad voor de Justitie*) (2022), Audit - Brussels Court of Appeal: report approved by the joint advisory and inquiry commission of the High Council of Justice on 30 June 2022 ([Audit - Cour d'Appel de Bruxelles: rapport approuvé par la commission d'avis et d'enquête réunie du Conseil supérieur de la Justice le 30 juin 2022](#)), 30 June 2022 (last accessed 6 October 2023).

⁵⁶ Belgium, RTBF (2022), Judicial backlog in the family court: the League of Families attacks the Belgian State ([Arriéré judiciaire au tribunal de la famille : la Ligue des familles attaque l'État belge](#)), 6 October 2022; Belgium, La Libre (2022), Maurice Krings: “Justice is so slow in Brussels that we risk a return of vendettas” ([Maurice Krings: "La justice est si lente à Bruxelles que l'on risque un retour de vendettas"](#)), 2 August 2022 (last accessed 4 October 2023).

⁵⁷ World Justice Project, [Civil Justice for Belgium, 2023](#), 2023 (last accessed 26 December 2023).

⁵⁸ See e.g. European Court of Human Rights (ECtHR), *J.C. v. Belgium*, No. 56367/09, 24 January 2017; European Court of Human Rights (ECtHR), *Abboud v. Belgium*, No. 29119/13, 2 July 2019; European Court of Human Rights (ECtHR), *Brus v. Belgium*, No. 18779/15, 14 September 2021.

	<p>condemnation by the Court dates from 5 September 2023.⁵⁹ In this regard, the Federal Institute for the protection and promotion of Human Rights noted, in 2022, the lack of adequate statistics for civil proceedings in first instance, which renders an evaluation of the progresses of Belgium in addressing the backlog impossible.⁶⁰</p>
<p>Threats to (the independence of) the fundamental rights institutional landscape (NHRIs, equality bodies, data protection authorities and similar bodies), incl. closure of fundamental rights bodies, legal changes, budget cuts and harassment</p>	
<p>Institutional issues linked to checks and balances (lack of parliamentary oversight, lack of implementation of final court decisions by executive, etc.)</p>	<p>In 2023, the Executive power in Belgium continued to disrespect judicial decisions, as was already the case in 2022. The unimplemented decisions concern mainly the reception crisis, caused by the lack of reception capacity in the country. Regarding this crisis, the Belgian Federal Institute for the protection and promotion of Human Rights noted that since October 2021, thousands of asylum seekers, including families with children, have slept on the streets. They were forced to turn to the courts to assert their right to reception. Despite the thousands of court decisions obliging Fedasil (the Federal Agency for the Reception of Asylum Seekers) to provide a reception place, asylum seekers are not immediately allocated one.⁶¹ In this regard, a group of Belgian human rights bodies noted that “the so-called ‘reception crisis’ saw the Belgian State convicted over 7.000 times by Belgian courts for its disregard</p>

⁵⁹ European Court of Human Rights (ECtHR), *Van den Kerkhof v. Belgium*, No. 13630/19, 5 September 2023.

⁶⁰ Belgium, Federal Institute for the protection and promotion of Human Rights (2022), [Submission to the Committee of Ministers of the Council of Europe concerning the *Bell v. Belgium* case](#), 29 July 2022 (last accessed 6 October 2023).

⁶¹ Belgium, Federal Institute for the protection and promotion of Human Rights (2023), *Reception crisis: Belgium violates the right to a fair trial* ([Crise de l'accueil : la Belgique viole le droit à un procès équitable](#)), 18 July 2023 (last accessed 10 August 2023).

for the rights of asylum seekers. This crisis has fed into a growing problem of non-enforcement of court decisions by the Belgian state when it is convicted for human rights violation.”⁶² In view of this, on 18 July 2023, the European Court of Human Rights found that the lack of implementation of judicial decisions by the Belgian State constituted a violation of article 6(1) of the European Convention on Human Rights.⁶³ In its decision, the Court noted that the circumstances of the case were not isolated but instead reveal a systemic failure of the Belgian authorities to execute the final court decisions relating to the reception of applicants for international protection.⁶⁴ Indeed, Myria noted that before this decision, the Court had already adopted hundreds of interim measures in the context of the reception crisis.⁶⁵ “This situation led the bar associations to set up a ‘rule of law observatory.’”⁶⁶

Despite these developments, on 29 August, Belgium’s Secretary of State for Asylum and Migration decided to temporarily stop accommodating single men who apply for asylum in Belgium in the Fedasil network. According to the Secretary of State, this decision was taken in anticipation of the increasing influx of families and children and to prevent children from ending up on the street in winter.⁶⁷ The NGO Refugee Work Flanders (Vluchtelingenwerk Vlaanderen) denounced the decision as incomprehensible and inhumane.⁶⁸ Media outlet The Brussels Times, in turn, reported on 31 August that European Commission would contact Belgian authorities to obtain

⁶² Belgium, European Network of National Human Rights Institutions (2023), [State of the rule of law in the European Union](#), p. 74 (last accessed 10 August 2023).

⁶³ European Court of Human Rights (ECtHR), *Camara v. Belgium*, No. 49255/22, 18 July 2023.

⁶⁴ *Ibid* para. 118.

⁶⁵ Belgium, Myria (2023), Reception crisis: Belgium condemned before the European Court of Human Rights ([Crise de l'accueil : la Belgique condamnée devant la Cour européenne des droits de l'homme](#)), 28 July 2023 (last accessed 10 August 2023).

⁶⁶ European Commission (2023), [2023 Rule of law report - Country Chapter Belgium](#), 5 July 2023, p. 26 (last accessed 11 August 2023).

⁶⁷ Belgium, Nicole de Moor (2023), Temporarily no more shelter for single men ([Tijdelijk geen opvang meer voor alleenstaande mannen](#)), 29 August 2023 (last accessed 31 August 2023).

⁶⁸ Belgium, Vluchtelingenwerk Vlaanderen (2023), No shelter for single men: “Inhuman and incomprehensible” ([Geen opvang voor alleenstaande mannen: “Onmenselijk en onbegrijpelijk”](#)), 30 August 2023 (last accessed 31 August 2023).

	<p>clarifications in this regard.⁶⁹ A few days later, on 6 September 2023, Le Soir reported that an appeal in extreme urgency was brought before the Council of State against the decision by the Order of the French-speaking and German-speaking Bars and the NGOs Human Rights League (Ligue des droits de l’Homme), Ciré and Refugee Work Flanders (Vluchtelingenwerk Vlaanderen).⁷⁰ On 13 September, Le Soir reported that the Council of State suspended the Secretary of State’s instruction, yet the Secretary replied to the suspension saying that the current policy would not change.⁷¹ In view of these facts, eight human rights institutions wrote letters to the Commissioner for Human Rights and the Special Representative of the Secretary General on Migration and Refugees of the Council of Europe, the EU Commissioner for Justice and Commissioner for Home Affairs, as well as to different UN special mandate holders, calling on them to urge the Belgian government to take all necessary measures to ensure that each applicant for international protection immediately has access to appropriate reception facilities.⁷²</p> <p>On 9 October, Le Soir reported that the new federal budget had been approved and that the government would dedicate 140 million euros to increase reception capacity.⁷³</p>
Other major developments threatening democratic values	Please explain

⁶⁹ Belgium, The Brussels Times (2023), [Reception crisis: EU to summon Belgian Government over shelter stop for single men](#), 31 August 2023 (last accessed 1 September 2023).

⁷⁰ Belgium, Le Soir (2023), Suspension of the reception of single men: an appeal lodged with the Council of State in extreme urgency ([Suspension de l’accueil des hommes seuls : un recours introduit au Conseil d’Etat en extrême urgence](#)), 6 September 2023 (last accessed 7 September 2023).

⁷¹ Belgium, Le Soir (2023), Despite the decision of the Council of State, Nicole de Moor maintains her position of not welcoming single men: “My policy will not change” ([Malgré l’arrêt du Conseil d’Etat, Nicole de Moor maintient sa position de ne pas accueillir les hommes seuls : « Ma politique ne changera pas »](#)), 13 September 2023 (last accessed 14 September 2023).

⁷² Belgium, Unia (2023), Reception crisis: Europe and the United Nations invited to examine human rights violations ([Crise de l’accueil : l’Europe et les Nations unies invitées à examiner les violations de droits humains](#)), 29 September 2023 (last accessed 2 October 2023).

⁷³ Belgium, Le Soir (2023), Budget: 140 million for asylum, banks taxed to the tune of 150 million ([Budget : 140 millions pour l’asile, les banques taxées à hauteur de 150 millions](#)), 9 October 2023 (last accessed 9 October 2023).

2.2. Legislative and policy measures having an impact on the freedom of assembly/association/expression of civil society actors.

Freedom of association: limitations on who can participate in protests

The European Network of National Human Rights Institutions report on State of the rule of law in the European Union notes that municipalities in Belgium have used municipal administrative sanctions to restrict freedom of assembly and the right to strike in Belgium. The report notes that Belgian municipal authorities are responsible to ensure public order and often require prior notification and authorisation for protests, to assess the risk for public order. This procedure may sometimes last several days or even weeks, which impacts the possibility of civil society organisations to react timely to topical events.⁷⁴

Similarly, the Federal Institute for the protection and promotion of Human Rights published two opinions in 2023 about the right to protest. One of the opinions concerns the abovementioned powers given to municipalities to restrict protests. More specifically, the opinion concerns a circular issued in August 2022⁷⁵ in which the Minister of Interior stated that burgomasters had the power to prohibit certain people from demonstrating if they suspect that the concerned person may disturb the peace. In this regard, the Federal Institute argues that circulars can only clarify existing law, but are not able to create restrictions of rights, which need to be enacted by parliament. Consequently, the Institute calls for the revocation of the circular.⁷⁶ Indeed, in its 2022 annual report, the Institute notes a trend to create new administrative law powers with a view to protecting public order or preventing crime. According to the Institute, this

⁷⁴ Belgium, European Network of National Human Rights Institutions (2023), [State of the rule of law in the European Union](#), p. 87 (last accessed 10 August 2023).

⁷⁵ Belgium, Circular relating to the individual and preventive ban on demonstrations, in addition to circular OOP 41 ([Circulaire relative à l'interdiction individuelle et préventive de manifestation, en complément de la circulaire OOP 41 / Omzendbrief betreffende het individueel en preventief betogingsverbod, ter aanvulling van omzendbrief OOP41](#)) Published in the official Belgian gazette on 27 October 2022.

⁷⁶ Belgium, Federal Institute for the protection and promotion of Human Rights (2023), Circular relating to the individual and preventive ban on demonstrations ([Circulaire relative à l'interdiction individuelle et préventive de manifestation](#)), 26 April 2023 (last accessed 10 August 2023).

trend is concerning, both on account of the risk that such powers are used to impose more or more far-reaching restrictions on human rights, and on account of the lesser guarantees offered by an administrative procedure in terms of procedural rights and independence compared to a judicial procedure.⁷⁷

The other opinion, in turn, concerns a bill that aims to introduce in the penal code a judicial ban on demonstrations. This would allow judges to ban people from protesting if they are convicted of certain offences committed in the context of a protest. This prohibition could be pronounced for a period of three years, extendable up to a maximum of six years. The Institute argues that the social necessity of this sanction has not been demonstrated, since sanctions already exist for, for example, vandalism or intentional assault. In view of this, the Institute expresses an unfavourable opinion on the text as it is currently formulated.⁷⁸

Besides the Institute, on 6 June, representatives from Amnesty International, Greenpeace Belgium, the Human Rights League (Ligue des droits humains) and Peace Campaign (Vredesactie) published an open letter expressing concern over these measures.⁷⁹ In the letter, they also mentioned that, in April, 14 Greenpeace activists spent two nights in detention before being brought before a judge after engaging in peaceful action against new Fluxys projects and against the influence of the gas lobby on Belgian energy policy.⁸⁰ In November, these activists were criminally convicted with suspension of the sentence⁸¹ (see case law table below).

⁷⁷ Belgium, Federal Institute for the protection and promotion of Human Rights (2023), Annual Report 2022 - Human rights near you ([Rapport annuel 2022 - Les droits humains près de chez vous](#)), 25 May 2023, pp. 2-16.

⁷⁸ Belgium, Federal Institute for the protection and promotion of Human Rights (2023), Judicial ban on demonstrations ([Interdiction judiciaire de manifester](#)), 20 February 2023 (last accessed 10 August 2023).

⁷⁹ Belgium, La Libre (2023), The right to demonstrate, a powerful lever for change to be safeguarded ([Le droit de manifester, un puissant levier de changement à sauvegarder](#)), 6 June 2023 (last accessed 4 October 2023).

⁸⁰ Ibid. See also: Greenpeace (2023), Trial of 14 activists begins in Bruges: more than 200 people gather in front of the court to show their support ([Début du procès des 14 activistes à Bruges : plus de 200 personnes se rassemblent devant le tribunal pour manifester leur soutien](#)), 7 June 2023 (last accessed 4 October 2023).

⁸¹ Belgium, Le Soir (2023), Fourteen Greenpeace activists sentenced after civil disobedience action ([Quatorze activistes de Greenpeace condamnés après une action de désobéissance civile](#)), 15 November 2023 (last accessed 22 December 2023).

On the following day, 7 June, protests were organised against the abovementioned bill⁸² and succeeded in delaying its discussion in Parliament as well as leading to its amendment. The Human Rights League (Ligue des droits humains), however, claims that the amended version still threatens the right to demonstrate.⁸³ Some of the reasons why the amendments are considered insufficient are spelled out in a website created by a group of civil society actors explaining the reasons they oppose the bill and calling on citizens to write to legislators expressing their concerns about it.⁸⁴ In the website, they note that, among others, the amendments are not sufficient as the considerations supposed to spare “non-rioters” are not reassuring because they depend on the interpretation of a judge. They further note that the amended bill will not prevent “rioters” from taking action and that the proposed amendments still fail to demonstrate the social necessity of the sanction.

New collective against the bill was taken in October, as a national strike of public transport operators was scheduled for October 5th.⁸⁵ During the strikes and protests of October 5th, the politician who proposed the bill defended it on social media, claiming that the aim of the bill is to guarantee the rights of peaceful protestors by preventing demonstrations from being hijacked by rioters.⁸⁶ Shortly after, on 24 October, the Federal Institute for the protection and promotion of Human Rights reiterated its

⁸² Belgium, Ligue des droits humains (2023), A union-civil society coalition in action this June 7 against the Van Quickenborne bill ([Une coalition syndicats-société civile en action ce 7 juin contre le projet de loi Van Quickenborne](#)), 5 June 2023 (last accessed 11 August 2023). See also: Civicus (2023), [WORKERS STRIKE AGAINST BILL BANNING “RIOTERS” FROM PROTESTS; FOURTEEN ARRESTED AS ACTIVISTS OCCUPY GAS TERMINAL](#), 6 July 2023 (last accessed 11 August 2023).

⁸³ Belgium, Ligue des droits humains (2023), We remain opposed to the Van Quickenborne bill, even as amended ([Nous restons opposé-es au projet de loi Van Quickenborne, même amendé](#)), 13 June 2023 (last accessed 11 August 2023). See also: FGTB (2023), Van Quickenborne bill: The Council of State rejects the amendments made by the government ([Projet de loi Van Quickenborne : Le Conseil d’État retoque les amendements apportés par le gouvernement](#)), 12 October 2023 (last accessed 18 October 2023).

⁸⁴ Belgium, Protester not criminal ([Manifestant·e pas criminel·le](#)) (last accessed 4 October 2023).

⁸⁵ Belgium, Brussels Times (2023), [National protest: Heavy public transport disruptions expected on Thursday](#), 3 October 2023 (last accessed 3 October 2023).

⁸⁶ Belgium, Vincent Van Quickenborne, [Facebook post](#), 5 October 2023. See also Brussels Times (2023), [National protest: Justice Minister clarifies law at the heart of Thursday’s demonstration](#), 5 October 2023 (last accessed 6 October 2023).

concerns related to the bill and to the abovementioned powers given to municipalities to restrict protests.⁸⁷

Freedom of association: judicial decisions regarding the right to strike

In March 2023, the Delhaize supermarket announced that it would turn 128 of its shops into franchises. Concerned about their rights, workers of the supermarket chain went on strike to protest against the measure. In view of the strikes, the supermarket unilaterally requested first instance courts to prohibit picket lines in the group's shops and warehouses across the whole country, a measure that was said to challenge the right to strike.⁸⁸ Numerous judicial challenges against this prohibition emerged across the different provinces of the country with different results. In the provinces of the Brabant Wallon⁸⁹ and Ghent,⁹⁰ courts annulled the unilateral measure, while in the Hainaut,⁹¹ the prohibition was sustained. In November, the Human Rights League (Ligue

⁸⁷ Belgium, Federal Institute for the protection and promotion of Human Rights (2023), The right to demonstrate: a human right under pressure? ([Le droit de manifester : un droit humain sous pression ?](#)), 24 October 2023 (last accessed 22 December 2023).

⁸⁸ Belgium, Federal Institute for the protection and promotion of Human Rights (2023), Unilateral request procedures infringe the right to strike ([Les procédures sur requête unilatérale portent atteinte au droit de grève](#)), 23 May 2023. See also: Le Soir (2023), Ban on blocking pickets at Delhaize: an attack on the right to strike? ([Interdiction des piquets bloquants chez Delhaize : une atteinte au droit de grève ?](#)), 2 May 2023; FGTB (2023), Delhaize today, whose turn is it tomorrow? ([Aujourd'hui Delhaize, demain à qui le tour ?](#)), 25 April 2023 (last accessed 9 October 2023).

⁸⁹ Belgium, RTBF (2023), Pickets at Delhaize: in Walloon Brabant, Setca wins its case in court ([Piquets de grève chez Delhaize : en Brabant wallon, le Setca obtient gain de cause en justice](#)), 8 June 2023. See also La Libre (2023), Translation result

Ban on strike pickets by Delhaize, the court of first instance of Walloon Brabant rules in favor of Setca ([Interdiction des piquets de grève par Delhaize le tribunal de première instance-du Brabant wallon donne raison au Setca](#)), 8 June 2023 (last accessed 9 October 2023).

⁹⁰ Belgium, L'Echo (2023), Delhaize: the Ghent court rules in favour of unions and the right to strike ([Delhaize: le tribunal de Gand tranche en faveur des syndicats et du droit de grève](#)), 14 June 2023. See also: Trends (2023), The Ghent court rules in favour of the unions: Delhaize did not respect the right to strike ([Le tribunal de Gand donne raison aux syndicats : Delhaize n'a pas respecté le droit de grève](#)), 14 June 2023 (last accessed 9 October 2023).

⁹¹ Belgium, LN24 (2023), Delhaize: the Mons court confirms the ban on strike pickets ([Delhaize: le tribunal de Mons confirme l'interdiction des piquets de grève](#)), 24 May 2023 (last accessed 9 October 2023).

des Droits Humains) denounced the systematic use of unilateral requests, noting that such measures should only be used in exceptional circumstances.⁹²

Table 3 – Case law

Case law	
Deciding body (in original language)	Correctionele rechtbank van de rechtbank van eerste aanleg West-Vlaanderen
Deciding body (in English)	Criminal court of the Court of First Instance of West Flanders
Case number (also European Case Law Identifier ECLI , where applicable)	As the decision has not yet been published in its entirety, the case number is not yet publicly available.
Parties	
Decision date	15 November 2023
Web link to the decision (if available)	Deciding body's press release: https://www.rechtbanken-tribunaux.be/sites/default/files/media/reatpi/west-vlaanderen/files/persbericht-15-november-2023.pdf .
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	Freedom of expression

⁹² Belgium, Ligue des droits humains (2023), The HRL [Human Rights League] denounces the abusive use of unilateral requests: you cannot judge a case without hearing both parties ([Lg LDH dénonce le recours abusive aux requêtes unilatérales: on ne juge pas une affaire sans en entendre les deux parties](#)), 15 November 2023 (last accessed 22 December 2023).

Case law	
Key facts of the case (max. 250 words)	<p>On 29 April 2023, activists informed the police that they were present at the gas terminal in the port of Zeebrugge with a climbing team, kayakers and a boat team to protest. Twenty-seven people were present. The police informed them that their presence constituted an illegal action on critical port infrastructure and said it had to stop immediately. The activists refused to stop their action and expressed their wish to continue it until the press could make images to publicise it. Shipping traffic had to be blocked for safety reasons. The press was then allowed to embark at the port. After unfolding banners and giving an interview, it was agreed that the action would be stopped and the activists were urged to leave the place. Some activists, who were later not prosecuted, then left the port. One of the boats and the climbing crew, however, refused to leave the site. They were informed about the problems with a tanker that had to dock, but still refused to leave the port. The maritime police then arrested those on the boat (five of the defendants) and the Federal Police arrested the climbers (nine of the defendants).</p>
