

Frant National contribution to the Fundamental Rights Report 2023

Belgium

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Policy and legal highlights 2022

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	New Flemish Institute: In 2021, the Flemish region started taking steps to create its own regional equality body and thus withdraw from Unia , Belgium's federal equality body. The withdrawal of Flanders from Unia was officialised in September 2022 , and the founding decree of the Flemish Institute was approved by the Flemish Parliament on October 26.
EU Charter of Fundamental Rights	Court decisions mentioning the EU Charter: In 2022, three Belgian court decisions referring to the EU Charter were identified, two by the Council of State and one by the Constitutional Court . Two cases were brought by the league of human rights (one together with another NGO).
Equality and non-discrimination	Prohibition of conversion practices: In November, the Belgian Secretary of State for Gender Equality, Equal Opportunities and Diversity announced that her bill forbidding conversion practices was approved by the Council of Ministers on 28 October.
Racism, xenophobia & Roma Equality and Inclusion	Reform of the Criminal Code: On 10 November 2022, the Belgian Minister of Justice announced that the Council of Ministers approved the proposal for a new criminal code , which will enter into force in 2025. In the new criminal code, any form of discrimination is considered an aggravating factor which is applicable to all crimes.
Asylum & migration	Regulation of the processing of personal data of migrants: The Belgian Data Protection Authority (DPA) issued three opinions concerning three bills addressing, respectively, the functioning and use of the SIS , the establishment of the EES , and the processing of personal data by the immigration office . In all its opinions, the DPA asked for the bills to be amended (e.g. to further clarify the controllers and processors involved) to comply with the European data protection framework.
Data protection and digital society	Possible amendment of DPA law: The Belgian DPA issued an opinion on a preliminary draft law amending the Act of 3 December 2017 establishing the Data Protection Authority. In its opinion, the DPA concludes that the preliminary draft law jeopardises both the efficient functioning and independence of the DPA, recommending that the shortcomings identified in the opinion be addressed.
Rights of the child	New law on sexual offences: The sexual offences of non-consensual sexual acts with minors, sexual exploitation of minors, exhibitionism in the presence of minors and the manufacture and distribution of child pornographic material are (re)defined in the law of 21 March 2022 concerning amendments to the Penal Code relating to sexual offences. These offences no longer carry a statute of limitation.
Access to justice,	Reform of the Criminal Code: On 1 June 2022, the reform of the criminal code entered into force, which profoundly reformed criminal

including victims of crime	sexual law. The notion of consent is now a constitutive element of the offences of sexual assault and rape. The charges for rape have been increased. The legal consenting age remains formally at 16, however, the law now provides that from the age of 14, consensual sexual relations can take place, if the age gap is no longer than three years.
Convention on the Rights of Persons with Disability	Upcoming legal reforms: A number of reforms are currently underway at the federal level to enable persons with a disability and persons aged 75 and older to vote by post. As these two categories of voters face many barriers in heading towards the voting office, they currently disproportionately vote by proxy. The legislative proposals aim to grant these voters the additional option of voting by post.

1 Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

In 2021, the government of the Flemish region started taking steps to create its own regional equality body and thus withdraw from Unia,¹ Belgium's federal equality body responsible for defending equality and fighting non-discrimination, among others, on the basis of sexual orientation, economic status, health status and physical appearance.² In March 2022, Unia announced that due to the withdrawal of Flanders and the consequent reduction of its budget by 900.000 EUR, it had to put an end to the contract of many of its collaborators.³ Shortly after, Unia published a note regretting the depart of Flanders and expressing concern over the effects that the division of competencies between Unia and the new Flemish institution may have on the public, who may not know who to turn to.⁴ Unia had already expressed concern over the mandate of the new institution, which will have its own litigation chamber, but does not envisage the provision of legal assistance to victims of discrimination who wish to bring their cases to court.⁵ The withdrawal of Flanders from Unia was officialised in September 2022,⁶ and the founding decree of the Flemish Institute was approved by the Flemish Parliament on October 26.⁷

In January 2022, the Brussels plan for the inclusion of LGBTQIA+ people 2022-2025⁸ was adopted. The plan is divided in 10 priority areas, which include, among others, equal opportunities, employment, housing and scientific research. Overall, the goals of the plan are actively deconstructing gender prejudices and stereotypes and paying specific attention to vulnerable groups, in particular young

¹ Belgium, Unia, [Le gouvernement flamand discute de la création d'un « Unia flamand », Unia réagit](#), 17 December 2021 (last accessed 8 September 2022).

² Belgium, Unia, [Quels sont les critères de discrimination?](#) (last accessed 8 September 2022).

³ Belgium, Unia, [Licenciements à Unia en conséquence du retrait de la Flandre](#), 2 March 2022 (last accessed 8 September 2022).

⁴ Belgium, Unia, [Départ de la Flandre : le personnel d'Unia prend la parole](#), 14 March 2022 (last accessed 8 September 2022).

⁵ Belgium, Unia, [Pourquoi est-ce important que les organismes de promotion de l'égalité puissent agir en justice](#), 1 March 2022 (last accessed 8 September 2022).

⁶ Belgium, Unia, [Le gouvernement flamand officialise la fin de sa collaboration avec Unia](#), 2 September 2022 (last accessed 8 September 2022).

⁷ Belgium, Unia, [Création de l'Institut flamand des droits humains](#), 26 October 2022 (last accessed 25 November 2022).

⁸ Belgium, inclusive.brussels, [Plan bruxellois d'inclusion des personnes LGBTQIA+ 2022-2025](#), January 2022 (accessed 12 September 2022).

LGBTQIA+ people in situations of family breakdown or trans people who are more exposed than others to violence; ensuring the exchange of good practices at the international level and ensuring that actors in the field are involved at local level and strengthening the leading role of the Brussels Region in this area; and ensuring that LGBTQIA+ people feel welcome in the Brussels Region, in the public space, nightlife and cultural life, in sports, on public transport, in parks, etc.

Also in January, a non-binary model and influencer from Brussels was asked to either cover themselves or leave a restaurant for wearing a dress without sleeves. The event became notorious, and the City of Brussels publicly condemned the incident.⁹

In March 2022, a royal decree extended the right to get reimbursed for contraceptive methods to transgender men who are still able to conceive. Before this legislative change, this right was reserved to women. After the royal decree, the word women in the concerned legislation was changed to beneficiary, allowing thus transgender men to benefit from it.¹⁰

On 10 May 2022, the health commission of the Belgian Chamber voted to change the conditions for blood donation for gay and bisexual men. Currently, gay and bisexual men are required to abstain from sexual activity for 12 months before giving blood. As of July 2023, this period should be reduced to 4 months.¹¹

Also in May, the Belgian government adopted the Federal Plan for an LGBTQIA+ friendly Belgium (2021-2024).¹² The plan has ten operational objectives divided into four strategic axes. They are:

- Strategic axis I: Increase knowledge about the living conditions of LGBTQIA+ people and the lack of respect towards them
 - Operational objective 1: Provide training, dissemination of information and awareness-raising in various fields
 - Operational objective 2: Organise coordinated and strategy-oriented research and data collection on LGBTQIA+ issues

⁹ Belgium, BX1, ["Mis à la porte à cause de ma tenue" : Haron Zaanan, influenceur non-binaire, va porter plainte pour discrimination](#), 1 February 2022 (accessed 12 September 2022).

¹⁰ Belgium, Sarah Schlitz, [Les hommes transgenres ne seront plus exclus des remboursements spécifiques de moyens contraceptifs](#), 18 February 2022. The Decree is available at Strada Lex, 24 [MARS 2022 - Arrêté royal](#) modifiant l'arrêté royal du 16 septembre 2013 fixant une intervention spécifique dans le coût des contraceptifs pour les femmes n'ayant pas atteint l'âge de 25 ans, et pour les femmes ayant droit à une intervention majorée (accessed 8 September 2022).

¹¹ Belgium, Fabien Van Eeckhaut, Le Soir, [Don de sang des homosexuels : le délai d'attente bientôt réduit de 12 à 4 mois, un "pas en avant" ou "une occasion manquée?"](#), 10 May 2022 (accessed 8 September 2022).

¹² Belgium, Sarah Schlitz, [Un Plan fédéral Pour une Belgique LGBTQIA+ friendly](#), 17 May 2022. See also: Sarah Schlitz, [Pour une Belgique LGBTQIA+ friendly – Plan D'Action Fédéral 2021-2024](#) (last accessed 8 September 2022).

- Strategic axis II: The authorities pursue a strategy that includes LGBTQI+ people, paying attention to the most vulnerable groups
 - Operational objective 3: Integrate the LGBTQI+ theme into each federal strategic area
 - Operational objective 4: Structural support for civil society
 - Operational objective 5: Improve legislation and its implementation in policy
 - Operational objective 6: At European and international level, take initiatives concerning the rights of LGBTQI+ people
- Strategic axis III: Improving the well-being of the LGBTQI+ community
 - Operational objective 7: Aim for LGBTQI+ sensitive care
 - Operational objective 8: Ensure an LGBTQI+ inclusive workplace
- Strategic axis IV: Strengthening the security of LGBTQI+ people
 - Operational objective 9: Improve the effective fight against hate crimes and hate speech against LGBTQI+ people
 - Operational objective 10: Fight against discrimination against LGBTQI+ people

In June 2022, Unia published its annual report, regarding its activities in 2021.¹³ In 2021, Unia opened 391 new cases regarding discrimination due to health status, an increase of 141,4% in comparison to 2020. 62,1% of the cases related to COVID-19 measures. 36,3% of cases related to discrimination in employment, 26,1% to access to good and services and 10,2% to education. As for economic status, in 2021, Unia opened 203 new cases, 88,2% of which related to access to good and services. 88,8% of the cases concerning good and services, in turn, related to housing, in particular refusal to rent due to the origin of a person's revenue (e.g. unemployment or disability benefits). 176 cases related to sexual orientation were opened by Unia in 2021. 44,9% of these cases related to life in society, 14,8% to employment and 12,5% to the media. 68,2% of the cases concerned men. Unia did not report on the number of cases opened with regard to physical appearance.

Also in June, the final report of the Commission for the evaluation of federal laws aimed at combating discrimination was published.¹⁴ The commission, upon evaluation of Belgium's anti-discrimination laws, made 73 recommendations to

¹³ Belgium, Unia, [Rapport annuel 2021 : un autre monde est possible, 23 June 2022](#) (last accessed 8 September 2022).

¹⁴ Belgium, Commission d'évaluation des lois fédérales tendant à lutter contre la discrimination (published by Equal Belgium), [RAPPORT FINAL - Combattre la discrimination, les discours de haine et les crimes de haine : une responsabilité partagée](#) (accessed 8 September 2022).

make these laws more effective. The recommendations include improving access to employment, combating discrimination in the workplace and in the rest of society and ensuring effective access of victims of discrimination to police services and the judiciary.¹⁵

In November, the Belgian Secretary of State for Gender Equality, Equal Opportunities and Diversity announced that her bill forbidding conversion practices (that is, practices that seek to change, remove or eliminate the sexual orientation, gender identity or gender expression of LGBTQIA+ people) was approved by the Council of Ministers on 28 October and thus such practices now can be punished with imprisonment between a month and two years and/or a fine between 100 and 300 EUR.¹⁶ The Secretary of State noted that conversion practices range from psychotherapy and electric shocks to beatings and even "corrective rape", and can take place in religious, medical or sectarian fields, through relatives or pseudo-professionals. In the bill, conversion practices are defined as any practice consisting of or including physical intervention or the application of psychological pressure, which the perpetrator or victim believes, or claims, is intended to suppress or change sexual orientation, a person's gender identity or gender expression, whether that characteristic is actually present or merely assumed by the perpetrator.

The institute for equality of women and men (Institut pour l'égalité des femmes et des hommes / Het Instituut voor de gelijkheid van vrouwen en mannen) published a statistical report on the number of people who had their gender changed in official documents between 1993 and 2021 in Belgium.¹⁷ In 2021, 530 people requested a gender change. In the whole period (1993-2021), 3262 people requested a gender change, 57% of which were transgender women and 43% of which were transgender men.

¹⁵ Belgium, Sarah Schlitz, [Rapport d'évaluation des lois anti-discrimination](#), 14 June 2022 (accessed 8 September 2022).

¹⁶ Belgium, Sarah Schlitz, [La Belgique interdit les "pratiques de conversion" pour les personnes LGBTQIA+](#), 21 November 2022 (last accessed 25 November 2022).

¹⁷ Belgium, Institut pour l'égalité des femmes et des hommes, [Personnes transgenres ayant fait une demande de changement de la mention officielle de leur sexe en Belgique - 2022](#), 2022 (accessed 12 September 2022).

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance

In May 2022, the Brussels region published an analysis¹⁸ based on 42 cases of LGBTIQ discrimination documented by RainbowHouse Brussels (an umbrella organisation with various French and Dutch speaking LGBTQIA+ organisations as its members) between September 2019 and December 2020. The goal of the analysis was to better understand the problem of LGBTIQ discrimination in Brussels, considering that often this population does not report discrimination to the authorities. The documented cases regarded persons who spontaneously approached the RainbowHouse and victims who reported an incident on social media and were thus contacted by Rainbow House regarding the incident. The qualitative analysis of these cases was complemented by interviews with representatives from organisations working with LGBTIQ people and cases of discrimination reported to the police in 2020. The analysis showed that the most frequent form of violence is verbal violence (reported in 37 of the 42 cases). However, verbal violence is often accompanied by other forms of violence (e.g. physical or sexual). Physical violence was reported in 14 of the 42 cases and was accompanied by verbal violence in 93% of the cases. Sexual violence, in turn, was reported in 9 of the 42 cases. 4 cases regarding discrimination in accessing good and services and 3 cases regarded discrimination in housing. The main places where discrimination happened were public spaces (mentioned 15 times), followed by public transport (vehicles) and the horeca (hotel, restaurant and cafes) sector (both mentioned 7 times). Regarding the victims, 20 were cis-men, 8 cis-women, three transmen, seven transwomen and five were non-binary. The report also notes that often discrimination is based on multiple grounds, combining, for example homo/lesbophobia, racism, sexism and fatphobia. Regarding the authors of discrimination, 74% of them were unknown to the victims and almost 90% were men. In only 4 of the 42 cases victims reported the incident to the police. 12 of the interviewees mentioned a lack of confidence in or fear of the police as the reason for not reporting. 9 interviewees, in turn, said they found reporting useless. The analysis concludes with multiple recommendations, including, among others, the need to take LGBTQIA+phobia into account in all areas and in the implementation of all public policies and promote the reporting of LGBTQIA+phobias to police and judicial authorities, including by ensuring that complaints are properly recorded and followed up on.

In August 2022, Flemish news outlets HLN Nieuws and VTM Nieuws published the results of a survey they conducted with 1,000 Flemish people about their attitude

¹⁸ Belgium, Safe.Brussels, [Les violences LGBTQIA+phobes en Région de Bruxelles-Capitale](#), May 2022 (accessed 12 September 2022).

towards persons from the LGBTQ+ community and with 400 LGBTQ+ individuals about their experiences.¹⁹ According to the survey, 9 out of 10 Flemish (89%) believe that everyone should be able to freely express their sexual orientation, however, 29% think that a child should be raised by a man and a woman and 23% think that two parents of the same sex adopting a child is going too far. Regarding transgender people, 73% of respondents said they believe people should be able to live as the gender they identify with, while 34% believe that gender is determined by the sex at birth and that there is nothing that can be done about it. 62% of respondents said they would fully support their children if they came out as gay or lesbian while 40% said they would fully support their children if they came out as trans. Among the LGBTQ+ people surveyed, 1 in 3 said that their opportunities in society are limited because of their sexual orientation or gender identity. Only 1 in 2 feel safe to clearly show their orientation or gender identity in public, and 1 in 4 say they have already been physically threatened by their orientation or gender identity.

In response to claims of homelessness of LGBTI+ people during the COVID-19 pandemic and questions about the LGBTI+ inclusiveness in reception services, çavaria, a Flemish NGO advocating on behalf of LGBTI+ people, conducted a small-scale online survey in Flanders in November 2021. Çavaria informed us through a written communication on 16 September 2022 that this survey was drawn up after a thorough literature study and contact with other LGBTI+ organisations. Recruitment was done through çavaria's Facebook²⁰ and Instagram pages (including paid advertisements on both platforms). On Instagram, several partner organisations and followers reshared the post. The survey was also advertised in çavaria's newsletter to member associations. The survey was mainly quantitative, with some additional qualitative questions for feedback or elaboration, and was done using the SurveyMonkey platform. 184 people participated in this survey,²¹ ranging from 15 to 82 years old (although most participants were under 25). In this survey, çavaria inquired about the experiences of LGBTI+ people with health services (e.g. GP, psychologist, gynaecologist). Among the participants, 36.96% reported experiencing mental health problems, 10.33% physical health problems and 22.28% reported experiencing both. Among those experiencing health issues, only 35% sought help within primary care services (mainly from their GP or mental health services). The survey showed that there is no lack of good will on the part of primary care providers, but rather a structural lack of knowledge. The survey confirmed lower average well-being among respondents. Due to negative experiences with front-line care or the perception that it is not for them, too many LGBTI+ people are at risk of a situation of homelessness. Among those surveyed, 10 participants

¹⁹ Belgium, HLN Nieuws, [1 op de 4 LGBTQ+-personen krijgt te maken met fysiek geweld: "Een verontrustend cijfer"](#), 10 August 2022 (accessed 16 September 2022).

²⁰ Belgium, çavaria Facebook page, [online survey](#), 5 November 2021 (accessed 16 September 2022).

²¹ Belgium, see çavaria Facebook page, [thank you](#), 15 December 2021 (accessed 16 September 2021).

experienced homelessness and about 10 others experienced the threat of homelessness. When participants were asked what they were in need of, the results were mixed. A large proportion indicated a greater need for mental health services (71%) and specific care for non-binary people (45%). More than one-third of participants (35%) indicated that primary care and assistance services are already very comprehensive, but that those existing services need to work on their LGBTI+ accessibility. Survey respondents also reported a lack of knowledge among care providers. For example, one participant said: "I very often have to make it very clear myself what I want and need. I often have to completely educate counsellors during intake interviews about LGBTQ+ issues before I can tell my story. Only with my sex therapist, who fortunately is educated and familiar with trans issues, it goes smoothly."

Çavaria also informed us through a written communication that they are conducting a follow-up study on LGBTI+ inclusiveness in school environments. The survey was completed in the second semester of 2022 and the analyses should be concluded by May 2023.

2 Racism, xenophobia and related intolerance

2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

Russophobia related to the armed conflict Ukraine – Russia

Shortly after the start of the conflict in Ukraine, while recognizing the necessity of taking economic and financial sanctions against Russia, Unia (the national body for equal opportunities, against discrimination) warned of possible reprisals or xenophobic statements directed against people of Russian descent.²² They stressed that also people of Russian descent need protection against hate speech and discrimination. Since the beginning of the Russian invasion into Ukrainian territory and the start of the armed conflict, Unia has reported 15 cases after complaints from Russian citizens.²³ However, Unia notes that the majority of these cases concern problems with bank accounts and scholarships.²⁴ Hence, according to Unia there are currently no indications that Russians in Belgium are the victim of largescale harassment or aggression.

Record number of discrimination cases

In 2021, Unia reports a record number of individual cases concerning discrimination, hate speech and hate crimes.²⁵

Unia notes that the Covid-19 pandemic, in particular the so-called 'Covid Safe Ticket' and the vaccination campaign, has been a major contributor to this increase since these measures resulted in discriminatory access to healthcare and services. Most cases (698) concerned housing, healthcare, shops, etc. (domain of 'goods and services'), which is an increase of 23,5% compared to the average in the last five years. This was followed by the labour market (603).²⁶

A domain of concern is the housing market. 45,8% of the cases opened in the domain of goods and services is related to housing, a number that increases

²² Unia, 'War in Ukraine: Together towards effective protection of people on the run' ('Oorlog in Oekraïne: samen naar een daadwerkelijke bescherming van mensen op de vlucht'), 9 March 2022, [Oorlog in Oekraïne: samen naar een daadwerkelijke bescherming voor mensen op de vlucht | Unia](#).

²³ *Ibid.*; Unia *et al.*, 'From good practice to structural policy' ('Van goede praktijk naar structurele beleidsmaatregel', 22 September 2022, https://www.unia.be/files/Documenten/Artikels/Onthaal_Oekra%C3%AFne_-_goede_praktijken_en_structurele_beleidsmaatregelen.pdf, p. 14.

²⁴ *Ibid.*

²⁵ Unia, 'Unia treats record number of discrimination cases in 2021' ('Unia behandelde recordaantal discriminatiedossiers in 2021'), 23 June 2022, <https://www.Unia.be/nl/artikels/Unia-behandelde-recordaantal-discriminatiedossiers>

²⁶ Unia, 'Annual report 2021: Another world is possible' ('Jaarverslag 2021: Een andere wereld is mogelijk'), June 2022, https://www.Unia.be/files/Documenten/Publicaties_docs/Jaarverslag_Unia_2021_NL_def.pdf

annually since 2016. Unia notes that candidate-tenants are especially discriminated against because of the nature of their earnings (41% of the cases). Second is discrimination based on racial criteria (30,5%), followed by discrimination because of a disability (10,5%).

Unia further reports about the racist culture within the Brussels Firefighter Department (Service for Firefighting and Urgent Medical Care – ‘Dienst voor Brandbestrijding en Dringende Medische Hulp’) which it links to the impunity of perpetrators within the Department.

The complaints filed with Unia in 2021 demonstrate that accounts of antisemitism are more present in hate speech and hate crimes rather than in discrimination in the strict sense. Especially in the context of the Covid-19 pandemic, Unia received several complaints from people of Jewish descent. The complaints concerned the depiction of Stars of David and Nazi symbols during demonstrations against the implementation of the Covid Safe ticket, notifications about Jewish people who would not abide by the measures taken in light of Covid-19, and accusations made against the Jewish population for spreading the coronavirus.

For 50% of the 2.584 cases that were finalised in 2021, a violation of the anti-discrimination legislation was identified. Slightly positive is the conclusion that a solution was found in 1/3 of the cases.

Racism against people of African descent

In March 2022, on the International Day against Racism, Unia published a report on racism against people of African descent.²⁷ The report builds on two earlier reports from 2011 and 2017 in which Unia investigated stereotypes and forms of discrimination against people of African descent, respectively an overview of discrimination cases from people of African descent and a discussion of the problems. This third report consists of three large parts, namely numbers from complaints and files about racism at Unia during the last ten years; employment, housing, and education as three major domains where discrimination and inequality are highly visible; decolonization. The report is a compilation of reports, surveys, and studies of the last five years (since 2017) regarding racism and discrimination of Belgian people of African descent experience executed by several recognized institutions, such as Unia, UN human rights bodies, Belgian universities, etc.

The report demonstrates a steady growth of complaints concerning discrimination based on racial criteria.²⁸ Complaints about racial discrimination furthermore form the majority of all complaints filed with Unia. The number of files about racism has

²⁷ Unia, ‘Discrimination of people of African descent’ (‘Discriminatie van personen van Afrikaanse origine’), 2022, [Discriminatie van personen van Afrikaanse origine \(2022\).pdf \(unia.be\)](#).

²⁸ Unia 2022, p. 7

increased by 20,8% over the last five years. The complaints are mainly situated in the domains of employment, media, and goods and services.

Labour market

In the domain of employment, Unia notes that people of foreign descent and especially people of African descent experience difficulties finding employment. Unia indicates that people of African descent are the most vulnerable in the labour market.²⁹ Despite degrees in higher education (Bachelor's, Master's, Ph.D.) people of Sub-Saharan descent do not have the same opportunities as Belgians or people of descent other than Sub-Saharan. Research from Unia has demonstrated that employment opportunities for people of Sub-Saharan descent with higher diplomas are similar to the employment opportunities for people of different descent who have only obtained a high school diploma. This situation has a visible impact on their salaries: People of Sub-Saharan descent generally earn less despite having obtained the same diploma or studied the same subject.³⁰ In all, people of Sub-Saharan descent are confronted with several structural problems such as high unemployment rates, a high number of long-term unemployed, and persisting integration problems. Generally, the employment rate of women of foreign descent is lower compared to men's employment rate. The discrepancy between men and women regarding the level of higher education steadily increases. The situation differs for women of Sub-Saharan descent with a higher education background. Here, the employment rate of women is slightly higher (59,8% compared 59,7%).³¹ Remarkably, for people of Congolese or Burundese origin, the unemployment rates are the highest.³²

A recent report from the Ministry of Employment, Labour and Social Dialogue, and Unia regarding the socio-economic situation in Belgium shows a slightly promising improvement regarding the position of people of foreign descent on the labour market.³³ However, their rate of employment remains significantly lower compared to people of Belgian descent.³⁴ Furthermore, the employment rate of people of foreign descent in Belgium is remarkably lower compared to our neighbouring countries.³⁵ Also, people with a migration background are still overrepresented in less qualitative and less sustainable jobs.³⁶ They find

²⁹ Unia 2022, p. 8.

³⁰ Unia 2022, p. 26.

³¹ Unia 2022, p. 26.

³² Unia 2022, p. 28.

³³ Unia and the Ministry of Employment, Labour and Social Dialogue, 'Socio-economic monitoring: Labour market and descent 2022' ('Socio-economische monitoring: Arbeidsmarkt en origine 2022'), November 2022, https://www.unia.be/files/Documenten/Publicaties_docs/Socio-economische_monitoring_2022.pdf.

³⁴ The chart in the report shows an overall increase in the employment rate compared to the previous study (2011). However, the unemployment rate for Belgians (around 3%) is significantly lower compared to the unemployment rates of people from candidate EU-member states (around 7%), people of Maghreb descent (around 8%), Sub-Sahara African descent (close to 12%) and Middle Eastern descent (around 9%). Unia *et al.* 2022, p. 96.

³⁵ Unia *et al.* 2022, pp. 126, 202.

³⁶ Unia *et al.* 2022, pp. 85, 96.

themselves more often unemployed or working as a temporary work force. The report indicates the persistence of structural discrimination on the labour market as a causal element.³⁷

Media, justice system and police forces

Complaints about racism in media remain limited but have been increasing since 2017.³⁸ Surprisingly, the number of complaints regarding racism in the justice system and the police force are low in number, despite racism-related issues that frequently surface in this domain, and that are widely contested.³⁹ In this regard, Unia also notes that the last investigative report about discrimination and racism by police forces conducted by the Permanent Supervisory Committee for police forces (Vast Comité van Toezicht op de politiediensten – Comité P) dates back to 2007. Hence, recent data about complaints concerning racism and discrimination is lacking. Unia points to issues with the registration of complaints as one way of explaining this lack of data.

Housing market

The housing market constitutes another domain notorious for structural racism.⁴⁰ In an earlier report, Unia already indicated the link between current-day racism and stereotyping and Belgium's colonial past.⁴¹ Field tests (praktijktesten) in several cities such as Antwerp and Ghent revealed that people with Congolese surnames are invited less frequently for housing visits than people with a Flemish- or French-sounding surname. For women with a Congolese name, the discrimination rate is slightly higher compared to men (18% compared to 14%).⁴² Research also revealed that the Covid-19 pandemic negatively affected the accounts of racism in the housing market. After the first lockdown, ethnic discrimination almost doubled from 20% to 36% for Belgians of Moroccan descent.⁴³ The lockdown did not result in an increase in discrimination toward people of Congolese descent.⁴⁴ Their invitations for housing visits remained as low as before the lockdown. Respondents indicated that they experienced one (or more) of the following situations: The lessor responded that the house had already been rented out, but the respondent did not believe this to be correct; the rental price suddenly increased; the lessor was unwilling to rent the house to the particular respondent. 6 out of 10 respondents of Congolese descent indicate having experienced one of the situations compared to approximately half of the respondents of Turkish, Moroccan, Polish or Romanian descent.

³⁷ Unia *et al.* 2022, pp. 201, 204, 205, 209.

³⁸ Unia 2022, p. 9.

³⁹ Unia 2022, p. 9.

⁴⁰ Unia 2022, p. 9.

⁴¹ Unia 2022, p. 31.

⁴² Unia 2022, p. 31.

⁴³ Unia 2022, p. 32.

⁴⁴ Unia 2022, p. 32.

Education

As for the domain of education, Unia indicates a dual problem: Structural inequality and racism against people of African descent, as well as the problematic attitude regarding Belgium's colonial past.⁴⁵ The ways in which Belgian schools teach their students about the country's colonial history is the subject of widespread criticism. A survey conducted by Antwerp University in cooperation with the Royal Museum for Central Africa indicates the lack of factual knowledge about our colonial past. Less than 1 out of 3 respondents (= 30,7%) was able to answer half of the questions correctly. On average, the respondents scored 7,55/20.⁴⁶ Unia urges to implement the interconnectedness of contemporary racism and Belgium's colonial history into the curriculum. Furthermore, recent regional initiatives should be monitored and evaluated.

Research, policy and public debate

Unia further noted a general underrepresentation of people of African descent in research, policy and public debate and a general lack of attention to people of African descent which results in a lack of knowledge about this group of society.

Addressing Belgium's colonial past

On a final, slightly positive note, Unia indicates several initiatives that have been taken on different levels to address Belgium's colonial past, as well as accounts of structural ethnical racism and discrimination. Examples are the establishment of an inclusive participatory project to decolonise public spaces in Ghent, the removal of colonial statues in several cities across Belgium, and the establishment of an expert commission on decolonisation and Belgium's colonial history. In 2022, the Mons Memorial Museum dedicated an exposition to the city's colonial memory, colonisation/decolonisation.

Unia notices an increasingly positive resonance in Belgian society when the decolonisation debate is concerned. A survey of Antwerp University regarding the support of Belgian society for decolonisation measures revealed that 57% of the respondents believe that colonial statues do not belong in public scenery, but rather in a museum.⁴⁷ 37% of Belgian respondents completely agree with the statement that the Belgian government should apologise for Belgium's colonial

⁴⁵ Unia 2022, p. 34.

⁴⁶ Number of respondents: 1026; Brouwers, R., Verleye Z. and Verheyen, P. (2022), 'The support for decolonization in Belgium mapped out: Between political sensitivities and societal acceptance' ('De steun voor dekolonisering in België in kaart gebracht: Tussen politieke gevoeligheden en maatschappelijke aanvaarding'), *Tijdschrift voor Sociologie*, <file:///C:/Users/auvbaele/Downloads/35480-de-steun-voor-dekolonisering-in-belgie-in-kaart-gebracht-tussen-politieke-gevoeligheden-en-maatschappelijke-aanvaarding.pdf>.

⁴⁷ Brouwers, R., Verleye Z. and Verheyen, P. (2022), 'The support for decolonization in Belgium mapped out: Between political sensitivities and societal acceptance' ('De steun voor dekolonisering in België in kaart gebracht: Tussen politieke gevoeligheden en maatschappelijke aanvaarding'), *Tijdschrift voor Sociologie*, <file:///C:/Users/auvbaele/Downloads/35480-de-steun-voor-dekolonisering-in-belgie-in-kaart-gebracht-tussen-politieke-gevoeligheden-en-maatschappelijke-aanvaarding.pdf>.

past. When adding the number of respondents that is more likely to agree with this statement, the number rises to 72%.⁴⁸ However, Unia adds that the majority of decolonisation initiatives are situated in the public domain (e.g.: removal of colonial statues), while decolonisation stretches further, and that (representatives of) the Congolese diaspora in Belgium should participate in all initiatives and processes concerned which is not always the case today.⁴⁹

Ethnic discrimination on the housing market

The discrimination report of Unia (*supra*) shows the problematic and persistent ethnic discrimination on the Belgian housing market, marking it as one of the major discriminatory sectors.⁵⁰ Unia perceives a direct link between this form of structural discrimination and colonialism, stereotypes, as well as other types of racism since most discrimination on the housing market is directed against persons of African descent. Other research from prof. Pieter-Paul Verhaeghe and Billie Martiniello (Free University of Brussels, Vrije Universiteit Brussel - VUB) has shown that there has been a slight decline in ethnic discrimination on the housing market in Antwerp in 2022 (from 17% to 10%) compared to 2019-2020 (first research) and 2021.⁵¹ Remarkably, especially new realtors discriminate significantly less. However, part of the realtors persistently discriminates against ethnic minorities. In 10% of the rental advertisements, prospective tenants with a Moroccan, Turkish, Romanian, or Congolese name are not invited to a house viewing while candidates with similar profiles, but with a Belgian surname are invited. Women experienced more discrimination than men.

Verhaeghe and Martiniello perceive different explanations for this decline. First and foremost, they believe the communication about the practice tests in the media, and on an individual level, has been an incentive for realtors to discriminate less, especially since the communication announced that new tests would be conducted. Rental discrimination has also been more prominent, both in the media and academic studies. Additionally, the Belgian association for realtors (CIB) has introduced clear guidelines for realtors against discrimination, as well as diversity training. Hence, the experts discern both an increased awareness among realtors and the deterrent effect of the practice tests as contributing factors to the decline. Verhaeghe and Martiniello also warned for the limitations of their research since they only studied the first phase of the rental process, not the actual visits or the experiences of prospective tenants after the visits.⁵²

⁴⁸ Brouwers, Verleye and Verheyen (2022).

⁴⁹ Unia 2022, p. 41-42.

⁵⁰ Unia 2022, p. 31-33.

⁵¹ B., Martiniello, P.P., Verhaeghe, 'Discrimination by realtors on the rental market of Antwerp: The sensitizing measurement' ('Discriminatie door makelaars op de huurwoningmarkt van Antwerpen: de sensibiliserende meting'), Brussels: Department of Sociology, Free University of Brussels, 2022, <https://pieterpaulver.wordpress.com/2022/04/20/daling-in-etnische-discriminatie-op-de-antwerpse-huurwoningmarkt/>

⁵² P.P., Verhaeghe, 'Decline in ethnic discrimination on the Antwerp housing market' ('Daling in etnische discriminatie op de Antwerpse woningmarkt'), 20 April 2022,

Another study on discrimination on the rental market in Bruges revealed the presence of systematic ethnic discrimination (18%) after conducting so-called 'correspondence tests' ('correspondentietesten').⁵³ Via email (or the message tool on Immoweb), the researchers systematically responded twice to the same housing advertisement in an identical matter, however they signed the respective emails with a Belgian surname and Syrian or Polish surname. For 15% of the housing advertisements, the researchers discovered the presence of discrimination against Polish and Syrian prospective tenants since the latter were invited less to house visits compared to prospective tenants with a Belgian surname. They also noted that the discrimination rate was increasingly higher when private lessors were concerned compared to realtors. 31%, respectively 25% of the private landlords discriminated when coming across prospective tenants with a Syrian surname, respectively Polish surname compared to 4% respectively 12% of the realtors. The researchers pointed out that the study only focused on tenants with a Polish or Syrian name which makes it impossible to compare this study to previous studies conducted in Bruges that focused on tenants with Moroccan surnames, or to studies in other Belgian cities.

Ethnic profiling by police forces

Despite the low number of complaints regarding police discrimination or ethnic profiling Unia received, Amnesty International notes that allegations of racial profiling by police forces in Belgium continue.⁵⁴ The organization addresses the issue in its annual report where it notes that civil society groups continue to receive allegations in this regard. While the Committee on the Elimination of Racial Discrimination urged the Belgian authorities to prohibit racial profiling, introduce the use of stop forms and improve the collection of disaggregated data in 2021, the government rejected these commendations during the UN's UPR process.⁵⁵

Right-wing member of parliament prosecuted for 'incitement to hatred'

Dries Van Langenhove, an independent member of the right-wing party 'Flemish Interest' ('Vlaams Belang') in the Chamber of Representatives, will be persecuted for incitement to hatred.⁵⁶ After the referral of the investigative judge, the criminal

<https://pieterpaulver.wordpress.com/2022/04/20/daling-in-etnische-discriminatie-op-de-antwerpse-huurwoningmarkt/>.

⁵³ B., Martiniello, A., Ghekiere, P.P., Verhaeghe (2022), Discrimination on the rental market in Bruges (Discriminatie op de huurwoningmarkt van Brugge), Vrije Universiteit Brussel, Vakgroep Sociologie, Interface Demography,

[https://cris.vub.be/ws/portalfiles/portal/85153526/Martiniello M. Ghekiere A. Verhaeghe P.P. 2022 . Discriminatie op de huurwoningmarkt van Brugge finaal onderzoeksrapport.pdf](https://cris.vub.be/ws/portalfiles/portal/85153526/Martiniello_M._Ghekiere_A._Verhaeghe_P.P._2022_.Discriminatie_op_de_huurwoningmarkt_van_Brugge_finaal_onderzoeksrapport.pdf).

⁵⁴ Amnesty International, Annual Report 2021/22: The State of the World's Human Rights, 2022 (https://www.amnesty-international.be/sites/default/files/bijlagen/amnesty_international_annual_report_2021.pdf).

⁵⁵ *Ibid.*

⁵⁶ Office of the Public Prosecutor (2022), *Investigation Shield and Friends/Dries Van Langenhove* (Onderzoek Schild en Vrienden/Dries Van Langenhove), East-Flanders, Communication Department of the Office of the Public Prosecutor East-Flanders, <https://www.ommp.be/nl/article/persbericht-gent-onderzoek-schild-vriendendries-van-langenhove-0>; De

court in Ghent will have to adjudge possible violations of the legislation on racism and weapons.⁵⁷

The decision to prosecute Van Langenhove follows an investigation that started in 2018 against Van Langenhove and six other members of 'Shield & Friends' ('Schild & Vrienden') in the ambit of a documentary on Pano (an investigative branch of the Flemish Radio and Television - 'VRT') on the extreme-right youth movement established by Van Langenhove.⁵⁸ The documentary revealed how 'Shield & Friends' shared racist and anti-semitic messages in secret group chats. 5.870 of the 65.638 recovered messages demonstrated racist, sexist, or verbally aggressive language. The investigation also showed Van Langenhove to top the charts when it comes to 'poisonous messages'.⁵⁹

The League for Human Rights (Liga voor Mensenrechten) is intervening in the case.

Flemish Interest suspends district council after racist statements

Werner De Gres, district council for the right-wing party Flemish Interest (Vlaams Belang), has been suspended by its own party after racist statements on social media. After a football match, during which Didier Lamkel Zé, a football player of KV Kortrijk had already been the subject of an endless stream of racist statements and songs, De Gres called Lamkel Zé 'a great ape'⁶⁰. Thereupon De Gres who had previously already been warned after placing racist statements on social media, was suspended by Flemish Interest.⁶¹

Racism in Belgian football

Early 2022, the Royal Belgian Football Association (RBFA – Koninklijke Belgische Voetbalbond, 'KBVB') launched the 'Come Together Action Plan'.⁶² With this plan, the RBFA aims to combat structural racism and discrimination in Belgian football by means of awareness raising, but also by imposing concrete sanctions on individual racism cases.⁶³ In light of the latter, the RBFA established a 'Football

Standaard, 'Van Langenhove persecuted for racism' ('Van Langenhove vervolgd voor racisme'), 16 July 2022, https://www.standaard.be/cnt/dmf20220715_95972679.

⁵⁷ *Ibid.*

⁵⁸ VRTNews, 'Who is 'Shield & Friends' really?' ('Wie is Schild & Vrienden echt?'), 05 September 2018, <https://www.vrt.be/vrtnws/nl/2018/09/05/pano-wie-is-schild-vrienden-echt/>

⁵⁹ De Standaard, 'Linguistic analysis devastating for Dries Van Langenhove', 14 July 2022, https://www.standaard.be/cnt/dmf20220713_97692359

⁶⁰ <https://nl-be.facebook.com/werner.degres/>.

⁶¹ VRTNews, 'Werner De Gres (Flemish Interest) from Wilrijk suspended after he called football player Lamkel Zé "great ape"', ('Werner De Gres (Vlaams Belang) uit Wilrijk geschorst nadat hij voetballer Lamkel Zé "mensaap" heeft genoemd'), 3 October 2022, <https://www.vrt.be/vrtnws/nl/2022/10/03/wilrijkse-vlaams-belanger-werner-de-gres-geschorst-nadat-hij-voe/>.

⁶² RBFA, Action Plan Come Together ('Come Together Actieplan'), 2022, [Meldpunt | Royal Belgian FA \(rbfa.be\)](https://www.rbfa.be/actieplan)

⁶³ RBFA, 'Come Together: New Action Plan Discrimination and Racism' ('Come Together: Nieuw actieplan discriminatie en racisme'), 2 March 2021, [Come Together: nieuw actieplan discriminatie en racisme | Royal Belgian FA \(rbfa.be\)](https://www.rbfa.be/actieplan)

Court' (officially the 'National Chamber against Discrimination and Racism'). Victims of discrimination can file a complaint that will be dealt with by a judge and two independent experts, chosen from a diverse pool of experts (e.g.: the pool includes an expert from Unia and a policewoman).

Since its establishment, the Football Court already had to consider 100 complaints concerning racism and discrimination.⁶⁴ In 87 cases sanctions were imposed: 12 sanctions for cases deriving from incidents in professional football, 42 sanctions in amateur football, and another 33 in youth football.⁶⁵ The majority of sanctions were of an alternative nature, such as a guided tour in the Royal Museum for Central Africa ('Koninklijk Museum voor Midden-Afrika') or 'Kazerne Dossin' (a museum about the Holocaust and human rights), watching a documentary about racism, or following a course.⁶⁶

An additional disciplinary chamber will be established, solely focusing on the conduct of referees during matches.

Colonialism and decolonisation

During an official visit to the Democratic Republic of Congo (DRC), on 8 June 2022, King Filip of Belgium apologized for the colonial rule of Belgium in Congo.⁶⁷ The King addressed the unjustifiable inequality between the colonizing regime and the Congolese population, which was characterized by paternalism, discrimination and racism. It gave rise to atrocities and humiliations. The King expressed his personal deepest regret towards those who are still suffering from these wounds from the past. The King's speech follows a letter with apologies that has been sent to President Felix Tshisekedi two years ago, in the wake of Black Lives Matter, where the King already expressed regret. The King's apologies in Kinshasa, however, went further. Without reservations, the King condemned the Belgian colonial regime which was based on 'exploitation and domination' and 'characterised by paternalism, racism and discrimination'.⁶⁸

The apologies for Belgium's colonial rule were followed by the return of the tooth of Patrice Emery Lumumba to his next-of-kin on 20 June 2022.⁶⁹ The tooth is the

⁶⁴ De Standaard, '100 complaints concerning discrimination in football' ('100 meldingen van discriminatie in het voetbal'), 14 June 2022, [100 meldingen van discriminatie in het voetbal | De Standaard](#).

⁶⁵ See for example National Chamber against Discrimination and Racism, *File 113/21-22*, season 2021-2022, 30 June 2022, [137.pdf \(kaagent.be\)](#)

⁶⁶ RBFA, 'Diversity Board visits Kazerne Dossin' ('Diversity Board bezoekt Kazerne Dossin'), 2 May 2022, [Diversity Board bezoekt Kazerne Dossin | Royal Belgian FA \(rbfa.be\)](#)

⁶⁷ Belgium Monarchie, 'Speech of His Majesty the King – Esplanade of the Palais du Peuple, Kinshasa' ('Toespraak van Zijne Majesteit de Koning – Esplanade van het Palais du Peuple, Kinshasa'), 8 June 2022, [Toespraak van Zijne Majesteit de Koning - Esplanade van het Palais du Peuple, Kinshasa | De Belgische Monarchie](#).

⁶⁸ Belgium Monarchie, 'Speech of His Majesty the King – Esplanade of the Palais du Peuple, Kinshasa' ('Toespraak van Zijne Majesteit de Koning – Esplanade van het Palais du Peuple, Kinshasa'), 8 June 2022, [Toespraak van Zijne Majesteit de Koning - Esplanade van het Palais du Peuple, Kinshasa | De Belgische Monarchie](#).

⁶⁹ VRTNews, 'Belgium returns tooth of murdered Prime Minister Patrice Lumumba to Congo' ('België geeft tand van vermoorde premier Patrice Lumumba terug aan Congo'), 20 June 2022,

only mortal remains from the murdered Congolese Prime Minister who was of utter importance to the decolonization movement and has been in Belgium's position for more than six decades, despite the consistent request of his family to return it to them. During the ceremony, Alexander De Croo, Belgium's Prime Minister, apologized for Belgium's responsibility in the murder of Lumumba. De Croo acknowledged that Belgium should have acted differently.⁷⁰ The Prime Minister furthermore recognised how current-day racism is deeply rooted in Belgium's colonial history.

While the Congolese diaspora in Belgium reacts positively to the official apologies, as well as the recognition of Patrice Lumumba in the decolonisation process and the return of his mortal remains, they also stress the persisting discrimination and racism against Congolese Belgians, especially in education and the housing market.⁷¹

Meanwhile, the mandate of the Special Commission for Belgium's Colonial history ('Congo Commission'), a commission of experts assigned to look into and address Belgium's colonial past⁷², has delivered its final report⁷³ containing 128 recommendations⁷⁴. Recommendation 69 regarding official apologies to the governments of DRC, Rwanda and Burundi immediately sparked debate among different government parties. As for the liberal parties (Open VLD and MR) as well as the Flemish Christian Democrats (CD&V) official apologies are a bridge too far since they fear it will serve as a legal basis for compensation for damages. The Wallon Social Democrats (PS) refused to approve the recommendations without a reference to official apologies.⁷⁵ The establishment of a reparations fund showed

<https://www.vrt.be/vrtnws/nl/2022/06/20/belgie-geeft-tand-van-vermoorde-premier-lumumba-terug-aan-congo/>.

⁷⁰ Belgium, 'Speech Prime Minister at ceremony to return mortal remains of Patrice Emery Lumumba' ('Toespraak Eerste Minister bij plechtigheid voor teruggave stoffelijk overschot Patrice Emery Lumumba'), 20 June 2022, <https://www.premier.be/nl/toespraak-eerste-minister-bij-plechtigheid-voor-teruggave-stoffelijk-overschot-patrice-emery-lumumba>.

⁷¹ Lieven Miguel Kandolo from the non-profit organisation 'Hand in hand against Racism' ('Hand in hand tegen racisme') in Knack Magazine, 27 July 2022.

⁷² Belgium, Belgian House of Representatives (*Belgische Kamer van Volksvertegenwoordigers*) (2022), 'Special Commission in charge of the research concerning Congo-Free State (1885-1908), and the Belgian colonial past in Congo (1908-1960), Rwanda and Burundi (1919-1962), the impact thereof and the required consequences' ('Bijzondere commissie belast met het onderzoek over Congo-Vrijstaat (1885-1908) en het Belgisch koloniaal verleden in Congo (1908-1960), Rwanda en Burundi (1919-1962), de impact hiervan en de gevolgen die hieraan dienen gegeven te worden'), Parl. Doc. 55K1462, 17 July 2020, <https://www.dekamer.be/FLWB/PDF/55/1462/55K1462001.pdf>.

⁷³ De Kamer, 'Commission Speciale Passe Colonial - Introduction Et Constats Des Experts', [https://www.dekamer.be/kvvcr/pdf_sections/pri/congo/20221122%20Vaststellingen%20Experten%20\(003\).pdf](https://www.dekamer.be/kvvcr/pdf_sections/pri/congo/20221122%20Vaststellingen%20Experten%20(003).pdf)

⁷⁴ Belgium, Belgian House of Representatives (*Belgische Kamer van Volksvertegenwoordigers*) (2022) 'Recommendations Special Commission "Colonial Past" ('Aanbevelingen Bijzondere Commissie "Koloniaal Verleden")', 22 November 2022, [https://www.dekamer.be/kvvcr/pdf_sections/pri/congo/20221122%20Aanbevelingen%20voorzitter%20def%20\(004\).pdf](https://www.dekamer.be/kvvcr/pdf_sections/pri/congo/20221122%20Aanbevelingen%20voorzitter%20def%20(004).pdf).

⁷⁵ Belgium, Socialist Party (PS) (2022), 'After the shock of the failure of our Special Commission on the Colonial Past, let's rekindle the dignity!' ('Après le choc engender par l'échec de la fin de notre Commission spéciale sur le passé colonial, rallumons la dignité'), 23 December 2022, <https://www.ps.be/carte-blanche-commission-coloniale-parti-socialiste>.

itself to be another hurdle. The proposal of a resolution, referring to the recommendations but removing 'infamous recommendation 69', a final attempt to save the Commission's work, did not pass the vote in the House of Representatives (de Kamer). The political commotion as well as the lack of approval of the final report lead to sharp criticism among the participating experts, as well as the Congolese diaspora in Belgium.⁷⁶

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

Approval of proposal of new criminal code Belgium

On 10 November 2022, the Belgian Minister of Justice, Vincent Van Quickenborne announced that the Council of Minister has approved the proposal for a new criminal code.⁷⁷

In the new criminal code any form of discrimination is considered an aggravating factor which is applicable to all crimes, and all protected criteria and which will be applied on a mandatory basis.⁷⁸

The new criminal code will probably enter into force in 2025 after an advisory opinion has been delivered by the Council of State, the Data Protection Authority and other organisations guarding fundamental rights and the Belgian Constitution. Subsequently the text will be amended anew by the government after which it will be passed on to Parliament. The aim is to complete this process over the course of the following two years.

The new criminal code would be a first step in the implementation process of Framework Decision 2008/913/JHA on combating certain forms and expression of racism and xenophobia by means of criminal law in the Belgian legal order.

⁷⁶ See: Nadia Nsayi, Gillian Mathys, Tracy Bibo Tansia and Heleen Debeuckelaere in De Standaard, 'Moral considerations had to make room for political game' ('Morele overwegingen moesten wijken voor een politiek spel'), 20 December 2022, https://www.standaard.be/cnt/dmf20221219_97960000; Tom Ruys in De Standaard, 'Belgium misses appointment with (colonial) history' ('België mist afspraak met (koloniale) geschiedenis'), 21 December 2022, https://www.standaard.be/cnt/dmf20221220_98060254; Neske Beks and Nyiragasigwa Hens in De Standaard, 'On the wrong side of history' ('Aan de foute kant van de geschiedenis'), 30 December 2022

⁷⁷ Belgium, Open Flemish Liberals and Democrats (*Open VLD*) (2022), 'A new penal code adapted to the 21st century' ('Een nieuw strafwetboek aangepast aan de 21e eeuw'), 10 November 2022, <https://www.openvld.be/een-nieuw-strafwetboek-aangepast-aan-de-21e-eeuw#:~:text=10%20November%202022,werd%20goedgekeurd%20door%20de%20ministerraad>.

⁷⁸ Compare to Unia's proposal to implement a general clause regarding hatred factored into the motive of a crime (Unia, 'Annual report 2021: Another world is possible' ('Jaarverslag 2021: Een andere wereld is mogelijk'), June 2022, https://www.Unia.be/files/Documenten/Publicaties_docs/Jaarverslag_Unia_2021_NL_def.pdf)

Belgian Federal Government adopts 70 new measures in the fight against racism

On 19 July 2022, the Federal Government adopted 70 new measures to combat racism in the ambit of the National Plan of Action against Racism ('nationaal actieplan tegen racisme').⁷⁹ The measures focus on racism in several domains, such as the work environment, health, justice system, public services, digital sector etc.⁸⁰ The government furthermore wishes to see the diversity of the Belgian society represented in federal government entities and statutory positions, and adopts targets to do so.⁸¹

While this is a promising step, the Belgian government fails to uphold its promise to develop an intergovernmental plan against racism, a promise that has been made at the Durban conference in 2001. Unia for example, has criticised the government in this sense, arguing that combatting racism requires a 'coordinated approach' between all entities and all sectors in Belgian society.⁸² Furthermore, Unia regrets the fact that the Belgian anti-racism and -discrimination legislation is still not fully implemented, despite detailed recommendations to enhance the legislation's implementation and effectiveness both in 2017 and 2022.⁸³ Unia notes that victims of racism and discrimination are not effectively protected and do often not have access to justice due to several hurdles such as financial difficulties, difficulties in finding evidence, and the limited flat-rate compensation.⁸⁴

⁷⁹ Belgium, Belgian House of Representatives (*Belgische Kamer van Volksvertegenwoordigers*) (2022), 'Proposal of Resolution regarding the execution of an intergovernmental plan of action against racism, racial discrimination, xenophobia and other related intolerance, as established in the Declaration and Action Programme of Durban, ratified in 2001' ('Voorstel van resolutie betreffende de uitwerking van een intergovernmentaal actieplan tegen racisme, rassendiscriminatie, vreemdelingenhaat en aanverwante onverdraagzaamheid, zoals vastgelegd in de Verklaring en in het Actieprogramma van Durban, die in 2001 werden aangenomen'), <https://www.dekamer.be/FLWB/PDF/55/0045/55K0045001.pdf>.

⁸⁰ Belgium, 'Federal measures of national plan of action against racism' ('Federale maatregelen van het nationale actieplan tegen racisme'), 15 July 2022, <https://sarahschlitz.be/wp-content/uploads/sites/300/2022/07/NAPAR-Federale-maatregelen-Nationaal-Actieplan-tegen-Racisme.pdf>.

⁸¹ De Standaard, 'The government belongs to everyone, but not everyone finds work there' ('De overheid is van iedereen, maar niet iedereen vindt er werk'), 14 July 2022, https://www.standaard.be/cnt/dmf20220713_97691878

⁸² Unia, 'Unia is satisfied with the approval of federal measures to combat racism' ('Unia tevreden met de goedkeuring van federale maatregelen ter bestrijding van racisme'), 19 July 2022, <https://www.Unia.be/nl/artikels/Unia-tevreden-met-de-goedkeuring-van-federale-maatregelen-ter-bestrijding-van-racisme>

⁸³ Unia, Commission for the evaluation of federal anti-discrimination legislation (Commissie voor de evaluatie van de federale antidiscriminatiewetten), 'Final report: Combatting discrimination, hate speech and hate crimes: a shared responsibility' ('Eindverslag: Bestrijding van discriminatie, haatboodschappen en haatmisdrijven: een gedeelde verantwoordelijkheid'), 2022, [https://www.Unia.be/files/Evaluatiecommissie_Antidiscriminatiewetten_-_Verslag_\(2022\).pdf](https://www.Unia.be/files/Evaluatiecommissie_Antidiscriminatiewetten_-_Verslag_(2022).pdf)

⁸⁴ Unia, 'Discrimination of persons of African descent' (Discriminatie van personen van Afrikaanse origine'), 2022, p. 44, [https://www.Unia.be/files/Documenten/Publicaties_docs/Discriminatie_van_personen_van_Afrikaanse_origine_\(2022\).pdf](https://www.Unia.be/files/Documenten/Publicaties_docs/Discriminatie_van_personen_van_Afrikaanse_origine_(2022).pdf)

New legislation in Brussels concerning practical tests to combat (ethnic) discrimination on housing market

On 19 May 2022, the Housing Commission approved a legislative proposal from Nawal Ben Hamou, Secretary of State for the Brussels Capital Region responsible for Housing and Equal Opportunities, which introduces proactive practical tests on the housing market, more specifically the rental market, in Brussels to combat racism and discrimination.⁸⁵ In practice, this means that specially educated actors will act as 'mystery clients' at the request of the Directory Regional Housing Inspection (Directie Gewestelijke Huisvestingsinspectie – DGHI) or an accredited association to uncover possible discrimination. When discrimination occurs a fine between € 125 - € 6200 can be imposed. Additionally, a dialogue will be created with the parties involved.

The legislative proposal follows research conducted in 2019 that showed persistent rental discrimination against ethnic minorities, revealing how more than 20% of the prospective tenants in Brussels experience discrimination on the housing market.⁸⁶

On 15 June 2022, a Parliamentary hearing took place to discuss a possible expansion of such tests to the labour market.⁸⁷ Prof. Pieter-Paul Verhaeghe, an expert discrimination who has conducted extensive research on the usage of practical tests (i.e. audit and correspondence tests, and mystery calls) to combat discrimination, suggested a policy plan that combines proactive and reactive tests against discrimination.⁸⁸

Unia, another important advocate for practical tests to fight discrimination, supports the approval of the new legislation. Els Keytsman, director of Unia, stresses the importance of 'positive actions' to prevent discrimination and applauds the enhanced competencies of social auditors in this regard, calling it 'one step in the right direction'.⁸⁹

⁸⁵ Belgium, Green party (*Groen*) (2022), 'Finally proactive practical tests on housing market in Brussels' ('Eindelijk proactieve praktijktesten op de Brusselse huurmarkt'), 19 May 2022, [Eindelijk proactieve praktijktesten op de Brusselse huurmarkt - Groen](#).

⁸⁶ P.P., Verhaeghe, K., Van der Bracht, 'How many correspondence tests are enough to detect discrimination among single agents? A longitudinal study on the Belgian real estate market, *GLO Discussion Paper Series 678*, Global Labor Organization (GLO), 2020, <https://ideas.repec.org/p/zbw/glodps/678.html>

⁸⁷ Belgium, Brussels Parliament (*Brussels Parlement*) (2022), Commission for Economic Affairs and Employment, 15 June 2022, http://weblex.brussels/display_pdf.php?info=convoc_nl&key=23806.

⁸⁸ P.P., Verhaeghe, 'Parliamentary Hearing about Practical Tests and Mystery Shopping to Combat Discrimination on the Labour Market in the Brussels Capital Region' ('Parlementaire hoorzitting over praktijktesten en mystery shopping in de strijd tegen discriminatie op de arbeidsmarkt in het Brussels Hoofdstedelijk Gewest'), June 2022, https://www.researchgate.net/publication/361340030_Parlementaire_hoorzitting_over_praktijktesten_en_mystery_shopping_in_de_strijd_tegen_discriminatie_op_de_arbeidsmarkt_in_het_Brussels_Hoofdstedelijk_Gewest.

⁸⁹ Els Keytsman in Unia, 'Unia advocates for urgent measures against structural discrimination for people of African descent' ('Unia pleit voor dringende maatregelen tegen structurele discriminatie voor mensen van Afrikaanse origine'), 21 March 2022, <https://www.unia.be/nl/artikels/unia-pleit-voor-dringende-maatregelen-tegen-structurele-discriminatie> .

Assize against Racism (Assisen tegen racisme)

40 years after approving the Belgian legislation criminalising racism or crimes deriving from xenophobia, and 20 years after the conference of Durban against racism, racial discrimination, xenophobia, intolerance, discrimination and racism still fester in the Belgian society. In order to address these issues, the Brussels Parliament has decided to organise 'Assize against racism' ('Assisen tegen racisme').⁹⁰ The initiative organised a roundtable with representatives from public and private sectors, experts and members of parliament to discuss racism and antisemitism in all its forms, constructively search for solutions, and formulate recommendations to combat racism in a more efficient manner. The initiative aimed to map all forms of discrimination people living in Brussels still face, and to collect recommendations from civil society which could serve as a basis for the regional plan against racism, as a part of the interfederal plan to combat racism. Assize against Racism took place in the second half of 2021.

The report of this initiative has been approved in the Brussels Parliament on 18 January 2022 by the Commission for Equal Opportunities and Women Rights ('Commissie voor Gelijke Kansen en Vrouwenrechten').⁹¹ The initiative has formulated 207 recommendations in six different areas ranging from housing to employment, access to services and healthcare, and the public domain.⁹² The recommendations are not based on a consensus among all parties involved but are specially meant to start the debate and work towards sustainable, workable solutions.⁹³ They are directed to all spheres of government (regional and federal).

Cancellation of extreme right music festival pending for annulment appeal at Council of State

On 27 August 2022, 'Front Night' ('Frontnacht') a music festival, organised by a Flemish non-profit organisation 'Iron Watch' ('Ijzerwake'), was planned to take place in Ypres.⁹⁴ The line-up consisted of various groups or artists with explicit linkages with the right-wing extremism scene and an analysis of the songs' lyrics

⁹⁰ Belgium, Brussels Parliament (*Brussels Parlement*) (2022), 'Assize against Racism' ('Assisen tegen Racisme'), 2022, <https://www.parlement.brussels/assisen-tegen-racisme/?lang=nl>

⁹¹ Belgium, Brussels Parliament (*Brussels Parlement*), 'Report of the recommendations of civil society during Assize against Racism' ('Verslag van de aanbevelingen van het maatschappelijk middenveld tijdens de assisen tegen racisme'), LV/LR/BD/IH/JLVW.D/jd/A10.4, 18 January 2022, <http://www.parlement.brussels/wp-content/uploads/2022/01/Verslag-van-de-aanbevelingen-van-het-maatschappelijk-middenveld-tijdens-de-assisen-tegen-racisme.pdf>.

⁹² The six areas are: Statistics, data, studies and objectifying the findings; housing; economy, employment and public service; public space and services; prevention and awareness raising; social matters, health and access to services.

⁹³ Belgium, Brussels Parliament (*Brussels Parlement*) (2022), 'Report of the recommendations of civil society during Assize against Racism' ('Verslag van de aanbevelingen van het maatschappelijk middenveld tijdens de assisen tegen racisme'), LV/LR/BD/IH/JLVW.D/jd/A10.4, 18 January 2022, <http://www.parlement.brussels/wp-content/uploads/2022/01/Verslag-van-de-aanbevelingen-van-het-maatschappelijk-middenveld-tijdens-de-assisen-tegen-racisme.pdf>.

⁹⁴ Ijzerwake, <https://ijzerwake.org/>.

revealed the use of language that incites discrimination and hatred, and spreads ideas about racial superiority (e.g.: Phil Neumann, "All Jews are bastards").

After a vast eruption of reactions and the publication of a negative report by the Federal Coordination Unit for Threat Analysis – CUTA ('Coördinatieorgaan voor de dreigingsanalyse – OCAD) regarding the event, the city of Ypres decided to revoke the authorisation for the festival. Upon this decision, the organisers turned to the Council of State for an annulment appeal on the basis that the withdrawal of the festival's authorisation was 'unlawful'. Additionally, Iron Watch sought damage compensation.

The Council of State's judgment is forthcoming at the time of writing.

Court of Appeal upholds conviction for hate memes

On 15 September 2022, the Court of Appeal in Antwerp delivered its judgment in a case concerning online hate speech through memes.⁹⁵ Between March 2019 and January 2020, V.N., a woman who was already well-known by the Coordination Unit for Threat Assessment (CUTA), repeatedly published hate memes on social media. Amongst others, the woman shared a video of the bloody attack in the mosque in Christchurch (NZ); a video of a jeep hitting coloured people by which she posted bellowing emoticons; a meme stating 'I support the warmest week'⁹⁶ on an image of a burning mosque; memes of a laughing Adolf Hitler captioned "Look at Europe now. Miss me yet?"; and a video of Hitler's speeches during which he calls to fight Jews. Furthermore, her internet profiles depicted various neo-Nazi symbols.

The Court emphasised the unambiguous interpretation of the content, namely inciting hatred, racism and violence and stressed the woman's 'special intent' to incite hatred and violence.⁹⁷ The woman's right to freedom of expression, freedom of thought, conscience and religion, nor the freedom of assembly and association did not outweigh the gravity of the facts.⁹⁸

The woman was sentenced to six months imprisonment suspended for a period of three years, a guided tour in the Memorial, Museum and Documentation Centre on the Holocaust and Human Rights Kazerne Dossin, and a fine of 400 EUR.

Unia intervened in the case on the basis that the posts incited hatred and violence and displayed negationist views.⁹⁹ Unia is satisfied with the outcome and stresses

⁹⁵ Belgium, Court of Appeal Antwerp (HvB Antwerpen), 15 September 2022, https://www.unia.be/files/Documenten/Rechtspraak/Hof_van_beroep_Antwerpen_15_september_2022.pdf.

⁹⁶ The warmest week is a solidarity initiative organised annually by Flemish media.

⁹⁷ *Ibid.* footnote 95, 4.4.3.

⁹⁸ *Ibid.*, 4.4.6.

⁹⁹ Unia, Court of Appeal Antwerp, 15 September 2022, <https://www.unia.be/nl/rechtspraak-alternatieven/rechtspraak/hof-van-beroep-antwerpen-15-september-2022>.

the importance of recognizing the power of online content.¹⁰⁰ Unia believes the judgment conveys a strong, clear message and is an utterly important precedent filling a gap in the Belgian jurisprudence.¹⁰¹

The judgment marks the first conviction in Belgium for publishing hate memes online.

Two extreme right activists convicted for alternative Hitler salute and online hate speech

The first case, adjudicated by the Criminal Court of First Instance of Bruges, concerned the Kühnen salute.¹⁰² The Kühnen salute is an alternative to the Hitler salute, which is increasingly being used by far-right extremists to bypass the anti-discrimination legislation. The offender, who was already well-known by the authorities for his far-right extremism, gave the salute during a 'demonstration against impunity', which had been organised in Oostende in 2020. During this demonstration a manifold of racist expressions and statements had been recorded (e.g.: 'Islamists...parasites' and 'foreign scum, go home').¹⁰³ The accused was sentenced to a fine of 800 EUR and a suspended prison sentence.

Unia, which intervened a party of interest, expresses its satisfaction with the judgment.¹⁰⁴ It is the first time a person is convicted for an alternative Hitler salute based on the Anti-racism legislation.¹⁰⁵

In the second case, the Court of First Instance of East-Flanders, convicted a hate propagandist for posting various messages and memes inciting hate and discrimination on his social media platform VK (e.g.: posts of neo-Nazi symbols, expressions of white supremacy, posts dehumanising people on the run, as well as Black people and Jewish people, posts glorifying Nazism and Hitler, posts minimising the Holocaust, etc.). Even during the hearing, the accused minimised the Holocaust by questioning the official number of perished Jews. He was sentenced to 6 months imprisonment, a fine of 800 EUR and a guided visit to

¹⁰⁰ Unia, 'Court of Appeal confirms first Belgian conviction for online hateful memes' ('Bevestiging in hoger beroep voor eerste Belgische veroordeling van online haatzaaiende memes'), 16 September 2022, <https://www.unia.be/nl/artikels/eerste-belgische-veroordeling-van-online-haatzaaiende-memes>.

¹⁰¹ Unia director Els Keytsman in Unia, 'Court of Appeal confirms first Belgian conviction for online hateful memes' ('Bevestiging in hoger beroep voor eerste Belgische veroordeling van online haatzaaiende memes'), 16 September 2022, <https://www.unia.be/nl/artikels/eerste-belgische-veroordeling-van-online-haatzaaiende-memes>.

¹⁰² Criminal Court First Instance of Bruges, 8 November 2022, https://www.unia.be/files/Documenten/Rechtspraak/2022_11_08_Rb_Brugge.pdf.

¹⁰³ *Ibid.*, §§1-2.

¹⁰⁴ Unia, 'Two extreme-right activists convicted for alternative Hitler salute and online hate speech' ('Twee extreemrechtse activisten veroordeeld voor alternatieve Hitlergroet en online hatespeech'), 18 November 2022, <https://www.unia.be/nl/artikels/twee-extreemrechtse-activisten-veroordeeld-voor-alternatieve-hitlergroet-en-online-hatespeech>.

¹⁰⁵ *Ibid.*

Kazerne Dossin, a museum and research centre for the Holocaust and human rights.¹⁰⁶

Judgment of Antwerp Court of Appeal opens door for exclusion of minorities

In January 2021, the Court of First Instance in Antwerp had convicted an Antwerp non-profit organisation 'Mothers for Mothers' ('Moeders voor Moeders') for its discriminatory treatment of mothers in need with a hidjab. Amongst others, the organisation implemented a complete ban on headscarves to make mothers, who did not feel at ease in the company of women wearing a hidjab, feel at home. Muslim mothers could only wear the hidjab in separate rooms.¹⁰⁷

Mothers for Mothers appealed this judgment and has now been vindicated by the Court of Appeal.¹⁰⁸ According to the Court of Appeal, Mothers for Mothers' activities do not fall under the scope of the anti-discrimination legislation or the Decree for Equal Opportunities ('Gelijkekansendecreet') since the activities are limited to a specific group (namely mothers in need) after referral by the authorities (e.g.: police, 'Child and Family' ('Kind en Gezin') etc.) and since the building of Mothers for Mothers is not publicly accessible.

Unia expresses its concern. The organisation fears such a narrow interpretation of the anti-discrimination legislation will result in the exclusion of vulnerable groups in various types of service. Unia is considering taking this case to the Court of Cassation.¹⁰⁹

¹⁰⁶ *Ibid* footnote 93.

¹⁰⁷ Court of First Instance Antwerp, 7 January 2021, https://www.unia.be/files/Documenten/Rechtspraak/2021_01_07_Rb_Antwerpen.pdf.

¹⁰⁸ Court of Appeal Antwerp, 14 November 2022, https://www.unia.be/files/Documenten/Rechtspraak/2022_11_14_Hof_Antwerpen.pdf.

¹⁰⁹ Unia, 'Judgment Antwerp Court of Appeal opens the door for the exclusion of minorities' (Uitspraak Antwerpse Hof van Beroep zet deur open voor uitsluiting van minderheden'), 16 November 2022, <https://www.unia.be/nl/artikels/hulpbehoevende-moeders-die-hoofddoek-dragen-worden-slachtoffer-van-vernuwd>.

3 Roma equality and inclusion

3.1 Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	Yes, the Belgian National Strategy for Roma Integration ¹¹⁰ was submitted to the European Commission (EC) on June 27, 2022. <i>SPP Intégration Sociale</i> ¹¹¹ has created a working group (i.e. a monitoring committee, see below) to ensure the annual (internal and technical) monitoring of the Strategy in view of the qualitative biannual report due to the EC on behalf of the <i>Roma National Contact Point</i> ¹¹² (NRCP). A first internal activity report is planned for January 2023. The first report to the EC is scheduled for June 2023. The Strategy includes 32 actions, resulting from a dialogue between federated entities, the federal state and representatives of civil society. The matters of this file being mainly at the level of the Regions and the Communities, the Belgian Federal Minister Karine Lalieux requested the collaboration of several ministers to draft the Strategy. The actions respond to both horizontal and sectoral objectives.
How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent	Roma and Traveller civil society organizations were consulted via the <i>Belgian National Platform for the Roma</i> ¹¹³ . Launched in 2016, its aim is to initiate a participatory dialogue between all stakeholders, namely between the federated entities/federal state and civil society

¹¹⁰ Belgium, SPP Intégration Sociale, [Stratégie nationale d'intégration des Roms](#) [last accessed 10 October 2022].

¹¹¹ Belgium, SPP Intégration Sociale, [A propos du SPP Intégration Sociale](#) [last accessed 10 October 2022].

¹¹² Belgium, SPP Intégration Sociale, [Point de contact national belge pour les Roms](#) [last accessed 10 October 2022].

¹¹³ Belgium, SPP Intégration Sociale, [Plateforme nationale belge pour les Roms](#) [last accessed 10 October 2022].

<p>national authorities and the most significant Roma organizations)?</p>	<p>organizations, as well as the Roma communities in Belgium. In the framework of the Platform, two meetings were organized in 2021 (on May 23 and on June 9). These two meetings respectively consisted of explaining the methodology for drafting the Strategy and collecting recommendations from civil society organizations. According to the association <i>Foyer</i>¹¹⁴, some Roma representatives also participated in the meetings.</p> <p>The third meeting of the Platform took place on October 21, 2022. Key agenda points were linked to the follow-up monitoring that the National Roma Contact Point has to carry out. A presentation of the Strategy also took place. Civil society organizations particularly emphasized the importance of fighting against prejudice and stereotypes against the Roma, as well as developing and carrying on sustainable actions¹¹⁵.</p>
<p>Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?</p>	<p>UNIA was consulted very regularly during the drafting of the Strategy. UNIA and <i>SPP Intégration Sociale</i> are regularly in touch throughout the year, but at random times and according to needs¹¹⁶. Twice a year, <i>SPP Intégration Sociale</i> is required to invite UNIA at the consultations of the National Roma Contact Point. UNIA was also present at the meeting of the Platform on October 21, 2022 (see above)¹¹⁷.</p>
<p>Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.</p>	<p>Yes, as stated in the Strategy (pp.14-15) "Belgium commits to submit a report to the Commission every two years on the progress made in each thematic area in the implementation of the National Strategy for Roma Integration, starting from June 2023. Belgium will monitor the</p>

¹¹⁴ Belgium, information provided by [Foyer](#) to the author via email on 15 September 2022.

¹¹⁵ Belgium, information provided by SPP Intégration Sociale (Service: *Politique de lutte contre la Pauvreté et Cohésion urbaine*) to the author via email on 19 December 2022.

¹¹⁶ Belgium, information provided by SPP Intégration Sociale (Service: *Politique de lutte contre la Pauvreté et Cohésion urbaine*) to the author via email on 30 September 2022.

¹¹⁷ Belgium, information provided by SPP Intégration Sociale (Service: *Politique de lutte contre la Pauvreté et Cohésion urbaine*) to the author via email on 19 December 2022.

	<p>targets set according to the options available for data collection. A procedure for the evaluation of the actions will be introduced. In particular, the actions of the Strategy will be evaluated by sending the partners a template that will encourage, within the legal limits, the creation of the necessary data for the follow-up of the plan. [...] <i>SPP Intégration Sociale</i> will try to link as many measurable indicators as possible to the objectives. Given the limitation on ethnic data, it is possible to work with proxy data supplemented with qualitative data from research and consultations with Roma civil society organisations, local authorities, etc.”.</p> <p><i>SPP Intégration Sociale</i> regularly organizes discussion meetings at different levels, namely¹¹⁸:</p> <ul style="list-style-type: none"> • Meetings with the competent entities (NRCP): several times a year; • Meetings with the Belgian National Platform for the Roma: several times a year (see above); • Creation of a Strategy’s monitoring committee (coordinated by <i>SPP Intégration Sociale</i>, see above): <ul style="list-style-type: none"> - 28 September 2022: creation of specific monitoring and evaluation indicators → following this meeting, a new version of the monitoring and evaluation indicator form is being drafted. It will be sent back to the relevant stakeholders during the month of October. - Between September 2022 and January 2023: the federated entities respectively draw up follow-up sheets for the actions defined according to their skills. - January 2023: <i>SPP Intégration Sociale</i> had initially planned to write the activity monitoring report in January. Nonetheless, due to some communication delay from the
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¹¹⁸ Belgium, information provided by SPP Intégration Sociale (Service: *Politique de lutte contre la Pauvreté et Cohésion urbaine*) to the author via email on 30 September 2022.

	<p>relevant Belgian federal entities, <i>SPP Intégration Sociale</i> has not started the monitoring of the activities yet¹¹⁹.</p> <ul style="list-style-type: none"> - April 2023: presentation of the results, in the presence of the political cabinets (planned). - June 2023: sending the report of the results of the monitoring of the actions to the European Commission (planned).
Implications of the war in Ukraine on the situation of Roma	
Have Roma from Ukraine entered your country?	No official data/information is available regarding Ukrainian Roma who arrived in Belgium. Yet, the association <i>Foyer</i> informed us that some entered the country ¹²⁰ . This has been also confirmed by Caritas Vlaanderen ¹²¹ .
If Roma from Ukraine entered your country how was this communicated in the media?	N/A
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food or energy prices etc.) on Roma? If yes, provide reference	N/A

¹¹⁹ Belgium, information provided by SPP Intégration Sociale (Service: *Politique de lutte contre la Pauvreté et Cohésion urbaine*) to the author via email on 19 December 2022.

¹²⁰ Belgium, information provided by [Foyer](#) to the author via email on 15 September 2022.

¹²¹ Belgium, information provided by [Caritas Vlaanderen](#) to the author via email on 24 November 2022.

3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion

In 2022, the Mediation Center for Travellers and Roma in Wallonia (*Centre de Médiation des Gens du Voyage et des Roms en Wallonie*, CMGV) organized several sensitisation events addressing Travellers and Roma equality and inclusion. On 6 December 2022, the **seminar “La police et l’accueil des Gens du Voyage: Gérer sans exclure”** (The police and the reception of Travellers: Managing without excluding) took place in Namur. The seminar specifically targeted police officials. On 17 October 2022, on the occasion of the World Day for the Eradication of Extreme Poverty (*Journée Mondiale du refus de la misère*), CMGV contributed to the presentation of testimonies organized by the LST Movement (*Lutte Solidarité Travail*) at the Parliament of Wallonia. On 28 April 2022, CMGV also organized an event for the Travellers Day (*Retour sur la Journée des Gens du Voyage*), with the **right to mobility** (“*la mobilité au coeur du Droit*”) as the main theme. Finally, on 28 March 2022, together with ITECO¹²², CMGV set up the virtual conference “*Où sont les Gens du Voyage?*” (Where are the Travellers?), based on the presentation of the book “*Où sont les Gens du Voyage? Inventaire critique des aires d’accueil*” by William Acker.¹²³

As previously reported (see FRR2021), the **Coalition Agreement of the Flemish Government 2019-2024**¹²⁴ (implemented by the Horizontal Integration and Equal Opportunities Policy Plan 2020-2024¹²⁵) lays down the policy decisions for the 2019-2024 legislature, including specific integration and civic integration measures targeting caravan residents (*woonwagengewoners*).¹²⁶ Namely, the Agreement states that ‘**caravan residents, the traveling labour force and foreign nationals without legal residence are no longer approached from the integration policy**’.¹²⁷ Such decision builds on

¹²² Belgium, ITECO, [Official Website](#) [last accessed 9 January 2023].

¹²³ Belgium, *Centre de Médiation des Gens du Voyage et des Roms en Wallonie*, [Official Website](#) [last accessed 9 January 2023].

¹²⁴ Belgium, [Regeerakkoord van de Vlaamse Regering 2019-2024](#) [last accessed 4 October 2020].

¹²⁵ Belgium, Flemish Government, [Horizontaal Integratie- en Gelijke Kansenbeleidsplan 2020-2024](#) [last accessed 5 January 2021].

¹²⁶ Belgium, a caravan resident is defined as “someone who resides legally in Belgium and who lives in a caravan, of whose parents lived in a caravan.” In Belgium, there are three diverse subgroups of caravan resident in Flanders and Brussels who have as a common characteristic that they live in a caravan: the *Voyageurs*, the *Manouches*, and the *Roms*. Caravan dwellers differ from Roma who arrived more recently from Eastern Europe but they share a dark history of persecution and being chased. Belgium, Janssens, K. (2019), Caravan residents again on the sidelines? ([Woonwagengewoners opnieuw aan de zijlijn?](#)), Sociaal.net, 26 November 2019 [last accessed 5 October 2020].

¹²⁷ Belgium, “integration policy” refers to the Decree amending various provisions of the Decree of 7 June 2013 on the Flemish integration and habituation policy ([Decreet tot wijziging van diverse bepalingen van het decreet van 7 juni 2013 betreffende het Vlaamse integratie- en inburgeringsbeleid](#)), 18 January 2019, Published in the Belgium Official Gazette 11 February 2019, p. 109 [last accessed 5 October 2020]. Additional information on how the new Decree

the fact that 'the Flemish integration policy does not want to address people about their ethnic-cultural origin, but on the contrary strives for an inclusive society'.¹²⁸ Consequently, 'initiatives that revert to ethnic-cultural origin and promote segregation are no longer subsidised by the Flemish government.'¹²⁹ Building on the Coalition Agreement 2019-2024, **the Flemish Government will withdraw from the competence of UNIA** and will set up its own equality body instead. However, the current Cooperation Agreement between UNIA and the Flemish Government remains in force until March 2023.

From 8 to 29 April 2022, the **exhibition "Reflections. Roma in Belgium."** (*Réflexions. Des Roms en Belgique.*)¹³⁰ took place at the Parlement de Wallonie in Namur. This temporary exhibition is the result of scientific research by the AP Hogeschool Antwerpen¹³¹, aimed at giving a more nuanced view of the Roma. The exhibition was produced thanks to a collaboration between the European Commission, the *SPP Intégration Sociale* and the AP Hogeschool Antwerpen. The Belgian National Strategy for Roma Integration (2021-2030) refers to this exhibition as an important way for fighting against and preventing racism and discrimination against the Roma (see pp. 19-20), as it contributes to dismantling stereotypes and false myths and providing a positive image of the Roma.

On 31 August 2022, the Roma stewards (*Buurtstewards*) project in Gent, Antwerp, Sint-Niklaas and Brussel, financed by the Flemish Government, came to an end. As previously communicated by the Flemish Government¹³², from 2022 an integrated approach is in place, as determined in the **Horizontal Integration and Equal Opportunities Policy Plan 2020-2024**, translated into the **Living Together** plan¹³³. Living Together is a goal-oriented action plan with the objective of full/proportionate participation in society, namely "Ensuring equal opportunities for social groups confronted with deprivation or exclusion". With regard to the Roma, the plan provides an incentive for local authorities to subscribe to the offer from 2022 with the **Bridge Figures** action, thereby anchoring the specific approach and methodology for reaching Roma that was built with the 'Neighbourhood Stewards' projects. Bridge Figures literally and figuratively bridge the gap between the home context

addresses caravan residents (*woonwagenbewoners*) is provided at p. 29 of the [Franet National contribution to the Fundamental Rights Report 2020 – Belgium](#) [last accessed 4 October 2020].

¹²⁸ Ibid., p. 110.

¹²⁹ Ibid.

¹³⁰ Belgium, SPP Intégration Sociale, [Exposition «Réflexions. Des Roms en Belgique.»](#) [last accessed 30 November 2022].

¹³¹ Belgium, AP Hogeschool Antwerpen, [Roma](#) [last accessed 30 November 2022].

¹³² Belgium, information provided via email on 24/12/2021 by the Team Integration and Civic Integration of the Department of Equal Opportunities, Integration and Civic Integration of the Agency for Domestic Governance of the Flemish Government (*Agentschap Binnenlands Bestuur, Afdeling Gelijke Kansen, Integratie en Inburgering, Team Integratie en Inburgering*).

¹³³ Belgium, Flemish Government, [Plan Samenleven: ondersteuning voor lokale besturen](#) [last accessed 10 January 2022].

of socially vulnerable children and the school context or other domains such as well-being that they can use in the municipality or city. Bridge Figures can be used for different target groups, with a specific approach and methodology developed for the reach of the Roma. According to the association *Foyer*¹³⁴, in the Brussels region, the Flemish Community Commission (VGC) has decided to take over the financial support of three of the four existing mediator functions at *Foyer*. The association staff believes that the Flemish Government will probably engage in supporting one full time expert function starting on January 2023 and lasting for two years. This function will make it possible for local authorities/institutions in other cities or municipalities in Flanders which are dealing with Roma issues to be able to count on the existing expertise to get consults or trainings. In that way, the Flemish Government will also keep a point of contact in case of questions about the Strategy.

Following the consultations with Dutch-speaking Brussels residents, organizations and institutions launched in 2020¹³⁵, the Board of the Flemish Community Commission (VGC) presented for the first time the **strategic multi-year plan (2022-2025) “We make Brussels Together”**¹³⁶. This plan brings together all aspects of the VGC policy and translate them into concrete objectives and actions for the coming years. Under Action 42 ‘Strengthening Living Together in Superdiversity in Brussels’, the Roma are specifically mentioned as one of the target groups (*doelgroepen*) – together with LGBTQ+, newcomers and women.

Following the conferences (*assises*) on the fight against racism held in 2021-2022 in the Brussels Parliament¹³⁷, 207 recommendations were issued for the attention of the Brussels Government, including **Roma-specific recommendations**. Action 5 (Fight against anti-Roma racism) of the Belgian National Strategy for Roma Integration (2021-2030) aims to analyze the way in which these recommendations can be implemented. In particular, Action 5 addresses the following issues: solving the problem of lack of spaces; ensuring good cohabitation between local residents and *Gens du voyage*; investigating how to create temporary shelters/housing on unoccupied land; creating a social management structure with clear rules; reinforcing housing inspection tools; lobbying for the organization of specific training and meetings, in particular with UNIA.

¹³⁴ Belgium, information provided by [Foyer](#) to the author via email on 15 September 2022.

¹³⁵ Belgium, Flemish Community Commission (*Vlaamse Gemeenschapscommissie, VGC*), [Hoe kwam het plan tot stand?](#) [last accessed 30 November 2022].

¹³⁶ Belgium, Flemish Community Commission (*Vlaamse Gemeenschapscommissie, VGC*), [Meerjarenplan 2022-2025 Vlaamse Gemeenschapscommissie](#) [last accessed 30 November 2022].

¹³⁷ Belgium, Brussels Parliament (*Parlement Bruxellois*), [Assises de lutte contre le Racisme](#) [last accessed 30 November 2022].

The Brussels action plan to combat racism is being drawn up on these bases. The last reading of the Brussels plan to combat racism will take place in autumn 2022. The plan should provide for actions to combat racism until 2025.

On 9 November 2020, the City of Ghent launched the three-year (2020-2023) **integration project 'Post-mobile living' (Post-Mobiel-Wonen)**¹³⁸, co-implemented with Caritas Vlaanderen¹³⁹. This project aims to provide a temporary housing solution to Roma families who lived in precarious encampments. The new residential site has a capacity of 108 residents. Warsco Units was appointed to place 44 residential containers on the former 'Lübeck site' on the Afrikalaan in Ghent. According to a first evaluation¹⁴⁰ of the project in 2021, half of the hosted children go to school and 47% of adults are working.

¹³⁸ Belgium, City of Ghent (*Stad Gent*), ['Postmobiel wonen' op Lübecksite van start: opvang voor 108 bewoners](#) [last accessed 30 November 2022].

¹³⁹ Belgium, Caritas Vlaanderen, [Perspectief Wonen Lübecksite Gent](#) [last accessed 30 November 2022].

¹⁴⁰ Belgium, PZC, [Eerste evaluatie van Roma-project op Lübecksite: helft van kinderen gaat naar school en 47% van volwassenen is aan het werk](#) [last accessed 30 November 2022].

4 Asylum, borders, visas, migration and integration

4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

EUMS	Implementation of Article 3 of Directive 2002/90/EC	
	How has your EUMS implemented Article 3 of Directive 2002/90/EU	Hyperlinked legal provision in EN and national language Article 77 of the Law on access to the territory, residence, establishment and removal of foreigners (Loi sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers / Wet betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen). Published in the Belgian official Gazette on 31 December 1980. English translation: "Anyone who knowingly assists or attempts to assist a person who is not a national of a Member State of the European Union to enter or stay in the territory of a Member State of the European Union or of a State that is party to an international convention on the crossing of external borders and that is binding on Belgium, or to transit through the territory of such a State in violation of the legislation of that State, either in the acts that prepared the entry, transit or stay, or that facilitated them, or in the acts that consummated them, shall be punished by imprisonment for a period of eight days to one year and a fine of one thousand seven hundred euros to six thousand euros, or by one of these penalties only."

		<p>Paragraph 1 does not apply if the assistance is offered for primarily humanitarian reasons.”</p> <p>Original in national language: “Quiconque aide sciemment [ou tente d'aider] une personne non ressortissante d'un Etat membre de l'Union européenne à pénétrer ou à séjourner sur le territoire d'un Etat membre de l'Union européenne ou d'un Etat partie à une convention internationale relative au franchissement des frontières extérieures et liant la Belgique ou à transiter par le territoire d'un tel Etat, en violation de la législation de cet Etat, soit dans les faits qui ont préparé l'entrée, le transit ou le séjour, ou qui les ont facilités, soit dans les faits qui les ont consommés, sera puni d'un emprisonnement de huit jours à un an et d'une amende de mille sept cents euros à six mille euros ou d'une de ces peines seulement.</p> <p>L'alinéa 1er ne s'applique pas si l'aide est offerte pour des raisons principalement humanitaires.”</p>
	Cases [incident numbers] of criminalisation of humanitarian assistance	
	Number of cases recorded by the police in 2022	Number and details of cases (if available)
	Number of investigations initiated in 2022	Number and details of cases (if available) Not available.
	Number of court decisions taken in 2022	<ul style="list-style-type: none"> Number and type of court decisions, information if decision is final.

		<ul style="list-style-type: none"> • Type of penalties imposed according to Article 1 2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence • Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available) <p>Only one decision regarding the application of art. 77 (above) was identified: Court of appeal Brussels, 12 January 2022, rol nr. 2019/CO/283. The full text of the judgment is available at: https://www.agii.be/sites/default/files/20220112_brussel.pdf (accessed 10 October 2022).</p> <p>The defendants in this case were originally prosecuted for smuggling (art. 77bis) for having assisted a young Syrian migrant to travel from Greece to Belgium to join his family in UK by providing a passport of a look-a-like. Because there was no profit motivated action, the judge requalified the facts as assistance (art. 77 and not 77bis) and acquitted the two defendants. According to the Court, the words “primarily humanitarian reasons” of art. 77 must be interpreted broadly and mean all no-profit and no-criminal form of assistance.</p>
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4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

On 1 July 2022, the Belgian Data Protection Authority (DPA) issued opinion 121/2022¹⁴¹ concerning a bill regarding the functioning and use of the SIS. In its opinion, the DPA notes certain points of concern that should be addressed by the legislator. In this regard, the DPA recommends, among others, making explicit that the N.SIS office will act as the data controller for the activities related to N.SIS and, similarly, that the SIRENE bureau is explicitly named as the data controller for the activities related to "supplementary information", as foreseen in Regulation 2018/1861. To further ensure the predictability of the future law, the DPA also recommends making explicit which national authorities can insert data on the SIS, what type of reporting the authority is in charge of, and that the authority acts as data controller for the processing assigned to it. The DPA would further like the bill to specify which authority is in charge of evaluating whether data should be removed from the SIS; which authority should delete data from the SIS; before which authority data subjects can exercise their rights; and which authority is responsible for informing third-country nationals that they were reported in the SIS. The bill should also be amended to specify which national authorities can keep data retrieved from the SIS, for which purposes and the associated retention period. Similar remarks were made by the Police Information Control Body.¹⁴²

Also on 1 July 2022, the DPA issued opinion no. 122/2022¹⁴³ concerning a bill aiming at amending the Law on access to the territory, residence, establishment and removal of foreigners to implement EU Regulation 2017/2226 establishing the EES. The DPA identified some points of concern in the bill, which would need to be modified before it is approved as law. For example, the DPA noted the need to specify which national authorities will be responsible for registering, updating and erasing data from the EES, as the current bill is too vague and does not ensure sufficient predictability. The DPA also mentioned the need to identify precisely the purpose pursued by the obligation of notification by third country nationals of their residence address (that is, to allow the authorities to carry out, after 90 days, a check of the residence address communicated and, if necessary, issue a deportation decision for having exceeded the authorised duration of stay), which is currently absent from

¹⁴¹ Belgium, Data Protection Authority, [Avis n° 121/2022 du 1 juillet 2022, 1 July 2022](#) (accessed 9 September 2022).

¹⁴² Belgium, Police Information Control Body (Organe de Contrôle de l'Information Policière), [Avis relatif à un avant-projet de loi relatif au fonctionnement et à l'utilisation du système d'information Schengen \(SIS\) dans le domaine de la coopération policière et de la coopération judiciaire en matière pénale, dans le domaine des vérifications aux frontières et aux fins du retour des ressortissants de pays tiers en séjour irrégulier](#), 4 July 2022 (accessed 10 October 2022).

¹⁴³ Belgium, Data Protection Authority, [Avis n° 122/2022 du 1er juillet 2022, 1 July 2022](#) (accessed 9 September 2022).

the bill, and to ensure that this measure is indeed adequate and relevant to achieve this purpose. Failing this, the legislator should abolish this notification obligation for third-country nationals. Similar concerns were expressed regarding the notification obligation for EU citizens. Also regarding the notification duty, the DPA called on the legislator to specify that the municipal authorities will relay the address information to the Immigration Office and to specify that municipal authorities must delete such information once it is transmitted to the Immigration Office. Lastly, the DPA noted the need to specify in the bill for how long data collected through the notification obligation will be retained, keeping in mind that the retention period should not exceed the minimum necessary to ensure the authorities can verify that foreigners do not exceed the three-month period that they are allowed to stay in Belgium. Again, similar remarks were made by the Police Information Control Body.¹⁴⁴

On 19 July 2022, the DPA issued opinion no. 166/2022¹⁴⁵ concerning a bill that aims to regulate the processing of personal data by the immigration office. The data to be processed includes sensitive data, which triggers an extra layer of protection. In this regard, the DPA recommended, among others, that the bill be amended to describe more precisely the purposes of the processing of personal data; specify that the Immigration Office (and not the Minister) must be considered as the data controller for the processing of personal data to which the draft law relates; further specify the (categories of) personal data processed and the data subjects, in light of the principle of proportionality and the principle of data minimisation; further specify the (categories of) recipients as well as the (categories of) personal data to which each of these recipients has access and for what purposes.

Lastly, the Immigration Office informed us through a written communication that the cameras required to make the biometric facial image at the borders (in anticipation of the entry into force of EES in 2023) were already purchased.

¹⁴⁴ Belgium, Police Information Control Body (Organe de Contrôle de l'Information Policière), [Avis relatif](#) à un avant-projet de loi modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, en ce qui concerne le système d'entrée/de sortie, 4 July 2022 (accessed 10 October 2022).

¹⁴⁵ Belgium, Data Protection Authority, [Avis n° 166/2022 du 19 juillet 2022](#), 19 July 2022 (accessed 9 September 2022).

5 Information society, privacy and data protection

5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Belgian Government/federal	Study 28/04/2022	<p>Belgium - Study on Potential Policy Measures to Promote the Uptake and the Use of AI in Belgium in Specific Economic Domains: In this extensive study, legal researchers examined the impact of AI systems on the legal domains for which the Belgian Federal Public Service (FPS) Economy, S.M.E.s, Self-Employed and Energy is competent. In a first report, they assessed the impact of AI on several legal domains that are relevant to the FPS (gap analysis). In the second report, they conducted a legal comparative analysis of the policy initiatives regarding AI in four jurisdictions: France, the Netherlands, the United Kingdom and Germany.</p> <p>The researched economic domains are:</p> <ul style="list-style-type: none"> • intellectual property, • competition, • consumer protection, 	Yes: IP, privacy and data protection, consumer protection, non-discrimination, freedom of use electronics...	Economie, Study on Potential Policy Measures to Promote the Uptake and the Use of AI in Belgium in Specific Economic Domains, 14 April 2022. Available at: https://economie.fgov.be/en/publication/study-potential-policy

		<ul style="list-style-type: none"> • AI safety and cybersecurity, • data economy, • electronic Identification and Trust Services for Electronic Authentication (eIDAS), • legislation on electronic commerce, • insurance. <p>The study was carried out by CiTiP (KU Leuven) and CRIDS (UNamur). It contains three parts:</p> <p>The first part is a legal analysis of the impact of AI on the current legal framework in Belgium in a number of economic domains that are part of the FPS Economy's competences, by means of a gap analysis.</p> <p>The second part is a legal-based comparison of the measures taken in our neighbouring countries, the Netherlands, Germany, France and the United Kingdom, in order to tackle the challenges that AI creates in these economic domains.</p> <p>Taking into account the results of the first and second part, the third part of the study lists the potential policy measures to promote the development and use of AI in these economic domains in Belgium.</p> <p>The study constitutes a first step in mapping out the state of affairs of the legislation in these economic domains and in exploring possible options for future developments. It brings</p>		
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		<p>this theme to the attention of experts and other interested parties, and provides a basis for them to react.</p>		
Governmental Authority	Governmental Decision 4.02.2022	<p>Belgium – unlawful use of facial recognition by federal police</p> <p>In February 2022 the Belgian Supervisory Body for Police Information (Supervisory Body) issued an audit report about the use of Clearview AI’s facial recognition software by the federal police. The reason for this audit was the discovery that at a Europol Victim Identification Taskforce in 2019, two members of the police had used the software and also conducted searches after the Taskforce had ended. In its report the Supervisory Body was very critical and found that “the use of the Clearview AI facial recognition technology is not legal and was therefore neither authorised nor necessary”.</p> <p>The Supervisory Body concluded by recommending that awareness should be raised among staff (and managers) about the use of open source intelligence in the context of the applicable general legal framework and data protection law in particular. It also ordered the police to make sure that Clearview AI deletes the submitted pictures from its database, as well as the related biometrical processing activities. It also issued a warning about future use: “every future (potential) use of the Clearview AI facial recognition technology, a similar application or the use of a similar database is unlawful.”</p>	<p>Yes</p> <p>General mention of the risks biometrics and AI pose for fundamental rights and then the specific problems under data protection/privacy</p>	<p>Controleorgaan op de Politie Informatie, Thematic Surveillance - Surveillance Report of the Supervisory Body of Police Information on the use of Clearview AI by the Integrated Police (Thematisch Toezicht - Toezichtrapport Van Het Controleorgaan Op De Politie Informatie Met Betrekking Tot Het Gebruik Van Clearview Ai Door De Geïntegreerde Politie), 2022.</p>

				Available at: https://www.controleorgaan.be/files/DIO21006_Toezichtrapport_Clearview_N_00050443.pdf
SPW (Service Public de Wallonie)/Regional Governmental Authority	Program 2022	<p>AI is part of the economic 'plan de relance' of 2022 (Digital Wallonia v3) it includes various initiatives and programs around AI</p> <p>The DigitalWallonia4.ai program develops and supports numerous initiatives to support businesses, citizens and public services in their digital transition to artificial intelligence. It also makes it possible to connect the actors of the artificial intelligence ecosystem to ensure the cohesion and development of the Walloon territory.</p> <p>Start AI Akin to an incubator: 'aéro, spatiale et drones' : program to support the development of AI for companies: financing, guidance, expertise, etc..</p> <p>The retail and e-commerce focused program will start at the end of 2022</p> <p>Tremplin IA: The system consists of developing a Proof of Concept (PoC) in order to test the feasibility of an AI project through 6 months of support by an expert selected by the</p>	No	<p>Digital Wallonia, Stratégie Numérique de la Wallonie, September 2022. Available at: https://assets.ctfassets.net/myqv2p4gx62v/28PwEv1wmLMlp3kCRL1YcS/7d804f42db2d913662c641f4609bb376/Digital-Wallonia-V3-0-Texte-Comple-2022-09-01.pdf</p> <p>https://www.digitallwallonia.be/fr/p</p>

		company. The mission is subsidized at 70% with a ceiling set at 28,000 eur.		rogrammes/digitawallonia4-ai/ https://www.digitawallonia.be/fr/publications/start-ia/
SPW (Service Public de Wallonie)/Regional Governmental Authority	Brochure on financed research projects 2020-2021.	The SPW Research funds a lot of research related to artificial intelligence. This brochure, published on the occasion of European AI Week, includes those that were funded in 2020 and 2021 through all the department's aid mechanisms.	No.	<p>La recherche en intelligence artificielle, une priorité pour le SPW recherche (liste des projets financés en 2020 et 2021 (published 9 March 2022)). Available at:</p> <p>https://recherche.wallonie.be/home/kiosque/publications-generales/publications/la-recherche-en-intelligence-artificielle-une-</p>

			<p>priorite-pour-le-spw-recherche.html</p> <p>Wallonie recherche, La recherche en intelligence artificielle, une priorité pour le SPW recherche (liste des projets financés en 2020 et 2021 (published 9 March 2022)). Available at: https://recherche.wallonie.be/files/E_Kiosque/02.publications/publications%20PDF/AI_projects%20financ%C3%A9s%202020%20-%202021.pdf</p>
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Organisation	Research initiative 2022	<p>FARI (AI for the common good institute Brussels) officially announced on January 18, 2022 that they will develop new innovation instruments jointly with Brussels public administrations through the Recovery and Resilience Facility (RRF) grant of the NextGenerationEU programme.</p> <p>For the upcoming years, FARI will serve the Brussels digital innovation ecosystem with people-centred AI projects led by researchers and experts from different domains such as law, artificial intelligence, robotics, and social sciences. During its NextGeneration EU project launch, FARI announced its plans to start a Joint PhD program, collaborative research projects with companies and the public sector, an AI for the Common Good Academy, a Brussels-centred AI Experience Hub, and an AI for the Common Good entrepreneurship support program for start-ups and existing incubation programs. It will also strengthen partnerships with its European counterparts and key stakeholders through outreach and collaborative activities.</p>	No.	<p>Fari, Building a common future <i>where AI is beneficial to all and a force for good</i>. Announced on the 18 January 2022. Available at:</p> <p>https://fari.brussels/news/fari-officially-launches-ai-for-the-common-good-projects-under-nexgenerationeu-programme/</p>
Governmental organisation/Flanders	Administrative Decision	Flanders Data Strategy and Action Plan	Yes: General mention of	Flemish Government, Flemish Data

	<p>16.09.2021 (data strategy) 3.02.22 (action plan)</p>	<p>The Flemish government, together with a number of partners, has developed a vision on how it wants to make concrete use of the quantity of data at its disposal in the coming years. The strategy offers a guide to the smart and responsible use of data, aims to create benefits for the government and its stakeholders, and focuses on targeted cooperation for more, better and faster results.</p> <p>The data strategy aims to strengthen a data-driven culture within the Flemish Government. The accompanying action plan contains a total of 202 actions, spread over four action domains: offering a general framework, focusing on data literacy, working within an ecosystem and good and responsible management and use of data.</p>	<p>respecting fundamental rights, and a section on the specifics of privacy and data protection</p>	<p>Strategy (Vlaamse Datastrategie). Available at: https://assets.vlaanderen.be/image/upload/v1647858968/Vlaamse_datastrategie_kac_rph.pdf</p> <p>Flemish Government, Actionplan 2022 - Flemish Data Strategy (Actieplan 2022 - Vlaamse Datastrategie), 2022. Available at: https://assets.vlaanderen.be/image/upload/v1647860110/Actieplan_2022_Vlaamse_datastrategie_final_oldfro.pdf</p>
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<p>Governmental organisation/Flanders</p>	<p>Proposal for Resolution (adopted-fully positive vote 25/05/2022)</p>	<p>Proposal of resolution on the opportunities of AI and the conditions for its implementation in Flanders</p> <p>The proposal of resolution contains proposals for three different purposes:</p> <p>Socio-economic: the need to allow the Flemish economy and government services to fully participate in the benefits of AI so that prosperity improves;</p> <p>Social awareness: the need to equip citizens with the necessary information so that they use the technology in a critical way;</p> <p>Ethical application of AI: the need to design a legal and ethical framework that can channel the development of this technology in a way that maximises the benefits to society. The Resolution endorse the principles of the High level group on trustworthy AI.</p>	<p>yes</p> <p>- The governmental has to ensure the AI legal framework, which -inter alia-should be respectful of privacy;</p> <p>-Through the endorsement of the 7 principles for trustworthy AI, in particular:</p> <p>c) privacy en data protection;</p> <p>d) transparency;</p> <p>e) diversity, non-discrimination en fairness;</p>	<p>Flemish Parliament, Resolution proposal - Proposal for a resolution by Stijn De Roo, Andries Gryffroy, Maurits Vande Reyde, Axel Ronse, Robrecht Bothuyne and Rita Moors on the opportunities of artificial intelligence and the conditions for its implementation in Flanders (Voorstel van resolutie - Voorstel van resolutie van Stijn De Roo, Andries Gryffroy, Maurits Vande Reyde, Axel Ronse, Robrecht</p>
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			<p>-Calls for ensuring that any current or future use of AI sufficiently protects article 13 of the CEDH on access to justice</p> <p>-Lots of mention of educating and informing the public through the agency Data and Society and ensuring the ethical use of AI</p>	<p>Bothuyne en Rita Moors over de kansen van artificiële intelligentie en de voorwaarden voor de implementatie ervan in Vlaanderen), 2022. Available at: https://www.vlaamsparlement.be/nl/parlementaire-documenten/parlementaire-initiatieven/1615079</p>
Civil society (Flanders)	Brochure/tools 2022	In 2022, the Knowledge Center Data and Society have developed a series of tools, publications, events, etc... to help SMEs with AI and to raise awareness around the subject matter:	No	Knowledge Centre Data & Society, AI Publications:

		<p>- 'brAInfood: Is your AI system forbidden?': tool which allows SME to chek if their AI is fordbidden by the upcoming AI act</p> <p>- ` brAInfood: How to develop responsible systems?': competency model, includes the necessary knowledge, skills and attitudes of employees who sit at the design table and develop the technological innovation. The model "What qualifications are needed for responsible systems?" describes what competencies a team needs to develop responsible data-driven systems and AI.</p> <p>` brAInfood: How to recognise AI in the workplace?': introduction to AI, its various aspects and principles for verifying whether an AI system is reliable. It also highlights an example of an AI system that can be used in the workplace.</p> <p>-'brAInfood: Datawalk': Walk through the city to make people aware of thow their data is being collected and used</p> <p>- Policy Prototyping regarding the AI act: collecting feedback from different stakeholders by means of a policy prototyping exercise. They plan to use the results of this exercise to enrich the Flemish, Belgian and European debate on the AIA.</p>		<p>https://data-en-maatschappij.ai/en/publications</p>
National human rights institution	Opinion - Federal	This opinion regards the welcoming of two propositions of revision of the Constitution article 23. The proposals	Yes.	Federal Institute for the protection

	<p>Institute for the protection and promotion of Human Rights (IFDH) 18 Feb 2022</p>	<p>concern the right to access a neutral and open internet (<i>Proposition du 16 juillet 2019 de révision de l'article 23 de la Constitution visant à consacrer le principe de la neutralité des réseaux internet, 2019, Doc. parl. Ch., n° 55-0145/001</i>) as well as the right to sufficient and neutral access to the internet (<i>Proposition du 15 juillet 2021 de révision de l'article 23, alinéa 3, de la Constitution en vue d'étendre le droit à une vie conforme à la dignité humaine en y incluant le droit à un accès suffisant et neutre à l'internet, 2020- 2021, Doc. parl. Ch., n° 55-2137/001.</i>)</p> <p>The proposals would mean making the access to internet a fundamental right, which would make Belgium a pioneer. The IFDH mean that the fundamental character of the right could be justified due to the fact that it would contribute to strengthen the already existing human rights. It is also justified by the fundamental importance of the internet in order to participate in diverse aspects of contemporary life. This could indeed contribute to strengthen the fight against digital fragmentation.</p>	<p>Relatively deep analyse.</p>	<p>and promotion of Human Rights, Propositions de révision de l'article 23 de la Constitution en vue de consacrer le droit à l'internet et la neutralité des réseaux internet. Avis n° 4/2022 du 18 février 2022 de l'institut fédéral pour la protection et la promotion des droits humain, 18 February 2022. Available at: https://institutfederaaldroitshumains.be/sites/default/files/2022-05/Lire%20I%27avis%20sur%20Ie%20droit%20</p>
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				C3%A0%20I%27internet.pdf
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5.2 Legal and policy initiatives on data protection and private life

In 2022, the Belgian Data Protection Authority published its 2022 management plan¹⁴⁶ translating the long-term objectives from its “Strategic Plan 2020-2025” with concrete goals for the upcoming year. Amongst these objectives, the emphasis was put on balancing the use of cookies with the protection of privacy.

The Belgian DPA intends to be in the race to be, by 2025, the DPA who "guides towards a digital world where privacy is a reality for all" (our vision anchored in our Strategic Plan): to possess the skills, expertise and resources to make decisions on complex technological issues such as the use of artificial intelligence, algorithms, etc. The initiative also included the elaboration of a new logo and website for the Authority.

The DPA has further delivered an opinion on a preliminary draft law amending the Act of 3 December 2017 establishing the Data Protection Authority. It welcomes the intention of the draft, which is to strengthen the BE DPA and its executive committee.¹⁴⁷ However, the opinion of the BE DPA concludes that the preliminary draft law seriously jeopardises both the efficient functioning and independence of the BE DPA. The BE DPA therefore calls for the essential shortcomings identified in its opinion to be addressed. Especially, the Authority insists on the need to ensure fundamental rights, such as rights of access, effective remedy and fairness under CEDH, as well as privacy and data protection. The DPA further regrets that, although GDPR requires that every supervisor should have the necessary resources at its disposal to perform its tasks, its requests for “additional human and financial resources, substantiated by the Court of Audit and an external study have been largely ignored so far”.¹⁴⁸

¹⁴⁶ Belgium, Data Protection Authority (2022), *Plan de gestion 2022*, Brussels, Data Protection Authority.

¹⁴⁷ Belgium, Data Protection Authority (2022), [Opinion of 25th February](#), Brussels, Data Protection Authority.

¹⁴⁸ Belgium, Data Protection Authority (2022), [Opinion of 25th February](#), Brussels, Data Protection Authority.

On February 15th, 2022, the Belgian DPA also participated in the first European annual coordinated action on the use of cloud by the public sector¹⁴⁹. In the coming months, 22 national supervisory authorities across the EEA (including EDPS) will launch investigations into the use of cloud-based services by the public sector, the Belgian DPA participates in this project. For its part, the Belgian Data Protection Authority has decided to proceed in first instance with a fact-finding exercise by sending the relevant questionnaire to two types of bodies¹⁵⁰. In order to obtain a helicopter view of the use of cloud-based services by the public sector in Belgium, the questionnaire will be sent to two important ICT service providers for public bodies. In addition, the questionnaire will be sent to five public bodies that process large volumes of health data and that have played crucial roles in the context of the COVID-19 crisis. The results will be analysed in a coordinated manner and the SAs will decide on possible further national supervision and enforcement actions. In addition, results will be aggregated, generating deeper insight into the topic and allowing targeted follow-up at EU level. The EDPB will publish a report on the outcome of this analysis before the end of 2022.

On a national level, the DPA officially reacted to the dismissal of two Directors by the House of Representatives in June 2022 under article 45 of the law of 3 December 2017 of the APD. Article 45 states that the House of Representatives can dismiss a member only if they have committed serious misconduct or no longer fulfil the necessary requirements for the position. In the reaction the APD promises to “take good note of the decision taken” and that they are organizing themselves “to ensure the continuity of our services.” Furthermore, the President of the DPA stated that “More than ever, the APD needs to move forward in a stable and constructive way in order to best fulfil its missions as guardian of privacy in Belgium.”

Two specific texts had a significant impact on data protection and private life. Firstly, the **law of 14 July 2022**¹⁵¹ broadened certain powers for intelligence and security service agents. For instance, the text introduces a procedure for the use of a fictitious identity in the collection of information and data and extends the possibilities for intelligence agents and their sources to commit certain criminal offences in the course of their duties.

¹⁴⁹ European Data Protection Board (2022), ‘Launch of coordinated enforcement on use of cloud by public sector’, Press release, 15 February 2022.

¹⁵⁰ Belgium, Data Protection Authority (2022), ‘The BE DPA participates in the first European annual coordinated action on the use of cloud by the public sector’, Press release, 15 February 2022.

¹⁵¹ Law of July 14, 2022 amending the law of November 30, 1998 on the organization of intelligence and security services (*Loi du 14 juillet 2022 modifiant la loi du 30 novembre 1998 organique des services de renseignement et de sécurité*).

Secondly, the **law of 20 July 2022**¹⁵² relating to the collection and storage of identification data and metadata in the electronic communications sector and the supply of these data to authorities introduced new powers for the Belgian authorities, allowing them, inter alia, to proceed to a generalized retention of IP addresses and other information. In its opinion on the draft law,¹⁵³ the Belgian data protection authority insisted that the bill must truly effect the change of perspective required by the case law of the CJEU and the Constitutional Court and therefore cannot impose new traffic and location data retention measures that would result in the reintroduction, de jure or de facto, of obligations to retain the traffic or location data of all or too large a proportion of the users of electronic communications means in Belgium. In its final version, the law has taken consideration the DPA's recommendations.

With regard to the Pegasus affair, the Parliamentary committee that follows the standing committee for the control of intelligence and security services issued a report at the end of November 2022 with four recommendations to properly regulate the use of such technology (not yet published).¹⁵⁴

- the creation of a task force and a national digital security plan;
- a risk analysis, taking into account the presence of institutions on our territory and the protection of Belgian interests;
- a synergy between the civil and military intelligence services for the development of a Belgian technology;
- an increased control of the legality in the implementation of new technologies.

¹⁵² Law of July 20, 2022, relating to cybersecurity certification of information and communications technologies and designating a national cybersecurity certification authority (*Loi du 20 juillet 2022 relative à la certification de cybersécurité des technologies de l'information et des communications et portant désignation d'une autorité nationale de certification de cybersécurité*).

¹⁵³ Belgium, Data Protection Authority, Opinion No. 08/2022 of 21 January 2022 ([Advies nr. 08/2022 van 21 januari 2022](#)), 21 January 2022 (accessed 26 January 2023).

¹⁵⁴ RTBF (2022), '[Logiciels espions : comment sont-ils utilisés et encadrés en Belgique ?](#)', 10 November 2022.

6 Rights of the child

6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

Legislative changes	<p><i>e.g., any legislative development having an impact on children accessing health, education, social protection or other services</i></p> <p>The Flemish Government organised ad hoc summer schools in the summer of 2020 and 2021 to detect, prevent and remedy the learning loss due to the COVID-19 pandemic, in particular for the most vulnerable children. On the 3th of June 2022, summer schools were structurally integrated into the law by decree.¹⁵⁵ Summer schools were targeted at preventing learning loss for pupils from primary and secondary education and schooling was tailored to the needs of pupils attending the classes. They took place for a minimum of 10 days. The Flemish Government stated that summer schools could serve as a valuable instrument to compensate for lost school time due to the summer holiday, especially for pupils in vulnerable situations. The Flemish Education Council (VLOR) advised negatively on this legislative initiative, stating that summer schools must be an exception. According to VLOR, summer schools should not be used as a substitute for equal education policies and should only be organised when school time is lost during the school year, for example, due to a pandemic.¹⁵⁶</p>
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¹⁵⁵ Belgium (Flanders) (2022), [Decree on the organisation of summer schools](#) (*Decreet over de organisatie van zomerscholen*), 3 June 2022. For the procedure at the Flemish Parliament, see this [page](#). There is also [an explanatory memorandum](#) and a [note to the Flemish Government](#) on the decree.

¹⁵⁶ Belgium, Flemish Education Council (*Vlaamse Onderwijsraad*) (2022), '[Geen structurele onderwijstijd in de zomervakantie: advies over het voorontwerp van decreet over de organisatie van zomerscholen](#)', advice, 27 January 2022.

	<p>The Walloon Government amended the legislation relating to the reception of Roma. The legislation aims to increase the quantity and quality of reception centres for Travelers, by enabling funding for infrastructure projects for the province, communities, associations and intercommunal organisations. As a result, municipalities are no longer the sole potential beneficiaries for funding in managing reception for Travelers. The change in legislation aims at better supporting Roma families, especially in winter. This legislative amendment was submitted and adopted by the Parliament of Wallonia on the 4th of May 2022.¹⁵⁷</p>
<p>Policy changes</p>	<p><i>e.g., development of national action plan for the Child Guarantee, appointment of National Coordinator, etc</i></p> <p>In May 2022, Belgium submitted its national action plan for the Child Guarantee to the European Commission.¹⁵⁸ PPS Social Integration (Anita Opfergelt)¹⁵⁹ coordinates the national action plan of Belgium. The various authorities responsible for combatting child poverty committed to cooperate closely and with involved civil society organisations. A contact person has been designated for each region or community in Belgium. The National Commission on the Rights of the Child is an informed partner throughout the action plan for the Child Guarantee.¹⁶⁰ The national action plan for the child guarantee contains the various recently introduced or announced policy initiatives. The national action plan is followed-up on every two years.</p> <p>Several policy initiatives have been taken in 2022 to combat child poverty.</p> <p>In 2022, the PPS Social Integration has awarded a new grant of 1.2 million euro to 10 Public Welfare Centres (OCMW's) to support projects concerning child poverty. The subsidised projects</p>

¹⁵⁷ Belgium (Wallonia) (2022), [Decree amending the Walloon code of social action and health concerning assistance to Travelers](#) (*Decreet tot wijziging van het Waalse Wetboek van Sociale Actie en Gezondheid wat betreft de hulp aan de woonwagenbewoners*), 5 May 2022.

¹⁵⁸ Belgium, Federal public planning service for social integration (*Programmatorische federale overheidsdienst Maatschappelijke Integratie*) (2022), ['Europese kindgarantie: het nationaal actieplan van België'](#), press release, 4 July 2022. The national action plan itself can be found [here](#).

¹⁵⁹ For the website of the Federal public planning service for social integration (PPS Social Integration), see [website](#).

¹⁶⁰ For the website of the National Commission on the Rights of the Child, see [this page](#).

address varied themes, such as homework help, meal distribution or psychological support to children in institutions.¹⁶¹

The PPS Social Integration will award 4.5 million euro in 2022 to Public Welfare Centres who commit to the MIRIAM programme.¹⁶² The MIRIAM-programme addresses the specific needs of single mothers in poverty and aims at empowering them through a holistic and gender-sensitive approach. In each Public Welfare Centre, 10 to 15 mothers are individually and collectively supervised. The MIRIAM programme has been carried out in several large cities (33 programmes in 39 Public Welfare Centres since 2015). In 2022, the MIRIAM programme expanded to smaller Public Welfare Centres. The Minister for Poverty Reduction will award 4.5 million euro every year to strengthen the programme.¹⁶³

For the schoolyear 2022-2023, the Flemish Community Commission will offer grants to kindergartens, primary schools, and secondary schools in the Dutch education system in Brussels. In doing so, the Commission wants to support schools that wish to set up supportive programmes to minimise school costs for families in vulnerable situations by for example covering the costs for meals, menstruation products and sports clothing.¹⁶⁴

The most deprived people at the Public Welfare Centres (OCMW's) received extra food aid and aid in basic personal hygienic products due to the urgent needs resulting from the COVID measures. The grant ran until the 31st of December 2021, but the Belgian Government created a similar grant

¹⁶¹ Belgium, Federal public planning service for social integration (*Programmatorische federale overheidsdienst Maatschappelijke Integratie*) (2022), '[Nieuwe federale subsidie om projecten rond kinderarmoedebestrijding te ondersteunen](#)', press release, 14 February 2022. See also Belgium, Federal public planning service for social integration (*Programmatorische federale overheidsdienst Maatschappelijke Integratie*) (2022), '[Belgisch nationaal actieplan voor de Europese Kindgarantie 2022-2030](#)', 3 May 2022, p. 10.

¹⁶² Belgium, Federal public planning service for social integration (*Programmatorische federale overheidsdienst Maatschappelijke Integratie*) (2022), '[2 projectoproepen MIRIAM](#)', press release, 8 March 2022.

¹⁶³ Belgium, Federal public planning service for social integration (*Programmatorische federale overheidsdienst Maatschappelijke Integratie*), '[MIRIAM: Programma voor empowerment van vrouwen die een \(equivalent\) leefloon ontvangen en die zich in een toestand van eenouderschap bevinden](#)', article.

¹⁶⁴ Belgium (Brussels), Flemish Community Commission (*Vlaamse Gemeenschapscommissie*) (2022), '[Subsidie voor tussenkomsten in de schoolkosten van leerlingen uit het Nederlandstalig onderwijs in Brussel 2022-2023](#)', call for funding. See also Belgium, Federal public planning service for social integration (*Programmatorische federale overheidsdienst Maatschappelijke Integratie*) (2022), '[Belgisch nationaal actieplan voor de Europese Kindgarantie 2022-2030](#)', 3 May 2022, p. 21.

	<p>of 3 million euro available from the 1st of July 2022 until the 31st of December 2023.¹⁶⁵ The measure was aimed at everyone living under the poverty line, regardless of their status and without the need for a social survey (everyone who can receive products in the framework of FEAD). This resulted in projects for distributing food packages, ready-made meals or vouchers for buying meals and hygienic material.¹⁶⁶</p> <p>The Poverty plan (2020-2024) of Wallonia enables the distribution of free healthy snacks at nurseries and primary schools with children with a low socioeconomic status.¹⁶⁷</p> <p>The Poverty plan of Wallonia also supported actions that promoted the benefits of healthy eating and encouraged children to eat more fruit, vegetables and dairy products, through for example free educational activities. These actions offered children the opportunity to discover local products and how they are produced. These actions, funded under the European Union's Common Agricultural Policy (CAP) with additional support from the Walloon Region, aimed to provide participating schools with free fruit, vegetables or milk and dairy products at least 20 times per school year and to distribute them to the pupils. Enrolment in this programme was voluntary. The programme ran in the school year 2021-2022.¹⁶⁸</p>
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¹⁶⁵ Belgium, Federal public planning service for social integration (*Programmatorische federale overheidsdienst Maatschappelijke Integratie*) (2022), '[Omzendbrief betreffende de dringende maatregelen inzake voedselhulp voor de doelgroep van gebruikers van de openbare centra voor maatschappelijk welzijn voor de tweede helft van het jaar 2022 en het jaar 2023](#)', circular, 19 September 2022.

¹⁶⁶ Belgium, Federal public planning service for social integration (*Programmatorische federale overheidsdienst Maatschappelijke Integratie*) (2022), '[Omzendbrief betreffende de dringende maatregelen inzake voedselhulp voor de doelgroep van gebruikers van de openbare centra voor maatschappelijk welzijn voor de tweede helft van het jaar 2022 en de jaar 2023](#)', circular, 19 September 2022.

¹⁶⁷ Belgium (Wallonia), Walloon Public Service (*Service public de Wallonie (SPW)*) (2020), '[Plan wallon de sortie de la pauvreté 2020- 2024](#)', 7.2.2.2.5. See also Belgium, Federal public planning service for social integration (*Programmatorische federale overheidsdienst Maatschappelijke Integratie*) (2022), '[Belgisch nationaal actieplan voor de Europese Kindgarantie 2022-2030](#)', 3 May 2022, p. 63.

¹⁶⁸ Belgium (Wallonia), Walloon Agriculture Public Service (*Wallonie Agriculture service public*) (2021), '[Programme européen à destination des écoles](#)', Article, 6 August 2021.

	<p>A total of 10 million euros has been allocated to “Housing -First”-projects, supporting housing solutions for young people in big cities living on the streets or in temporary housing structure. The project will be implemented further in 2022-2024.¹⁶⁹</p> <p>The Federal Government took several measures in 2022 to combat energy poverty. For example, they, temporarily reduced the VAT for electricity from 21% to 6% from the first of March 2022 until the 1st of March 2023.¹⁷⁰</p> <p>In June 2022 Belgium submitted its ‘National Strategy on the Integration of Roma’ to the European Commission.¹⁷¹ The Strategy will run for the period of 2021-2030. The strategy focusses on four themes: health, education, work and housing. Belgium will make a report every two years on the progress made on every theme of the strategy, starting from June 2023.</p> <p>Due to the changed competencies concerning child poverty in Belgium over the years, it appears that some families in vulnerable situations are not receiving the support they are entitled to. Therefore, the Walloon Government is launching a research to reflect on the changing role of regional and community policies on child poverty with an exploratory prospective approach, based on broad participation.¹⁷²</p>
<p>Other measures or initiatives</p>	<p><i>e.g., income support to single-headed families or based on number of children in the household; meals for children provided for free; other actions or measures linked to the implementation of the EU Child Guarantee.</i></p> <p>On the 25th of November 2021 the board of Bruss'help (a non-profit organisation mainly focussing on, homelessness) advised to strengthen the emergency shelter and day centres for homeless</p>

¹⁶⁹ Belgium, Federal public planning service for social integration (*Programmatorische federale overheidsdienst Maatschappelijke Integratie*) (2022), ‘[10 miljoen euro voor 25 nieuwe ‘Housing First’-projecten tegen dakloosheid](#)’, press release, 15 July 2022. See also Belgium, Federal public planning service for social integration (*Programmatorische federale overheidsdienst Maatschappelijke Integratie*) (2022), ‘[Belgisch nationaal actieplan voor de Europese Kindgarantie 2022-2030](#)’, 3 May 2022, p. 69.

¹⁷⁰ Belgium, Federal public service Economy (*Federale overheidsdienst economie*) (2022), ‘[Regeringsmaatregelen en energiepemie](#)’, information page.

¹⁷¹ Belgium, Federal public planning service for social integration (*Programmatorische federale overheidsdienst Maatschappelijke Integratie*) (2022), ‘[De nationale strategie voor de integratie van Roma](#)’.

¹⁷² Belgium (Wallonia) (2021), ‘[Plan Wallon de sortie de la pauvreté](#)’, 25 November 2021, p. 62.

	<p>persons in Brussels. They recommended to increase capacity with 100 extra spaces adapted to the needs of families to prevent children living on the streets. The Government agreed to the policy proposal and provided additional housing for families with children in the period from 15 December 2021 to 15 April 2022, after which those families would be accommodated at an emergency family shelter.¹⁷³ On the 15th of April 2022, the regional operator Samusocial closed 135 places for families with children because due to the decision from the Government to lower capacity.^{174,175}</p> <p>The Minister of Education from the German Community provided every primary and secondary school in the German Community with dispensers for free menstruation products. The action is complemented by educational initiatives in the schools on menstruation(products).¹⁷⁶</p> <p>All the ministers for poverty reduction met at an interministerial conference on the 25th of October 2022. This was the first time in 9 years.¹⁷⁷ The aim of the meeting was to bring together different political levels and competences so that there can be a structural approach to poverty.</p>
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¹⁷³ Bruss'Help Board of Advisors (*Raad van Bestuur van Bruss'Help*) (2022), '[Aanbevelingen over de invoering van het dienstenaanbod voor 2021-2022 en over het gebruik van een crisisprotocol](#)', advice, 25 November 2021.

¹⁷⁴ There is a higher capacity for shelter for homeless persons in winter than in summer. At the end of winter, the extra capacity has to be lowered again because the funding is lowered again.

¹⁷⁵ Samusocial.brussels (2022), '[Samusocial sluit 330 opvangplaatsen, waaronder 135 plaatsen voor gezinnen](#)', newsarticle, 14 April 2022.

¹⁷⁶ Belgium (German- speaking Community), Ministry of the German-speaking Community (*Ministerium der Deutschsprachigen Gemeinschaft*) (2022), '[Kostenlose Bereitstellung von Menstruationsprodukten Damenhygienespender für das Gemeinschaftsunterrichtswesen](#)', press release, 8 February 2022.

¹⁷⁷ Kinderrechtencommissariaat (2022), '[Armoede structureel aanpakken, vraagt samenwerking op alle niveaus](#)', press release, 24 October 2022.

6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

<p>Legislative changes</p>	<p><i>e.g., reform of the criminal code, new law on violence against children with procedural safeguards.</i></p> <p>The sexual offences of non-consensual sexual acts with minors, sexual exploitation of minors, exhibitionism in the presence of minors and the manufacture and distribution of child pornographic material are (re)defined in the law of 21 March 2022 concerning amendments to the Penal Code relating to sexual offences. These offences have also no limitation date anymore. This means that, when children are the victim of these offences, no limitation date is applicable.¹⁷⁸ A circular letter from the board of prosecutors at the courts of appeal provides further details on the law and its applicability.¹⁷⁹</p> <p>The Flemish decree on juvenile delinquency law entered into force on 1 September 2019 (phase 1). Following advice from the Council of State¹⁸⁰, the Flemish Government approved the Decision for the implementation of the second phase of this decree on the 16th of September 2022.¹⁸¹ A Decision provides the needed legislative refinement and changes to implement a</p>
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¹⁷⁸ Belgium (2022), [Law concerning amendments to the Penal Code relating to sexual offences](#) (*Wet houdende wijzigingen aan het Strafwetboek met betrekking tot het seksueel strafrecht*), 21 March 2022.

¹⁷⁹ Belgium (2022), Circular nr. 05/2022 of the board of prosecutors at the courts of appeal (*Omzendbrief nr. 05/2022 van het college van procureurs-generaal bij de hoven van beroep*), circular, 9 June 2022.

¹⁸⁰ Belgium, Council of State, [Advice 71.950/1/V of the first of September 2022 on the draft decision of the Flemish Government 'implementing the decree of 15 February 2019 on youth delinquency law, regarding the organisation, composition and functioning of departments in closed orientation, closed counselling and closed counselling of up to two, five or seven years in youth detention'](#), (*Advies 71.950/1/V van 1 september 2022 over een ontwerp van besluit van de Vlaamse Regering tot uitvoering van het decreet van 15 februari 2019 betreffende het jeugddelinquentierecht, wat betreft de organisatie, samenstelling en werking van de afdelingen gesloten oriëntatie, gesloten begeleiding en gesloten begeleiding van maximaal twee, vijf of zeven jaar in de gemeenschapsinstellingen*), 1 September 2022.

¹⁸¹ Belgium (Flanders), [Draft Decision of the Flemish Government implementing the decree of 15 February 2019 on youth delinquency law, regarding the organisation, composition and functioning of departments in closed orientation, closed counselling and closed counselling of up to two, five or seven years in youth detention](#) (*Ontwerp van besluit van de Vlaamse Regering tot uitvoering van het decreet van 15 februari 2019 betreffende het jeugddelinquentierecht, wat betreft de organisatie, samenstelling en werking van de afdelingen gesloten oriëntatie, gesloten begeleiding en gesloten*

decre. The Decision ensures the renewed and strengthened functioning of the youth detention centres. It is based on a more differentiated and substantiated system, whereby every decision to place a juvenile offender in the youth detention centres starts with a closed orientation, in order to make a multidisciplinary assessment of the minor's criminogenic needs. The operation of the youth detention centres evolves through closed guidance to an updated tailor-made approach aimed at reintegration. As an alternative to trial as an adult, the decree also provides for the possibility of keeping young people who committed very serious juvenile offences as minors longer in adapted supervision, up to the age of 25. This Decision also lays down the rules for the format and content of the medical-psychological examination with a view to closed supervision of up to two, five or seven years or trial as an adult.¹⁸² The effective entry into force of the Decision, which was foreseen in September 2022, is now postponed to the 1st of March 2023. This means that the legislative changes have been decided by the Flemish Government, have not had effect in practice in 2022.¹⁸³

The Flemish decree on juvenile delinquency law provides for the victim to be informed about the decision to review measures or sanctions. In implementation of this, and after advice from the Council of State,¹⁸⁴ the Flemish Government approved, on the 2nd of September 2022, the Decision designating the victim reception service of the houses of justice as the service that informs the victim about this.¹⁸⁵

begeleiding van maximaal twee, vijf of zeven jaar in de gemeenschapsinstellingen), 16 September 2022. On the final decision of the Flemish Government on this decision, see [here](#).

¹⁸² See also: Belgium (Flanders), Agency for Justice and Enforcement (*Agentschap voor Justitie en Handhaving*) (2021), '[Beleids- en begrotingstoelichting Justitie en Handhaving: Begroting 2022](#)', 28 October 2021, p. 10.

¹⁸³ Belgium (Flanders), Council Of Ministers (2022), 10/06/2022.

¹⁸⁴ Belgium, Council of State, [Request for advice 71.975/1/V about the draft decision of the Flemish Government 'implementing article 16 of the decree of 15 February 2019 on youth delinquency law, regarding the appointment of de service who will inform the victim on decisions to review a measure or sanction'](#) (*Adviesaanvraag 71.975/IN over een ontwerp van besluit van de Vlaamse Regering 'tot uitvoering van artikel 16 van het decreet van 15 februari 2019 betreffende het jeugddelinquentierecht, wat betreft de aanwijzing van de dienst die het slachtoffer informeert over de beslissing tot herziening van een maatregel of sanctie'*), 20 July 2022.

¹⁸⁵ Belgium (Flanders), [Draft Decision of the Flemish Government implementing article 16 of the decree of 15 February 2019 on youth delinquency law, regarding the appointment of de service who will inform the victim on decisions to review a measure or sanction](#) (*Ontwerp van besluit van de Vlaamse Regering tot uitvoering van artikel 16 van het decreet van 15 februari 2019 betreffende het jeugddelinquentierecht, wat betreft de aanwijzing van de*

	<p>So far, no further steps have been taken concerning the legislative proposal on the use of handcuffs on minors. The proposal, dating from the 8th of April 2021, is currently being discussed in the Belgian Chamber of MP's.¹⁸⁶</p>
<p>Policy developments</p>	<p><i>e.g., guidance or training for law enforcement officers on the treatment of child suspects or victims; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection.</i></p> <p>In November 2021, research on the development of an intersectoral guideline on the prevention and use of isolation and fixation in residential youth care was concluded.¹⁸⁷ The guideline concerns residential youth care in the broad sense, including, for example, youth detention centres .¹⁸⁸ The guideline aims at supporting the process of quality improvement in youth care institutions and the prevention of the use of isolation and fixation. A follow-up policy process was initiated in 2022.¹⁸⁹</p> <p>In January 2022, research on closed detention centres for minors in the forensic and youth psychiatry in Flanders was concluded.¹⁹⁰ The research aimed at creating a framework for regulations on the legal status of minors in the forensic and youth psychiatry. This includes, for example, children who are interned as a sanction by the youth court. The research is part of a bigger project concerning the legal status regulation of minors in closed detention centres</p>

dienst die het slachtoffer informeert over de beslissing tot herziening van een maatregel of sanctie), 2 September 2022. On the final decision of the Flemish Government on this decision, see [here](#).

¹⁸⁶ Belgium, Belgian Chamber of Members of Parliament (*Belgische Kamer van Volksvertegenwoordigers*), '[Wetsvoorstel tot wijziging van de wet van 5 augustus 1992 op het politieambt, met het oog op het invoeren van duidelijke waarborgen wat betreft het handboeien van minderjarigen](#)', 8 april 2021.

¹⁸⁷ Belgium (Flanders), Ministry of Welfare, Public Health and Family (*Departement Welzijn, Volksgezondheid en Gezin*), '[De ontwikkeling van een intersectorale richtlijn voor de preventie en toepassing van afzondering en fixatie in de brede residentiële jeugdhulp](#)', November 2021.

¹⁸⁸ Belgium (Flanders), Ministry of Welfare, Public Health and Family (*Departement Welzijn, Volksgezondheid en Gezin*), '[De preventie en toepassing van afzondering en fixatie in de brede residentiële jeugdhulp Een intersectorale richtlijn met zicht op de toekomst](#)', November 2021.

¹⁸⁹ Belgium (Flanders), Ministry of Welfare, Public Health and Family (*Departement Welzijn, Volksgezondheid en Gezin*), '[Beleids- en begrotingstoelichting Welzijn, Volksgezondheid, Gezin en Armoedebestrijding: Begroting 2022](#)', 28 October 2021, p. 82.

¹⁹⁰ Belgium (Flanders), Ministry of Welfare, Public Health and Family (*Departement Welzijn, Volksgezondheid en Gezin*), '[Gesloten opvang van minderjarigen in de forensische kinder- en jeugdpsychiatrie in Vlaanderen: een rechtspositieregeling](#)', January 2022.

	<p>in Flanders, which started in 2020. Based on the first report, which was published in 2021¹⁹¹, the Flemish Government will work out concrete proposals on changing the Decree on the legal status regulation of minors in youth care.¹⁹²</p> <p>On the 1st of January 2022, the Flemish Agency of Justice and Enforcement began operating. This Agency centralises the competencies concerning care and attention for victims and the follow-up of offenders. The goal of the Agency is to avoid impunity and increase safety.¹⁹³ The Agency focusses on a 'chain-approach' to intra-family violence. This approach is a cooperation between the police and the prosecutor's office.¹⁹⁴</p> <p>The juvenile court can decide that a stay at a closed youth detention center is necessary for a young person. These stays vary from one month up to seven years.¹⁹⁵ Between 2018 and 2021, the average length of stay was 4 months.¹⁹⁶ The COVID-measures put even more pressure on the capacity of closed youth detention centers, considering, for example the quarantine rules and the need for extra space for this. This resulted in more refusals of the closed youth detention centres to take on young persons, sanctioned to a stay in a closed youth detention centre. The Flemish Government feared that this could lead to a feeling of impunity.¹⁹⁷ As a response, the Flemish Government experimented with the use of short stays in closed youth detention centers ('shock imprisonment'), in 2020 and 2021.</p>
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¹⁹¹ Belgium (Flanders), Ministry of Welfare, Public Health and Family (*Departement Welzijn, Volksgezondheid en Gezin*), '[Gesloten opvang van minderjarigen in Vlaanderen: een rechtspositieregeling](#)', March 2021.

¹⁹² Belgium (Flanders), Ministry of Welfare, Public Health and Family (*Departement Welzijn, Volksgezondheid en Gezin*), '[Beleids- en begrotingstoelichting Welzijn, Volksgezondheid, Gezin en Armoedebestrijding: Begroting 2022](#)', 28 October 2021, p. 81.

¹⁹³ Belgium (Flanders), Agency for Justice and Enforcement (*Agentschap voor Justitie en Handhaving*) (2021), '[Agentschap Justitie en Handhaving van start](#)', press release, 24 December 2021. See also Belgium (Flanders), Agency for Justice and Enforcement (*Agentschap voor Justitie en Handhaving*) (2021), '[Beleids- en begrotingstoelichting Justitie en Handhaving: Begroting 2022](#)', 28 October 2021, p. 8.

¹⁹⁴ Belgium (Flanders), Agency for Justice and Enforcement (*Agentschap voor Justitie en Handhaving*), '[Ketenaanpak intrafamiliaal geweld](#)', website Agency.

¹⁹⁵ Belgium (Flanders) Agency for growing up (*Agentschap Opgroeien*), '[Gemeenschapsinstellingen](#)', website Agency.

¹⁹⁶ Belgium (Flanders) Agency for growing up (*Agentschap Opgroeien*), '[Intersectoraal jaarverslag](#)', website Agency.

¹⁹⁷ Belgium (Flanders), Agency for growing up (*Agentschap Opgroeien*) (2020), '[Extra capaciteit als antwoord op verhoogde druk op gemeenschapsinstellingen](#)', article, 24 April 2020.

	<p>Now, because of the use of shock imprisonment, a juvenile court can decide that a youth delinquent is only detained for 5 to 14 days in a 'short stay living quarter', when the juvenile court considers it useful.¹⁹⁸ The 'short stay living quarters' are separate quarters in the youth detention centres. They were embedded in the new available capacity in the youth detention centers.¹⁹⁹ For the moment there are three short living quarters. Each short stay is linked to an outflow supervision and intensive follow-up of the detained young person. Because of the proclaimed success (only 11 young people were refused by the closed youth detention centers due to lack of capacity from October 2020 until March 2021 compared to 256 one year earlier²⁰⁰), the Government decided to prolong the short stay project for one more year, in 2022.²⁰¹ The project is thus considered an effective response to the lack of capacity in the closed youth detention centers, especially during high peak moments.²⁰² Currently, this short-stay in closed youth detention centres is a policy that does not have a legal basis.</p>
<p>Other measures or initiatives</p>	<p><i>e.g., relevant activities to promote alternatives to detention; set-up of Barnahus houses or other specific programmes for children in the criminal system.</i></p> <p>Judicial assistants from justice houses²⁰³ that are starting a new mandate were given a basic training on the 'Child Reflex' in 2021 and the beginning 2022. Further workshops are being held throughout 2022, to familiarise all judicial assistants with the child reflex in their professional context. The Child Reflex aims to make parenting and child welfare a standard topic of</p>

¹⁹⁸ Belgium (Flanders), Agency for growing up (*Agentschap Opgroeien*) (2020), '[Extra capaciteit als antwoord op verhoogde druk op gemeenschapsinstellingen](#)', article, 24 April 2020.

¹⁹⁹ Belgium (Flanders), Agency for Justice and Enforcement (*Agentschap voor Justitie en Handhaving*) (2021), '[Beleids- en begrotingstoelichting Justitie en Handhaving: Begroting 2022](#)', 28 October 2021, pp. 10-11.

²⁰⁰ The refusal of closed youth detention centers due to a lack of capacity was a problem that existed before the COVID-measures, but deteriorated during the pandemic.

²⁰¹ Belgium (Flanders), Agency for Justice and Enforcement (*Agentschap voor Justitie en Handhaving*) (2021), '[Beleids- en begrotingstoelichting Justitie en Handhaving: Begroting 2022](#)', 28 October 2021, p. 11.

²⁰² Belgium (Flanders), Agency for growing up (*Agentschap Opgroeien*), '[Intersectoraal jaarverslag 2020 en 2021](#)', website Agency.

²⁰³ For more information on justice houses, see [website](#).

	discussion for judicial assistants. It also aims at determining mistreatment and abuse of children faster, for example when the assistants go on a family visit. ²⁰⁴
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²⁰⁴ Belgium (Flanders), Agency for Justice and Enforcement (*Agentschap voor Justitie en Handhaving*) (2021), '[Beleids- en begrotingstoelichting Justitie en Handhaving: Begroting 2022](#)', 28 October 2021, p. 34.

7 Access to justice – Victims’ Rights and Judicial Independence

7.1 Legal and policy developments or measures relevant to the implementation of the Victims’ Rights Directive and the EU strategy for Victims’ Rights 2020-2025

a) Finalisation of the transposition of the EU Directive on victims’ rights

- **New rules on the information of victims in the context of the execution of sentences and the creation of a new Victim File (*fiche victime*)**

A Royal Decree of 13 August 2022²⁰⁵ provides for the implementation of several articles on the rights recognised to victims in the context of the execution of sentences and detailed the rules according to which they can ask to be informed, be heard and formulate conditions in their interest. It entered into force on September 1st, 2022.

Chapter 1 of this decree gives a series of definitions, including that of the victim file, of the registry (which will be that of the court responsible for the enforcement of the sentence (*application des peines*), as well as the computerised database (which refers to the Integrated Electronic Judicial Monitoring File (*dossier judiciaire électronique intégré de suivi*)).

Chapter 2 determines for which crimes and misdemeanours the victims will be contacted “proactively” by the competent services of the communities²⁰⁶ (implementation of article 3/1 of the law of 2006). These are voluntary offences causing the death of the victim and attempted voluntary offences, involuntary offences causing the death of the victim, as well as rape and attempted rape. In exceptional cases and due to the circumstances specific to a case, the public

²⁰⁵ Belgium, Royal Decree of 13 August 2022 implementing the articles of the law of 17 May 2006 relating to the external legal status of persons sentenced to a custodial sentence and the rights granted to the victim within the framework of the methods of execution of the sentence, which relate to the rules according to which victims can ask to be informed, to be heard and to formulate conditions in their interest ([Arrêté royal portant exécution des articles de la loi du 17 mai 2006 relative au statut juridique externe des personnes condamnées à une peine privative de liberté et aux droits reconnus à la victime dans le cadre des modalités d'exécution de la peine, qui portent sur les règles selon lesquelles les victimes peuvent demander à être informées, à être entendues et à formuler des conditions dans leur intérêt](#)), Published in the Belgian Official Gazette on 24 August 2022 [Last accessed on 7 October 2022].

²⁰⁶ Communities refer to a level of governance within the Belgian Federal State. The three Communities have received some competences in the field of victim protection.

prosecutor may decide to seize the competent service of the communities when the conviction has been pronounced for other facts.

Chapter 3 determines the modalities according to which the victim can ask to be informed, be heard or formulate conditions likely to be imposed in his/her interest when the modalities of execution of the sentence are defined. It is subdivided into three sections detailing these different modalities.

- The first section determines the minimum data that the referral must contain. The objective is that the competent service of the communities can contact the victims in a correct way and inform them of the procedure for the execution of the custodial sentence and the rights they have in this context.
- The second section concerns the victims who have brought a civil action and the natural person in respect of whom a judgment or judgment establishes that offences have been committed or his legal representative. The registry of the trial court, which has rendered a decision that has the force of *res judicata*, will send a letter to these victims. The purpose of this letter is to inform the victim of the rights he will have in the context of the execution of the sentence and the steps they must take to assert these rights. A blank victim file is attached to this letter.
- Section 3 concerns victims who must submit a request to the sentencing judge to rule on their direct and legitimate interest in being informed and/or heard or to formulate conditions to be imposed in their interest. They will be informed of the sentence enforcement judge's decision and of their rights as well as the formalities they can complete. A blank victim file will be attached to this letter.

Chapter 4 contains the procedures relating to the Victim File. This is a simplification from the previous regime in which two documents co-existed: the victim statement completed by the victim, and the victim file completed by the victim with the assistance of the victim reception service. Both are replaced by a single document: the victim file, which can be established at any time during the procedure and must be recorded in the Integrated Electronic Judicial Monitoring File. On that point, a few days later, a Ministerial Decree of 19 August 2022²⁰⁷ defining the template of the Victim File has been adopted. According to the text, the Victim File shall contain the following information: identification data and contact details of the victim and/or his legal representative; the name of the convicted person in

²⁰⁷ Belgium, Ministerial decree of 19 August 2022 setting the model of the victim file referred to in article 1, 3°, of the royal decree of 13 August 2022 (...) [[Arrêté ministériel du 19 août 2022 fixant le modèle de la fiche victime visé à l'article 1er, 3°, de l'arrêté royal du 13 août 2022 portant exécution des articles de la loi du 17 mai 2006 relative au statut juridique externe des personnes condamnées à une peine privative de liberté et aux droits reconnus à la victime dans le cadre des modalités d'exécution de la peine, qui portent sur les règles selon lesquelles les victimes peuvent demander à être informées, à être entendues et à formuler des conditions dans leur intérêt](#)]. Published in the Belgian Official Gazette on 24 August 2022 [Last accessed on 7 October 2022].

respect of whom the victim wishes to exercise his/her rights in the context of the execution of the custodial sentence and, where applicable, the date of birth, any relationship with the convicted person, as well as the date of the judgment and the court that rendered it; the indication that the victim wishes to be informed of the decisions relating to the modalities of execution of the sentence, the end of the sentence and the final release; the indication that the victim wishes to be heard by the sentencing judge or the sentencing court; the formulation of the conditions likely to be imposed in the interest of the victim; information relating to compensation and any other additional information that the victim wishes to communicate to the sentence enforcement judge or to the sentence enforcement court; and the rights of the victim in the context of the protection of their personal data.

- **Legislative proposal on the information of victims in the context of pretrial detention**

On 21 December 2021, the legislative proposal was presented before the Belgian Chamber of Representatives. It aims at modifying the Law of 20 July 1990 on pretrial detention for establishing a right to be informed for the victims.²⁰⁸

There are at present no rules on the communication of information to the victims in the context of pre-trial detention. In some judicial districts, courts have certain guidelines on this subject, but this is not the case for all of them, and the guidelines generally differ from each other. The proposal seeks to unify the rules applicable by establishing a right of information to victims applicable to decisions made about the placement of suspects in pretrial detention. However, to consider the suspects' rights, its scope of application will be limited and will only apply to victims of criminal offences affecting or threatening their physical and/or mental integrity.

This proposal aims to finalise the transposition of the EU Victims' Rights Directive and in particular Article 6 § 5 on their right to receive information about their case. The main Belgian Lawyers' Association, *Avocats.be*, gave a positive opinion²⁰⁹ about the proposal, considering that it goes beyond the text of the Directive, as it does not solely apply to situations where the suspect is released from or has escaped detention. The text has been discussed in March and May 2022 but has not been adopted yet.

²⁰⁸ Belgium, Chamber of Representatives, Legislative proposal amending the law of 20 July 1990 on preventive detention to create a right to information for the victims ([Proposition de loi modifiant la loi du 20 juillet 1990 relative à la détention préventive en vue de créer un droit à l'information pour les victimes](#)), doc. 55K2398. [Last accessed on 7 October 2022].

²⁰⁹ Belgium, *Avocats.be*, Opinion concerning the bill amending the law of 20 July 1990 relating to preventive detention with a view to creating a right to information for the victims ([Avis concernant la proposition de loi modifiant la loi du 20 juillet 1990 relative à la détention préventive en vue de créer un droit à l'information pour les victimes](#)). [Last accessed on 7 October 2022].

Amendments were presented on 8 November 2022²¹⁰ revising substantially the new Article on the right to information of victims to integrate the comments made on the initial version while maintaining a sufficient level of clarity. The scope of application of the right to information remains extensive and applies to the whole period of preventive detention of the suspect, including when new conditions concerning the victim are imposed, when the national authorities decide to end preventive detention, or its exercise through supervision measures. The word "victim" is replaced by the expression "injured party" (*personne lésée*) to mirror the term used in another provision of the Belgian Code of Criminal Procedure (Article 5bis paragraph 3 of the Preliminary Title), referring to other rights recognised to the injured parties (right to access to the file, assistance of a lawyer, information about the different steps of the criminal proceedings, etc.). Lastly, to reflect the exception to the right to information foreseen in Article 6 paragraph 6 of the EU Victims' Rights Directive, the text now provides that the exception to the right of information would apply when the notification might result in an identified risk of harm to the offender.

b) Developments in relation to trafficking in human beings

There have been significant developments in relation to the trafficking in human beings and the rights granted to its victims.

First, marginal amendments in the Criminal Code were introduced by the Law of 30 July 2022 to make justice more humane, faster and firmer II.²¹¹ The Law introduces changes concerning the confiscation, in cases of sexual exploitation, of the instrument of the offence. Firstly, it completes article 417/42 which provides for confiscation in cases of sexual exploitation of minors for prostitution. It is supplemented to allow the confiscation of the property which is sold between the commission of the offence and the final judicial decision. Secondly, the Law of 30 July 2022 d inserts a new article 433*quater*/8 in the Penal Code. It allows the confiscation of the instrument of the offence, in the event of offences related to the prostitution of adults. Finally, it also modifies Article 433*novies*, § 2, of the same Code (relating to human trafficking) to ensure the possibility of imposing on the perpetrator a ban on residence, place or contact with a minor victim of sexual exploitation and/or of human trafficking.

Secondly, a legislative proposal has been presented on 11 March 2022 amending the Judicial Code with regard to the granting of assistance free legal assistance to victims of trafficking human beings or certain aggravated forms of migrant

²¹⁰ Belgium, Chamber of Representatives, Amendments to the Legislative proposal amending the law of 20 July 1990 on preventive detention to create a right to information for the victims ([Amendements à la proposition de loi modifiant la loi du 20 juillet 1990 relative à la détention préventive en vue de créer un droit à l'information pour les victimes](#)), Doc. 552398/003, 7 November 2022. [Last accessed on 19 November 2022].

²¹¹ Belgium, Law of 30 July 2022 to make justice more humane, faster and firmer II ([Loi visant à rendre la justice plus humaine, plus rapide et plus ferme II](#)). Published in the Belgian Official Gazette on 8 August 2022 [Last accessed on 7 October 2022].

smuggling.²¹² The proposed law aims to provide free legal assistance to these victims to better protect them and better enforce their rights (in particular through the introduction of an action seeking compensation). It is also envisaged as an incentive for victims to report the facts and offences, making the victims more visible and getting to know more about their exploiters. The proposal also aims at assisting, where appropriate, to dismantle the criminal networks linked to trafficking and smuggling. Like the logic followed in Directive 2004/81/EC, access to such free legal assistance will be conditional and will benefit:

- 1) victims who, under the special protection procedure, provide their collaboration in a judicial investigation conducted against the perpetrator (or perpetrators) of human trafficking and/or certain aggravated forms of migrant smuggling.
- 2) victims for whom the special protection procedure and/or support by a recognised specialised reception centre has not been terminated.

Discussions on the legislative proposal took place in the Chamber of Representatives in May 2022, but the text has not been adopted yet.

Thirdly, the Chamber of Representatives established on 24 February 2022 a special commission responsible for evaluating the legislation and policy in relation to human trafficking and migrant smuggling.²¹³ Its mandate includes 1) an appraisal of the current situation in Belgium in relation to the fight against human trafficking and migrant smuggling; 2) an assessment of the legal provisions aimed at prosecuting traffickers and smugglers of human beings, dismantling criminal networks and protecting victims; 3) an examination of international cooperation in these matters; while paying specific attention to the fate of minors and other vulnerable persons. The Special Commission has held a series of meetings between April and July 2022,²¹⁴ and shall within eight months submit a report to be debated and put to the vote in a Chamber's plenary session

Lastly, Belgium has ratified the Council of Europe's Convention against trafficking in human organs through the adoption of the law of 29 January 2022.²¹⁵ The

²¹² Belgium, Legislative proposal amending the Judicial Code with regard to the granting of assistance

free legal advice to victims of trafficking human beings or certain forms of aggravated human trafficking ([Projet de loi modifiant le Code judiciaire en ce qui concerne l'octroi d'une assistance juridique gratuite aux victimes de la traite des êtres humains ou de certaines formes aggravées de trafic des êtres humains](#)), Doc. 55 2568/001. [Last accessed on 7 October 2022].

²¹³ Belgium, Chamber of Representatives, Establishment of a Special Commission responsible for evaluating the legislation and policy in relation to human trafficking and migrant smuggling ([Institution d'une commission spéciale chargée d'évaluer la législation et la politique en matière de traite et de trafic des êtres humains](#)), doc. 55 2530/001. [Last accessed on 7 October 2022].

²¹⁴ List of the meetings and the persons interviewed ([Commission spéciale Traite et trafic d'êtres humains](#)).

²¹⁵ Belgium, Law of 29 January 2022 assenting to the Council of Europe Convention against Trafficking in Human Organs, done at Santiago de Compostela on 25 March 2015 ([Loi du 29 Janvier 2022 portant assentiment à la Convention du Conseil de l'Europe contre le trafic d'organes](#)

Convention had already been implemented within the Belgian legal order, through the Law of 22 May 2019 brought Belgian law that inserted new offences in the Criminal Code and adapted the criminal procedure to extend the extraterritorial jurisdiction of the Belgian courts and allow telephone tapping. Yet the ratification of the Convention enables Belgium to confirm, at the international level, its commitment and role in the fight against organ trafficking.

Victims of terrorism

Before dwelling on the legislative and policy developments regarding the rights of victims of terrorism, it is necessary to signal the delays at the beginning of the trial of the Brussels attacks that took place in March 2016. On 16 September 2022, the President of the Criminal Court (*cour d'assises*) ruled that the design of the audience room, specially adapted for this trial, had to be changed to remove the individual glass boxes intended for the accused considered to be in violation of article 6 ECHR.²¹⁶ The issue has been the object of numerous reactions and debates, for instance within the Justice Committee of the Chamber of Representatives at its meeting of 20 September 2022. On this occasion, no less than 10 representatives addressed questions to the Minister for Justice Vincent Van Quickenborne in relation to this matter.²¹⁷ One of them focused on the question of sufficient space for the victims of the attacks, as there are 800 places provided for civil parties, but only 181 out of the 957 civil parties known have received the accreditation to attend the trial.²¹⁸ On 6 October 2022, the Ministry of Justice announced that the new box for the accused shall be ready for November 14th, 2022.²¹⁹ As the new box was finalised on time, a provisional calendar under which the hearings would take place from December 5th, 2022 to February 2nd, 2023. The hearing for the nomination of the members of the jury took place on November 30th, 2022. This step is crucial, as the decision was taken to maintain the judgement before an ordinary criminal court (*cour d'assises*) (and not a court composed only of professional judges like it was done in France for the trial of the 2015 Paris attacks), and many persons (12 effective jury members and 24 substitutes) have been appointed, especially in light of the duration of the trial.²²⁰ The trial officially started on 5 December 2022.

Nevertheless, the trial continued to be extensively discussed in the press, this time in connection to complaints made by the accused about the conditions of their transfer (from jail to the trial), based on the systematic strip searches, the

[humains, faite à Saint-Jacques-de-Compostelle le 25 mars 2015](#)). Published in the Belgian Official Gazette on 20 May 2022 [Last accessed on 7 October 2022].

²¹⁶ RTBF, [Procès des attentats de Bruxelles : la cour ordonne le démontage des boxes des accusés](#), 16 September 2022.

²¹⁷ Belgium, Chamber of Representatives, Complete minutes of the meeting of the Justice Committee on 20 September 2022 ([Compte rendu intégral, Commission de la justice, mardi 20-09-2022](#)), doc. CRIV 55 COM 873.

²¹⁸ Ibid. p. 9 (in Flemish).

²¹⁹ RTBF, [Procès des attentats de Bruxelles : pour 235.000 euros, le nouveau box des accusés sera prêt pour le 14 novembre](#), 6 October 2022.

²²⁰ La Libre Belgique, [Trois jours pour lire l'acte d'accusation, 1 000 candidats jurés... Voici comment se déroulera le procès démesuré des attentats de Bruxelles](#), 26 October 2022.

obligation to wear blackout glasses and to listen to music at full volume.²²¹ They formed an interim action (*référé*) which led to a decision on 29 December. The interim judge considered the systematic strip searches disproportionate and unjustified by security imperatives and ordered the authorities "to put an end to this practice" under penalty of a fine of 1000 euros per contravention. In contrast, the judge considered the obligation to wear blackout glasses justified.²²² Early January, the accused continued to complain about the conditions of their transfer.²²³ This issue has impacted the trial and led notably to the postponement of the hearing of victims, initially supposed to start in January. Some lawyers stressed the difficulties it may cause to victims living abroad.²²⁴

To better assist the victims, the Minister Valérie Glatiny (Minister for the Federation Wallonie-Bruxelles, in charge notably of assistance to victims) has announced late October that additional funds were allocated to better support the victims during the trial (EUR 692,000 for 2022 and EUR 505,000 for 2023).²²⁵ These funds will be allocated to the services in charge of victim assistance, for instance to recruit additional justice assistants, who would be present during the trial, or the creation of support groups.²²⁶ Parts of these funds (60,000 euros) will finance a project specifically dedicated to support child victims or relatives of victims of the Brussels attacks. This money will benefit the Marchois service of assistance to the litigant (*service marchois d'aide au justiciable* - Smaj) which organizes workshops for minors and baptized "Words for evils". The Smaj will work for the occasion in partnership with the ASJ Lux, the service of assistance to the litigants for the division of Neufchâteau. Recognized for their expertise, these two associations will support the young people concerned through creative workshops and support groups. They will be able to share their traumatic experiences of the attacks under the supervision of professionals.²²⁷

In parallel, the non-profit organisation V-Europe has published on its website the detailed calendar of the trial and the practical information to attend it and announced its intention to publish a weekly newsletter for the duration of the trial.²²⁸

In parallel to the discussions about the trial of the attacks, the Belgian government has been preparing measures to implement some of the recommendations

²²¹ This practice (loud music) has been abandoned after being denounced by the defence.

²²² Le Vif, [Procès des attentats de Bruxelles : les fouilles à nu sont interdites pour leur caractère dégradant](#), 29 December 2022.

²²³ Le Soir, [Polémique sur les fouilles: la tournure surréaliste du procès des attentats de Bruxelles](#), 3 January 2023.

²²⁴ Le Soir, *Un grand chamboulement dans le calendrier*, 20 December 2022.

²²⁵ L'Avenir, *Procès des attentats: encadrer les victimes*, 31 October 2022, p. 3.

²²⁶ Ibid.

²²⁷ La Libre Belgique, [Procès des attentats à Bruxelles: 60.000 euros dégagés pour accompagner les enfants victimes ou proches de victimes](#), 2 January 2023.

²²⁸ V-Europe website: <https://www.22-3.be/>.

formulated by the Special Commission constituted after the Brussels attacks to identify the shortcomings in the assistance provided to victims.

On June 10, 2022, the Council of Ministers approved a draft law on compensation for victims of an act of terrorism and insurance against damage caused by terrorism.²²⁹ Its objective is to guarantee better protection for victims of acts of terrorism. It establishes the solidarity scheme which applies in the event of an act of terrorism and confirms the coverage of terrorism by insurance contracts. The solidarity scheme covers the following aspects: the compensation for all bodily injury; the assessment of damages on the basis of general rules on the matter; its access for all victims, insured or not, provided they have their habitual residence in Belgium; and the funding by the non-profit organisation [TRIP](#) (for Terrorism Reinsurance and Insurance Pool created by insurance companies) and the Belgian State.

Insurance contracts will be obliged to cover terrorism, in accordance with the following conditions:

- exclusion is possible, worded in explicit and precise terms;
- no exclusion can be foreseen with regard to an exhaustive list of contracts;
- contracts relating to a Belgian risk are concerned;
- the financing of the system is assumed by the insurer with which the contract was taken out;
- there is the possibility of joining the non-profit organisation TRIP to benefit from a compensation mechanism

The procedural aspects relating to the damages compensated, the amount and deadlines for compensation, the rules for submitting a declaration and the rules governing expert opinions are regulated by the draft law. This text establishes a unique medical expertise procedure. It organises a single terrorism contact point, which provides initial financial assistance to victims, and directs them to the competent authorities for assistance. This contact point supplements the existing central counter for victims at the Federal Prosecutor's Office and the Fund for Victims of Justice. Lastly, the compensation ceiling is increased: it is brought to 1.7 billion euros. Full automatic compensation is provided for victims of acts of terrorism with consequences of less than 300 million euros, in order to allow faster compensation of victims.

The legislative proposal has been transferred to the Belgian Chamber of Representatives on 18 October 2022.²³⁰ As the discussion on the text is ongoing,

²²⁹ Belgium, Council of Ministers, Press release following the meeting of 10 June 2022, [Renforcement de la protection des victimes d'actes de terrorisme](#), 10 June 2021.

²³⁰ Belgium, Chamber of Representatives, Legislative proposal relating to the compensation of victims of an act of terrorism and relating to insurance against damage caused by terrorism ([Projet de loi relatif à l'indemnisation des victimes d'un acte de terrorisme et relatif à l'assurance contre les](#)

the Minister of Economy presented the text before the competent parliamentary committee on 30 November 2022. One point of attention is the status of foreign victims that are not residing in Belgium. The text proposed provides for the establishment of a solidarity scheme in order to compensate, on the basis of common law, bodily injury suffered by all victims (regardless of their nationality and their insurance cover) who have their habitual residence in Belgium when the act of terrorism occurred.²³¹ One amendment proposed on 30 November 2022 suggests expanding the scope of application of the envisaged solidarity scheme to all foreign victims, regardless of their residence, except when the victim may have access to a similar scheme in his/her State of nationality or habitual residence.

In relation to the question of the compensation for victims of terrorism, the Constitutional Court ruled on 30 June 2022 on the incompatibility with the Constitution of the provision organising the compensation for victims of terrorism (article 42*quinquies*, §1, 2° of the Law of 1 August 1985).²³² The case brought before the Council of State has been brought by the mother of a victim of the Maelbeek metro attack on 22 March 2016. She made a request for financial assistance on 26 March 2020, which has been rejected due to its introduction after the expiration of the three-year period provided by law on 18 March 2020. The Court recalls that the legislator intended to introduce a faster and simplified procedure for victims of acts of terrorism, and such an objective of simplifying and accelerating the granting of financial assistance in the event of an act of terrorism cannot justify the application for obtaining this assistance be subject to a time limit which cannot in any way be prolonged. Such a fixed deadline cannot be reconciled with the subsidiary nature of the financial aid provided for by the law of 1 August 1985.

Lastly, on 20 July 2022, the French Community adopted a Decree organising support for victims of collective emergencies.²³³ It constitutes the implementation within its respective competences of one of the recommendations made to improve the assistance of victims of terrorist attacks. The text defines a collective emergency as an event which leads to or is likely to lead to harmful consequences for people and which gives rise to the opening of a criminal investigation. It requires the implementation of specific measures for the psychosocial monitoring of victims, and the coordination of victim care through the role of a reference person. The system will apply after the occurrence of a collective emergency following the opening of a criminal investigation.

[dommages causés par le terrorisme](#)), doc. 55 2929/001, 18 October 2022. [Last accessed on 5 January 2023].

²³¹ Ibid, Article 9 § 2, p. 82.

²³² Belgium, Constitutional Court, [Judgment n° 91/2022 of 30 June 2022 « Loi du 1er août 1985 « portant des mesures fiscales et autres » \(art. 42quinquies, § 1er, 2°\) »](#), register n° 7667.

²³³ Belgium, Ministry of French Community, Decree of 20 July 2022 concerning the support of victims of collective emergencies ([Décret du 20 juillet 2022 relatif à l'accompagnement des victimes d'urgences collectives](#)). Published in the Belgian Official Gazette on 17 August 2022 [Last accessed on 7 October 2022].

7.2 Measures addressing violence against women

In 2022, the measures addressing violence against women concern mainly the implementation of the 2021-2025 National Action Plan against Gender-Based Violence (NAP).²³⁴ These measures include updated studies on specific forms of violence, policy measures and legislative changes. They will be set out below.

a) Updated studies and statistics on violence against women

In 2022, the results of different studies and statistics related to violence against women commissioned were published.

Feminine genital mutilation

The first study concerns the prevalence of feminine genital mutilation (FGM) in Belgium.²³⁵ This is the fourth update on this topic (covering the period of 2016-2020) the last study dating back to 2018;²³⁶ it is also a deliverable of the NAP (axis II: implementing an integrated policy and working with civil society). The study, carried out by a large consortium of government agencies and NGOs, shows that between 2007 and 2020 there has been a constant increase in the number of women living in Belgium that have suffered FGM or that are at risk of suffering FGM.²³⁷ Currently, there are 35,459 women affected by FGM (of whom 12,730 minors), either because they have already “very probably” suffered it (23,395) or are at risk (12,064),²³⁸ by going back to their country of origin on holidays, but also in Belgium or elsewhere in Europe.²³⁹ In 2016, 25,917 women were concerned. The increase is due to a double phenomenon: an increase of newcomers from countries where FMG is currently practised (Guinea, Somalia and Eritrea), who have already very probably been subject to FGM, as well as an increase of the births of girls in Belgium from Guinean, Somali or Eritrean parents, who are at risk of suffering FGM.²⁴⁰ The number of female asylum-seekers from these three countries has also increased since 2016.²⁴¹ An interesting finding of the study is that over half of the women concerned live in Flanders.²⁴² The study has formulated several recommendations for the support of victims of FGM, primarily to be carried out by medical professionals.²⁴³ In 2021 already, a code of

²³⁴ Belgium, 2021-2025 National Action Plan for the Fight against Gender-based Violence ([Plan d'Action nationale de lutte contre les violences basées sur le genre 2021-2025](#)), 26 November 2021.

²³⁵ Institut pour l'égalité des femmes et des hommes (2022), Estimation of the prevalence of girls and women having suffered or at risk of suffering feminine genital mutilation ([Estimation de la prévalence des filles et femmes ayant subi ou à risqué de subir une mutilation génitale féminine vivant en Belgique](#)), Institut pour l'égalité des femmes et des hommes.

²³⁶ Institut pour l'égalité des femmes et des hommes (2018), Estimation of the prevalence of girls and women having suffered or at risk of suffering feminine genital mutilation ([Estimation de la prévalence des filles et femmes ayant subi ou à risqué de subir une mutilation génitale féminine vivant en Belgique](#)), Institut pour l'égalité des femmes et des hommes.

²³⁷ Ibid. p. 8.

²³⁸ Ibid.

²³⁹ Ibid. p. 2.

²⁴⁰ Ibid. p. 8.

²⁴¹ Ibid.

²⁴² Ibid. p. 9.

²⁴³ Ibid. pp. 10-11.

conduct for medical staff had been adopted to correctly accompany victims, including in judicial steps.²⁴⁴

Centres specialised in the reception of victims of sexual violence (CVPS)

Statistics were also published in 2022 regarding the Centres specialised in the reception of victims of sexual violence (*Centres de prise en charge des violences sexuelles*) (CPVS) for the year 2021.²⁴⁵ The number of victims received has increased to 193 victims per month on average for 2021, against 86 in 2020. The impact of the Covid-19 pandemic must however not be neglected. 90% of the victims are women. Due to increased awareness and recognition of the Centres, there is also an increase of victims who present directly themselves to the Centres, rather than being referred by the police (43% in 2021 compared to 35% in 2017-2018). The statistics also show that minors and young women are most at risk: 17% of the victims are aged between 13-17 years old, and 35% of the victims are aged between 18-26 years old. The average age of the victims in the Centres is 24. In 66% of the cases, the aggressor was someone the victim knew: 15% (ex-)partners, 11% a member of the family, and 40% of acquaintances. In 98% of the cases, the aggressor was a man; in 1% a woman, and in 1% at least one man and one woman.

Confidentiality of the address of victims of gender-based violence

The NAP includes a deliverable on analysing how the confidentiality of victims of gender-based violence can be ensured in judicial proceedings and when they file a complaint. This confidentiality is notably provided in Articles 56 and 65 of the Istanbul Convention. To this end, the Institute for the Equality of Women and Men (IEFH) has issued a recommendation to the competent Ministers.²⁴⁶ Currently, in criminal proceedings, suspects can have access to the judicial file, which allows them to see personal data, and namely the address of the victim in the different documents.²⁴⁷ This can constitute a threat to the psychological and even physical integrity of the victim, for instance they moved to a new address hitherto unknown to an (ex-)partner.

The IEFH recommends making more use of only the national registration number in official documents, which allows competent authorities to consult all relevant personal data, without disclosing them in the judicial files.²⁴⁸ However, police must

²⁴⁴ Institut pour l'égalité des femmes et des hommes (2021), *Handbook on reporting guidelines for female genital mutilations*, ([Manuel relatif au code de signalement des mutilations génitales féminines](#)), Brussels, Institut pour l'égalité des femmes et des hommes.

²⁴⁵ Belgium, Secretary of State for Equal Opportunities (2022), 'Last numbers concerning the Centres specialised in the reception of victims of sexual violence' ([Derniers chiffres concernant les Centres de Prise en Charge des victimes de Violence Sexuelle \(CPVS\)](#)), press release, 9 June 2022.

²⁴⁶ Institut pour l'égalité des femmes et des hommes (2022), Recommendation of the IEFH n°2022/R/006 regarding the confidentiality of the address of victims of gender-based violence ([Recommandation de l'Institut pour l'égalité des femmes et des hommes n° 2022/R/006 relative à la confidentialité de l'adresse des victimes de violences basées sur le genre](#)), Institut pour l'égalité des femmes et des hommes.

²⁴⁷ Ibid. pp. 2-3.

²⁴⁸ Ibid. p. 4.

currently mention personal data in their police records. If the police do not wish to disclose such information, a request must be introduced to the investigating judge.²⁴⁹ In Flanders however, the prosecutor's office formalised in a circular the possibility to not disclose the address of the victim in cases where disclosure would severely negatively impact the victim.²⁵⁰ The IEFH recommends expanding such possibility to all cases of gender-based violence. The IEFH further recommends different specific measures to better protect the confidentiality of the residence of victims of gender-based violence.²⁵¹

- Revenge porn

Based on the 2020 #YouToo survey, the 2021 Revenge porn survey and their database, the IEFH, together with the Police, published a report on (sexual) intimidation and harassment on the internet and revenge porn (the diffusion of images of a sexual nature of a person without their consent).²⁵² The findings of the report show that young women residing in Wallonia are significantly affected by the latter, especially LGB or transgender women.²⁵³ The report puts forward a number of recommendations to tackle "old problems in a new package";²⁵⁴ they are essentially two-fold:

- Role of internet service providers and social media websites: internet service providers have the obligation to block or delete any content that is illegal.²⁵⁵ They should be made further aware of their responsibility. Social media websites should adopt codes of conduct that explicitly prohibit and punish revenge porn.²⁵⁶
- Sensibilisation campaigns (especially in schools) around sexism, the illegal and punishable character of revenge porn, and correct behaviour on the internet, but also for victims to become more "resilient".²⁵⁷

b) Policy and legislative developments

Several policy and legislative developments have taken place in 2022. Some of them are the continuation of developments of the years prior.

Reform of the legal criminal framework

²⁴⁹ Ibid. p. 5.

²⁵⁰ Ibid. p. 5.

²⁵¹ Ibid. pp. 8-10.

²⁵² Institut pour l'égalité des femmes et des hommes (2022), Revenge porn, sexual harassment online and other forms of cyberintimidation ([Revenge porn, harcèlement sexuel en ligne et autres formes de cyberintimidation](#)), Institut pour l'égalité des femmes et des hommes.

²⁵³ Ibid., p. 23.

²⁵⁴ Ibid., p. 32.

²⁵⁵ Ibid., pp. 32-33.

²⁵⁶ Ibid., p. 34.

²⁵⁷ Ibid., pp. 33-35.

On 1 June 2022, the reform of the criminal code entered into force, which profoundly reformed criminal sexual law (*droit pénal sexuel*).²⁵⁸ Under title VIII, offences against persons (*crimes et délits contre les personnes*), a new chapter I/1 is integrated dealing with offences against sexual integrity, the right to sexual self-determination and good character (*des infractions portant atteinte à l'intégrité sexuelle, au droit à l'autodétermination sexuelle et aux bonnes mœurs*) is integrated. This Chapter assembles all forms of offences with a sexual character. The reform is gender-neutral, however, this has been criticised,²⁵⁹ given that most victims of sexual violence are women. Therefore, we discuss the developments in the section relating to violence against women. Many of these reforms are also provided in the NAP.

- Definition of consent

The heart of the reform is centred around the notion of consent, which is now defined in Article 417/5: "Consent supposes it has been given freely. It must be appreciated within the factual circumstances of the case. Consent cannot be presumed from the simple absence of resistance from the victim. Consent can be withdrawn at any moment before or during the sexual act. There is no consent when the sexual act has been performed by taking advantage of the vulnerable position of the victim that alters its free will, due to, among others, a state of fear, the influence of alcohol or substances, an illness, or a handicap. There is also no consent when the sexual act results from threats, physical or psychological violence, coercion, surprise or deceit, or any other punishable behaviour. There is finally no consent when the sexual act is performed on the victim while unconscious or asleep." The notion of consent is now a constitutive element of the offences of sexual assault and rape. The prison sentences applicable for rape have been increased (prison sentence of 15 to 20 years instead of 5 to 10 years).

- Legal consenting age

The legal consenting age remains formally at 16, however, the law now provides that from the age of 14, consensual sexual relations can take place, if the age gap is no longer than three years. Minors can never give their consent if the offender is a member of their family; if the offender has a recognised role of authority, trust or influence, or if the act is considered an act of debauchery or prostitution. The Criminal Code now also regroups all sexual offences against minors, which were before scattered throughout the Code.

- Incest

Articles 417/18 and 417/19 introduce sexual offences between family members as such, and no longer solely as aggravating circumstances. In article 417/18, the

²⁵⁸ Belgium, Act modifying the Criminal code concerning criminal sexual law ([Loi modifiant le Code pénal en ce qui concerne le droit pénal sexuel](#)), 21 March 2022. Published in the Belgian Official Gazette on 21 March 2022 [Last accessed on 7 October 2022].

²⁵⁹ Bernard, D., Letellier, L. (2022), 'Réforme du Code pénal : quelques éléments d'une analyse au prisme du genre' in Rizzo, A. (ed.), *Le nouveau droit pénal sexuel*, Brussels, Larcier, pp. 15-48.

legislator uses the word 'incest' (*inceste*), to define "a sexual act committed on a minor by a family member", whereas article 417/19 punishes 'non-consented intrafamilial sexual acts' (*actes à caractère sexuel intrafamiliaux non consentis*). The law thus draws a distinction between incest on a minor, which can never be consensual, and incest between adults, which is only punishable if not consented.

- Revenge porn

The provisions relating to revenge porn, introduced in the Criminal Code in May 2020, have been integrated in Chapter I/1. In a 2022 from the College of General Prosecutors offering guidelines on the implementation of the reform to public prosecutors, it is underlined that the law no longer presumes that any primary production of content of sexual nature by minors is an offence, as, in modern society, consensual exchanges of content of sexual nature between minors over the age of 16 are part of normal sexual experimentation.²⁶⁰

- Sex work

Along with the reform of the criminal code on pimping/procuring, social laws have been changed in 2022 to better protect sex workers. In Belgium, sex work was tolerated; meaning that it was not criminalised, but also not formally recognised as labour. Through the law of 21 February 2022 amending a series of social laws, sex workers' contracts are no longer null and void.²⁶¹ The reform of the criminal code introduced by the Act of 21 March 2022 on sexual criminal law also changes the notion of pimping/procuring. In article 433quater/1, two forms will be prohibited under any circumstance: when the person promotes, incites, or facilitates sex work with the objective of getting an abnormal advantage or abnormal monetary gain, and when a person takes measures making it more difficult or impossible to abandon sex work. An important nuance has however been added to the classic offence of pimping: the organisation of someone else's sex work with the objective of getting an advantage "except in the cases provided for by the law". While today there is no legal framework around pimping, still *de jure* and *de facto* criminalising it, the criminal code provides such a possibility. However, no exception is possible in cases where an advantage would be sought by abusing of the vulnerable position of the victim, such as its precarious or illegal administrative position or poverty.

The rules on publicising sex work have also been updated, among others to decriminalise self-promotion on dedicated internet platforms.

²⁶⁰ Belgium, College of General Prosecutors, Circular n°5/2022 on the Law modifying the Criminal code concerning criminal sexual law ([Circulaire n°5/2022 sur la loi du 21 mars 2022 modifiant le code pénal en ce qui concerne le droit pénal sexuel](#)), 9 June 2022, p. 23. [last accessed on 28 November 2022].

²⁶¹ Belgium, Act concerning the non-invocability of the nullity of the work contract of sex workers ([Loi du 21 février 2022 concernant l'inopposabilité de la nullité du contrat de travail des personnes qui se prostituent](#)), 21 February 2022. Published in the Belgian Official Gazette on 21 March 2022 [Last accessed on 7 October 2022].

#StopFemicide Law

On 29 October 2022, the Government has adopted a draft law (*projet de loi*) on the prevention of and the fight against femicides, homicides based on gender and violence that precedes them (*Loi sur la prévention et la lutte contre les féminicides, les homicides basés sur le genre et les violences qui les précèdent*).²⁶²

The law defines three different categories of femicides: intimate femicide (*fémicide intime*), e.g., on a partner; non-intimate femicide (*fémicide non intime*), e.g., on a sex-worker; and indirect femicide (*fémicide indirect*), e.g., as the consequence of forced abortion or female genital mutilation. The law also includes homicides based on gender in order to cover violence on transgender people.

The law further defines the different forms of violence that can precede femicides: sexual violence, psychological violence, and coercive control.

The law provides for measures on data collection (annual publication on statistics on the victim, the perpetrator, and their relation; biennial study on the prevalence of femicide and the adopted measures; creation of an interdisciplinary committee to formulate recommendations to the government); new victims' rights (right to a translation of the audition, free of charge; right to choose the gender of the interrogating officer; police stations must have an appropriate and discreet room to receive victims; right to information on the existing protection measures; right to file a complaint online for victims of recurrent gender-based violence); the obligation for police and the judiciary to use a risk assessment tool throughout the procedure to be updated continuously; and appropriate training of police and the judiciary on gender-based violence, and on this law, specifically.²⁶³

The Superior Council of Justice (*Conseil supérieur de la Justice*), an independent public body notably in charge of the recruitment of magistrates, has published on 21 October 2022 an opinion on the draft legislative proposal. The note contains several suggestions to better prevent and combat these crimes, notably the possibility to expand the competence of the public prosecutors specialised in cases of domestic violence (*magistrats de référence*) to include these crimes, or to provide for the possibility of victims to benefit from video-recordings of their auditions.²⁶⁴

²⁶² Belgium, Secretary of State for Equal Opportunities (2022), 'Adoption of the #StopFemicide Law: Belgium to be the first European country to adopt a holistic law against femicide' ([Adoption de la loi #StopFemicide: la Belgique, premier pays européen à se doter d'une loi globale contre les féminicides](#)), press release, 29 October 2022.

²⁶³ Belgium, Secretary of State for Equal Opportunities (2022), 'Adoption of the #StopFemicide Law: Belgium to be the first European country to adopt a holistic law against femicide' ([Adoption de la loi #StopFemicide: la Belgique, premier pays européen à se doter d'une loi globale contre les féminicides](#)), press release, 29 October 2022.

²⁶⁴ Belgium, Superior Council of Justice, Note on the legislative proposal on the prevention and fight against femicides, homicides based on gender and violence that precedes them ([Note - Avant-projet de loi sur la prévention et la lutte contre les féminicides et les homicides fondés sur le genre](#)), 21 October 2022. [last accessed on 28 November 2022]

National civil society platform for the implementation of the NAP

In July 2022, the Secretary of State for equal opportunities launched the National Civil Society Platform linked to the National Action Plan for the Fight against Gender-Based Violence (*Plateforme nationale de la société civile liée au Plan d'Action National de lutte contre les violences de genre*).²⁶⁵ This Platform is the first of its kind, where civil society organisations are officially associated with the implementation, monitoring and evaluation of a National Action Plan. 16 NGOs and associations have been selected by a jury, based on the diversity of the different forms of violence covered by the NAP; the diversity of the public concerned with the forms of violence, and geographic diversity. Funding is provided for the Platform to carry out its tasks.

New CVPS openings

There are currently 7 CVPS in Belgium, the last one being opened on 8 March 2022 in Roulers.²⁶⁶ Three more CVPS will be opened in 2023: Namur, Arlon and Genk.²⁶⁷ The Secretary of State for Equal Treatment obtained funding from the government to open four more by 2024, in order to have sufficient geographical coverage.²⁶⁸

Urgency funding for Ukrainian women victims of sexual violence

The minister for development cooperation and the Secretary of State for Equal Treatment have cooperated to unlock €2,5 million for women and girls in Ukraine victims of sexual violence.²⁶⁹ Sexual violence has risen significantly in Ukraine after the Russian invasion, and it has been confirmed that Russian soldiers have used it as a war weapon. The funds will be allocated to the UN Population Fund (UNPF) and the Global Survivors Fund. The UNPF dispenses medical aid to survivors of sexual violence in Ukraine, and the Global Survivors Fund works with the Ukrainian government to allow reparations for victims.

²⁶⁵ Belgium, Secretary of State for Equal Opportunities (2022), 'A first in Belgium: launch of national civil society platform to ensure the implementation and evaluation of the National action plan against gender-based violence' ([Grande première en Belgique : mise en place d'une plateforme nationale de la société civile pour assurer le suivi et l'évaluation du Plan d'Action National de lutte contre les violences de genre](#)), press release, 1 July 2022.

²⁶⁶ Belgium, Secretary of State for Equal Opportunities (2022), 'Opening of a CPVS in West-Flanders' ([Ouverture d'un Centre de Prise en charge des victimes de Violences Sexuelles en Flandre occidentale](#)), press release, 8 March 2022.

²⁶⁷ RTBf (2022), 'Secretary of State Schlitz wants a CPVS per public prosecutor office' ([La secrétaire d'Etat Schlitz veut un Centre de prise en charge des victimes de violence sexuelle par parquet](#)), 29 September 2022.

²⁶⁸ Belgium, Secretary of State for Equal Opportunities (2022), 'The Government supports my request: budget trajectory towards 14 CPVS drawn up' ([La Vivaldi soutient ma demande : la trajectoire budgétaire vers 14 Centres de Prise en charge des Violences Sexuelles \(CPVS\) dessinée](#)) ([Ouverture d'un Centre de Prise en charge des victimes de Violences Sexuelles en Flandre occidentale](#)), press release, 8 March 2022.

²⁶⁹ Belgium, Secretary of State for Equal Opportunities (2022), 'The Government releases €2,5 million of supplementary aid to Ukrainian women and girls victims of sexual violence' ([La Vivaldi débloque 2,5 millions d'€, un soutien supplémentaire aux femmes et aux filles ukrainiennes victimes de violences sexuelles](#)), press release, 20 July 2022.

Other developments

On 27 October 2022, the Belgian Chamber of Representatives adopted the legislative proposal aiming at excluding the use of mediation in cases of violence, threat or any type of pressure exercised on the victim. This reform puts an end to compulsory mediation in the event of domestic violence. If there are serious indications that violence, threats or any other form of pressure are or have been exercised by one party against the other party, the judge cannot order mediation without ensuring that the victim consents freely to it. To this end, he obtains the latter's oral consent in the absence of the other party.²⁷⁰

²⁷⁰ Belgium, Chamber of Representatives, Bill aiming at guaranteeing the consent of victims of violence prior to mediation, conciliation or referral to a chamber of amicable settlement ([*Projet de loi visant à garantir le consentement des victimes de violence préalablement à une médiation, une conciliation ou un renvoi devant une chambre de règlement amiable*](#)), doc. 55K1742. [last accessed on 19 November 2022].

8 Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1 CRPD policy and legal developments & implementation of the European Accessibility Act

A first progress report on the execution of the Federal Handicap Plan 2021-2024 has been presented at the end of 2022. Of the 145 measures that are included in the plan, 48 have been entirely implemented and 14 have been partially implemented. The goal was to fully implement 61 measures before the end of 2022. Measures that have been implemented include the decrease of the minimum age to receive allowances from 21 to 18 years and the possibility to combine an income replacement allowance with gainful employment. According to the presentation of minister Karine Lalieux, civil society and persons with disabilities are directly involved in the implementation of two thirds of the measures. Remaining challenges for the following years include improving employment rates of persons with disabilities, creating more accessible public services and increasing the involvement of persons with disabilities in designing policy.²⁷¹

The Action Group that denounces the lack of spaces for highly dependent persons is very positive about many of the measures that are included in the plan. It welcomes the importance given in the plan to inclusion, handstreaming, the social model of disability, accessibility and the promotion of work among persons with disabilities. At the same time, it regrets that speech

²⁷¹ Belgium, Het Nieuwsblad (2022), 'Federaal Actieplan Handicap: 48 van de 145 maatregelen na anderhalf jaar volledig uitgevoerd ([Federal Handicap Plan: 48 of 145 measures fully executed after one and a half year](#)), 22 November 2022 [last accessed 4 January 2023]; Belgium, Karine Lalieux (2022) Federaal actieplan handicap – Tussentijdse resultaten zijn zeer positief ([Federal handicap plan – Preliminary results are very positive](#)), press release, 22 November 2022 [last accessed 4 January 2023].

therapy for children with autism is not reimbursed and the fact that although a statute for a close caregiver has been created, it is not coupled with an allowance above the poverty line.²⁷²

A number of laws have been/are currently being revised/introduced that impact on how and to what extent the CRPD is implemented in Belgium. With respect to inclusive education, a Flemish decree on aid for learning will replace the Decree M from 1 September 2023 onwards. The Flemish Advisory Council on Disability NOOZO wrote an advice about the concept decree, in which it praises the fact that the new decree may provide better support for pupils with disabilities. Moreover, the procedures will be fast, it will be easier for pupils with a personalised plan adjusted to their individual needs to gain a degree or certificate and the education inspection will monitor the quality of the learning support. On the other hand, the Council regrets that insufficient steps will be taken to really make a turn towards inclusive education. Among others, there is no strategic plan with concrete, measurable goals and actions to allow more pupils to receive inclusive education. There is no long-term plan to take steps towards one inclusive educational system. In addition, the concept decree does not contain a global vision on inclusive education starting from the idea of universal design for learning. Lastly, no representatives of parents and persons with a disability are involved in the commission on inclusive education which is responsible for drafting the decree. According to the Council, they should participate in the debate on the future of inclusive education.²⁷³ Many of these concerns are shared by the Interfederal Centre for Equal Opportunities (Unia) and GRIP, a local human rights organization aiming for equal rights for every person with a disability.²⁷⁴

The French Community has adopted a decree on support for reasonable accommodation in ordinary education on 20 July 2022. This decree aims to better support pupils with special needs in ordinary education by introducing some amendments to the system of 'territorial centres' (*pôles territoriaux*). In the French Community, 'territorial centres' (*pôles territoriaux*) are structures attached to specialised schools. These centres are tasked with supporting the pupils with special needs in the

²⁷² Belgium, Action Group that denounces the lack of spaces for highly dependent persons (GAMP, *Groupe d'Action qui dénonce le Manque des Places pour personnes handicapées de grande dépendance*) (2022), Note on the Federal Handicap Plan 2021-2024 ([Note sur le Plan D'Action Fédéral Handicap 2021-2024](#)), Brussels, 9 May 2022, 12.

²⁷³ Belgium, Flemish Advisory Council on Disability (*Vlaamse Adviesraad Handicap, noozo*) (2022), Advice concept decree learning aid ([Advies ontwerpdecreet leersteun](#)), Brussels, 23 September 2022, 5-8.

²⁷⁴ Belgium, Interfederal Centre for Equal Opportunities (Unia) (2022), What we expect of a decree on learning aid ([Wat we verwachten van een decreet over leersteun](#)), 15 July 2022 [last accessed 9 October 2022]; Belgium, Equal Rights for Every Person with a disability (*GRIP, Gelijke Rechten voor Iedere Persoon met een handicap*) (2022), Flemish Government leaves the pathway of actual inclusion through Decree on Learning Aid ([Vlaamse Regering verlaat met het Decreet Leersteun het pad van de echte inclusie](#)), 11 July 2022 [last accessed 9 October 2022].

ordinary school(s) to which the centre is a partner.²⁷⁵ In an article published already on 14 October 2021, the Coalition on Children's Rights criticized this system as it is not entirely inclusive: it only provides inclusive education for children with special physical needs who have all of their mental capacities, but not for all other children with disabilities. These children will not benefit from inclusive education. The Coalition on Children's Rights concluded that the educational system of the French Community is becoming less inclusive, in spite of the condemnation by the European Committee of Social Rights of 3 February 2021.²⁷⁶ The decree introducing amendments to the system, however, does not introduce any changes that might satisfy the mentioned criticism.

With respect to voting rights of persons with disabilities, a number of reforms are currently underway at the federal level to enable persons with a disability and persons aged 75 and older to vote by post. As these two categories of voters face many barriers in heading towards the voting office, they currently disproportionately vote by proxy. The legislative proposals aim to grant these voters the additional option of voting by post.²⁷⁷ Specifically regarding persons with disabilities, the Council of

²⁷⁵ Belgium, French Community (*Communauté française*), Decree of 20 July 2022 relating to territorial poles tasked with supporting schools of ordinary education in setting up reasonable accommodation and permanent total integration (*Décret de 20 Juillet 2022 relatif aux Pôles territoriaux chargés de soutenir les écoles de l'enseignement ordinaire dans la mise en œuvre des aménagements raisonnables et de l'intégration permanente totale*), published in the Official Belgian Gazette on 17 August 2022; Belgium, French Community (*Communauté française*) (2022), proposition of a decree relating to territorial poles tasked with supporting schools of ordinary education in setting up reasonable accommodation and permanent total integration ([*Proposition de décret relatif aux Pôles territoriaux chargés de soutenir les écoles de l'enseignement ordinaire dans la mise en œuvre des aménagements raisonnables et de l'intégration permanente totale*](#)), 7 July 2022, 4-5.

²⁷⁶ Belgium, Coalition on Children's Rights (*Ligue de Droits de l'Enfant*) (2021), Territorial poles for children with special needs. Really for all children? ([*Des Pôles territoriaux pour les élèves à besoins spécifiques. Vraiment pour tous les élèves?*](#)), 14 October 2021 [last accessed 9 October 2022].

²⁷⁷ Belgium, Belgian Chamber of representatives (2021), Proposition of law to amend the Voting code, to allow voting by post for the elections of the Chamber of representatives for disabled voters and voters aged 75 years or older ([*Wetsvoorstel tot wijziging van het Kieswetboek, teneinde het stemmen per brief voor de verkiezingen van de Kamer van volksvertegenwoordigers mogelijk te maken voor kiezers met een beperking en voor kiezers van 75 jaar of ouder*](#)), 28 September 2021; Belgium, Belgian Chamber of representatives (2021), Proposition of law to amend the law of 23 March 1989 on the election of the European Parliament, to allow voting by post for these elections for disabled voters and voters aged 75 years or older ([*Wetsvoorstel tot wijziging van de wet van 23 maart 1989 betreffende de verkiezing van het Europees Parlement, teneinde het stemmen per brief voor deze verkiezingen mogelijk te maken voor kiezers met een beperking en voor kiezers van 75 jaar of ouder*](#)), 28 September 2021; Belgium, Belgian Chamber of representatives (2021), Proposition of law to amend the law of 6 July 1990 on the election of the Parliament of the German Community, to allow voting by post for these elections for disabled voters and voters aged 75 years or older ([*Wetsvoorstel tot wijziging van de wet van 6 juli 1990 tot regeling van de wijze waarop het Parlement van de Duitstalige Gemeenschap wordt verkozen, teneinde het stemmen per brief voor deze verkiezingen mogelijk te maken voor kiezers met een beperking en voor kiezers van 75 jaar of ouder*](#)), 28 September 2021; Belgium, Belgian Chamber of representatives (2021), Proposition of special law to amend the special law of 8 August 1980 on the reform of institutions and the special law of 12 January 1989 on the Brussels institutions, to allow voting by post for disabled voters and voters aged 75 years or older for the elections of the Flemish Parliament, the Walloon Parliament and the Parliament of Brussels Capital ([*Voorstel van bijzondere wet tot wijziging van de bijzondere wet van*](#)

State remarks that not all disabilities go hand in hand with problems of mobility. As the aim is to enable voting by post to all persons with reduced mobility, the legislation should be sufficiently tailored to that aim. Alternatively, voting by post could be allowed for all voters.²⁷⁸ This advice was issued on 2 February 2022 and delivered to the Chamber of Representatives on 23 May 2022.²⁷⁹ It remains to be seen how and to what extent the proposed law will be amended.

Concerning employment of persons with disabilities, the Flemish Parliament enacted a decree on work tailored to a person's needs on 14 January 2022.²⁸⁰ Its aim is to enhance the job market opportunities for persons with an occupational disability in a regular work setting by providing support tailored to their needs. This measure fits within the implementation of Article 27 of the CRPD.²⁸¹ In an advice of 14 September 2021, the Flemish Advisory Council on Disability (NOOZO) commends the fact that the aim of the decree is to enable more persons with disabilities to be employed in the regular labour market. In addition, it is a positive evolution that persons in need of support will receive a premium to pay for this support. At the same time, it advises the Flemish government to develop all measures together with persons with a disability, allowing them to participate in the elaboration of measures concerning them.²⁸² This advice was not added to the concept of decree, nor was it commented on in the explanatory memorandum to the decree. However, the Advisory Council has been consulted while drafting the concept

[8 augustus 1980 tot hervorming der instellingen en de bijzondere wet van 12 januari 1989 met betrekking tot de Brusselse instellingen, teneinde het stemmen per brief mogelijk te maken voor kiezers met een beperking en voor kiezers van 75 jaar of ouder voor de verkiezingen van het Vlaams Parlement, het Waals Parlement en het Brussels Hoofdstedelijk Parlement](#)), 28 September 2021.

²⁷⁸ Belgium, Council of State (*Raad van State / Conseil d'Etat*) (2022), Advice [70.523/2](#), 2 February 2022, paras. 3.3-3.4; Belgium, Council of State (*Raad van State / Conseil d'Etat*) (2022), Advice [70.522/2](#), 2 February 2022, paras. 3.3-3.4; Belgium, Council of State (*Raad van State / Conseil d'Etat*) (2022), Advice [70.521/2](#), 2 February 2022, paras. 3.3-3.4; Belgium, Council of State (*Raad van State / Conseil d'Etat*) (2022), Advice [70.520/2](#), 2 February 2022, paras. 3.3-3.4.

²⁷⁹ Belgium, Belgian Chamber of representatives (2022), [Parliamentary Document 55K2222](#) [last accessed 9 October 2022]; Belgium, Belgian Chamber of representatives (2022), [Parliamentary Document 55K2221](#) [last accessed 9 October 2022]; Belgium, Belgian Chamber of representatives (2022), [Parliamentary Document 55K2220](#) [last accessed 9 October 2022]; Belgium, Belgian Chamber of representatives (2022), [Parliamentary Document 55K2219](#) [last accessed 9 October 2022].

²⁸⁰ Belgium, Flemish Parliament, Decree of 14 January 2022 on work tailored to the needs in individual employment (*Decreet van 14 januari 2022 over maatwerk bij individuele inschakeling*), published in the Official Belgian Gazette on 11 March 2022.

²⁸¹ Belgium, Flemish Parliament (2021), Concept of decree on work tailored to the needs in individual employment ([Ontwerp van decreet over maatwerk bij individuele inschakeling](#)), 19 November 2021, 3 and 7.

²⁸² Belgium, Flemish Advisory Council on Disability (*Vlaamse Adviesraad Handicap, noozo*) (2021), Individual tailored work: labour support maximally tailored to every person with a disability. Advice on the concept decree on work tailored to the needs in individual employment ([Individueel maatwerk : arbeidsondersteuning maximaal op maat van persoon met een arbeidshandicap. Advies over het ontwerpdecreet individueel maatwerk](#)), 14 September 2021, 3-5

of decree.²⁸³ This may be explained by the fact that the Council had not yet been officially incorporated as an advisory body at the moment of drafting the decree, but was still in a trial phase. As from 1 January 2022, the Council was structurally embedded as the Flemish advisory body on disability.²⁸⁴

A Flemish decree on personalised plans concerning work and care, which was enacted on 8 July 2022,²⁸⁵ aims at increasing the numbers of personalised plans available for persons with medical, mental, psychic, psychiatric and/or social problems.²⁸⁶ The Flemish Advisory Council on Disability among others advised to better tailor the decree to the objectives of the CRPD which aims for maximal opportunities for persons with disabilities in an open job market. Moreover, the decree mostly focuses on employment in sheltered workplaces and workplaces aimed at persons with disabilities instead of committing to employment in regular companies.²⁸⁷ This advice was not implemented in the final version of the decree, the reason given being that its target group is wider than only persons with disabilities.²⁸⁸

The Flemish Parliament published a decree on allowances on 4 November 2022, which introduces a 'support allowance' (*ondersteuningstoelage*) for children with disabilities, thereby reforming the allowances that already existed.²⁸⁹ The aim of the allowance is to give autonomy to the child to organise its own care and support.²⁹⁰ The Flemish Advisory Council on Disability, which gives advice to the Flemish government concerning topics that are of importance for persons with a disability, was not

²⁸³ Belgium, Flemish Parliament (2021), Concept of decree on work tailored to the needs in individual employment ([Ontwerp van decreet over maatwerk bij individuele inschakeling](#)), 19 November 2021, 9; confirmed by [NOOZO](#) to the author via email on 17 January 2023.

²⁸⁴ Belgium, information provided by [NOOZO](#) to the author via email on 17 January 2023.

²⁸⁵ Belgium, Flemish Parliament, Decree of 8 July 2022 on trajectories concerning work and care (*Decreet over de werk- en zorgtrajecten*), published in the Official Belgian Gazette on 3 August 2022.

²⁸⁶ Belgium, Flemish Parliament (2022), Concept of decree on trajectories concerning work and care ([Ontwerp van decreet over de werk- en zorgtrajecten](#)), 13 May 2022.

²⁸⁷ Belgium, Flemish Advisory Council on Disability (*Vlaamse Adviesraad Handicap, noozo*) (2022), Advice concept of decree on personalised plans concerning work and care ([Advies ontwerpdecreet werk- en zorgtrajecten](#)), 3-5.

²⁸⁸ Belgium, Flemish Parliament (2022), Concept of decree on personalised plans concerning work and care ([Ontwerp van decreet over de werk- en zorgtrajecten](#)), 13 May 2022, 27.

²⁸⁹ Belgium, Flemish Parliament, Decree of 22 October 2022 amending the decree of 27 april 2018 regulating the allowances on family policy, concerning the introduction of a support allowance (*Decreet tot wijziging van het decreet van 27 april 2018 tot regeling van de toelagen in het kader van het gezinsbeleid, wat betreft de invoering van de ondersteuningstoelage*), published published in the Official Belgian Gazette on 4 November 2022.

²⁹⁰ Belgium, Flemish Parliament (2022), Concept of decree amending the decree of 27 april 2018 regulating the allowances on family policy, concerning the introduction of a support allowance ([Ontwerp van decreet tot wijziging van het decreet van 27 april 2018 tot regeling van de toelagen in het kader van het gezinsbeleid, wat betreft de invoering van de ondersteuningstoelage](#)), 5 May 2022, 3-4.

asked for an advice.²⁹¹ The explanatory memorandum to the decree moreover does not mention any consultation of the Advisory Council.²⁹²

Some progress has been made in 2022 to implement the European Accessibility Act. The European Accessibility Act will introduce many changes to laws, decrees and ordonnances of the different entities of the federal state. Its implementation is thus very fragmented. Concepts of laws which transpose the directive into national law include:

- a law amending the law of 13 June 2005 on electronic communication, which aims to transpose the accessibility requirements concerning some types of wireless communication, such as ATMs, ticketing machines and many sorts of self-service terminals²⁹³;
- a law implementing Directive 2019/882 with regard to banking services for consumers and e-trade services²⁹⁴;
- a law amending the law of 17 April 2017 to implement Directive 2019/882 with regard to accessibility of audio-visual media in the Brussels-Capital region;²⁹⁵ and
- a law concerning various provisions on economy, changing the accessibility requirements of certain products and services²⁹⁶.

²⁹¹ Belgium, information provided by [NOOZO](#) to the author via email on 17 January 2023.

²⁹² Belgium, Flemish Parliament (2022), Concept of decree amending the decree of 27 april 2018 regulating the allowances on family policy, concerning the introduction of a support allowance ([Ontwerp van decreet tot wijziging van het decreet van 27 april 2018 tot regeling van de toelagen in het kader van het gezinsbeleid, wat betreft de invoering van de ondersteuningstoelage](#)), 5 May 2022.

²⁹³ The concept of law itself was impossible to find, so this information stems forth from Belgium, Superior National Council for People with Disabilities (*Nationale Hoge Raad Personen met een Handicap*) (2022), Advice [2022/20](#) [last accessed 9 October 2022].

²⁹⁴ The concept of law itself was impossible to find, so this information stems forth from Belgium, Superior National Council for People with Disabilities (*Nationale Hoge Raad Personen met een Handicap*) (2022), Advice [2022/18](#) [last accessed 9 October 2022].

²⁹⁵ The concept of law itself was impossible to find, so this information stems forth from Belgium, Belgian Institute for Postal services and Telecommunication (BIPT) (2022), Consultation on request of the minister competent for telecommunication on the implementation of Directive 2019/882 on the accessibility requirements for products and services ([Raadpleging op verzoek van de minister bevoegd voor telecommunicatie over de omzetting van Richtlijn 2019/882 betreffende de toegankelijkheidsvoorschriften voor producten en diensten](#)), Addendum 4.

²⁹⁶ Belgium, Belgian Chamber of representatives (2020), Concept of law on various provisions concerning economy ([Wetsontwerp houdende diverse bepalingen inzake Economie](#)), 16 September 2020; Belgium, Data Protection Authority (2022), Advice [138/2022](#), 1 July 2022.

The first two of these concepts of law have been brought before the Superior National Council for People with Disabilities for advice. In both instances the Council regrets that the implementation of the European Accessibility Act is only minimalistic and that persons with disabilities are not being involved in the implementation procedure.²⁹⁷ Regarding the concept of law amending the law of 13 June 2005 on electronic communication, which aims to transpose the accessibility requirements concerning some types of wireless communication, the Council is extremely negative. It is of the opinion that the law's starting point is the exclusion of persons with disabilities from digital goods and services, while it was the Directive's aim to make these more accessible for persons with disabilities. The Council states that digitalisation will probably become more and more inaccessible for persons with disabilities and that the proposed law is not in accordance with the CRPD.²⁹⁸ After the issuance of this advice, the responsible minister took the initiative to discuss possible improvements to the text of the concept of law with the Superior National Council for People with Disabilities. The aim is to further collaborate with the Council in the future, which the Council appreciates. It asks to extend such a collaboration to other fields of the implementation of the Federal Handicap Plan 2021-2024 (see above). The Council emphasises that more attention is needed for persons with disabilities within the Belgian Bureau of Normalisation. Their participation is required in order for accessibility of norms to become a central focal point of normalisation activity. Moreover, the Council asks that an independent supervisory body is set up to supervise the application of the EAA, in which persons with disabilities are represented.²⁹⁹

Moreover, the Superior National Council for People with Disabilities issued an advice on a preliminary concept of law concerning the accessibility requirements of transport services, implementing the EAA. This preliminary concept of law is not yet publicly available. The Council points to the fact that many provisions may be abused in order to not effectively ensure accessibility of transport services to persons with disabilities. It asks that these provisions are interpreted in line with the right to reasonable accommodation (Article 22ter of the Belgian Constitution and the Anti-discrimination law of 10 May 2010) and requests that the committee supervising the implementation of the requirements is independent and has sufficient expertise to detect abuse.

²⁹⁷ Belgium, Superior National Council for People with Disabilities (*Nationale Hoge Raad Personen met een Handicap*) (2022), Advice [2022/20](#) [last accessed 9 October 2022]; Belgium, Superior National Council for People with Disabilities (*Nationale Hoge Raad Personen met een Handicap*) (2022), Advice [2022/18](#) [last accessed 9 October 2022].

²⁹⁸ Belgium, Superior National Council for People with Disabilities (*Nationale Hoge Raad Personen met een Handicap*) (2022), Advice [2022/20](#) [last accessed 9 October 2022].

²⁹⁹ Belgium, Superior National Council for People with Disabilities (*Nationale Hoge Raad Personen met een Handicap*) (2022), Advice [2022/27](#) [last accessed 4 January 2023].

Moreover, the supervision should concern practical accessibility in addition to theoretical compliance with the legal requirements.³⁰⁰

In addition to these legislative texts which are still forthcoming, a Flemish decree was adopted on 3 June 2022 implementing the EAA with respect to terminal equipment used by consumers with interactive computer functions to access audio-visual media services, and services which grant access to audio-visual media services such as electronic programme guides. At its own initiative, the Flemish Advisory Council on Disability drafted an advice on the implementation of the European Accessibility Act concerning media. It advises the government to go beyond only introducing minimal guidelines.³⁰¹ This advice was not added to the concept of decree, but was mentioned in the explanatory memorandum.³⁰²

Concerning the reception and integration of displaced persons with disabilities fleeing from Ukraine, the initiatives that were introduced mainly concerned the provision of information on the availability of several services to refugees and the persons or organisations aiding them. In this respect, the Directorate-General responsible for persons with disabilities clarified that these persons have a right to social assistance, and a taskforce was set up to grant them an allowance for persons with disabilities so that they have an income.³⁰³ Also the PHARE-service in the Brussels Region advocated its willingness to help by providing material assistance, employment aid, places in a day/residential centre and employment in an adapted setting.³⁰⁴ The Flemish Agency for Persons with a Disability (VAPH) created an information sheet for everyone receiving Ukrainian refugees with

³⁰⁰ Belgium, Superior National Council for People with Disabilities (*Nationale Hoge Raad Personen met een Handicap*) (2022), Advice [2022/25](#) [last accessed 4 January 2023].

³⁰¹ Belgium, Flemish Advisory Council on Disability (*Vlaamse Adviesraad Handicap, noozo*) (2021), Advice on the implementation of the European Accessibility Act in the domain of media ([Advies over de omzetting van de Europese toegankelijkheidsrichtlijn binnen het domein media](#)), 3.

³⁰² Belgium, Flemish Parliament (2022), Concept of decree amending the decree of 27 March 2009 concerning radio broadcasting and television, concerning the partial implementation of Directive (EU) 2019/882 of the European Parliament and the Council of the Council of 17 April 2019 on the accessibility requirements for products and services, and amending the decree of 12 February 2021 amending the decree of 27 March 2009 concerning radio broadcasting and television with respect to the national and regional radio broadcasting organisation and the technical terminal equipment for FR-radio coverage of radio broadcasting organisations ([Ontwerp van decreet tot wijziging van het decreet van 27 maart 2009 betreffende radio-omroep en televisie, wat betreft de gedeeltelijke omzetting van richtlijn \(EU\) 2019/882 van het Europees Parlement en de Raad van 17 april 2019 betreffende de toegankelijkheidsvoorschriften voor producten en diensten, en tot wijziging van het decreet van 12 februari 2021 houdende wijziging van het decreet van 27 maart 2009 betreffende radio-omroep en televisie met betrekking tot de landelijke en regionale radio-omroeporganisaties en de technische eindapparatuur voor FM-radio-ontvangst van radio-omroeporganisaties](#)), 4 April 2022, 10.

³⁰³ Belgium, Directorate-General Persons with a disability (2022), Crisis Ukraine: what about rights of persons with a disability? ([Crisis Oekraïne: wat met rechten van personen met een handicap?](#)), 8 April 2022 [last accessed 9 October 2022].

³⁰⁴ Belgium, Brussels Capital-Region and Safe Brussels (2022), [Ukrainian refugees with disabilities: assistance from the PHARE Service](#), 2 May 2022 [last accessed 9 October 2022].

disabilities, in which it assembled all help and support that is available for them in Flanders and Brussels.³⁰⁵ For Ukrainian children with autism or with difficulties communicating, bilingual icons (in Ukrainian and French, Dutch and German respectively) were made in order to facilitate them to communicate.³⁰⁶ In a similar vein, a communication book with icons and text in French and Ukraine was created to facilitate communication between Ukrainian refugees and host families.³⁰⁷ Lastly, the advisory commission on Flemish sign language drafted a policy advice concerning help for deaf refugees on 29 March 2022.³⁰⁸

In its annual report of 2021, published in 2022, Unia asks special attention for some violations of the CRPD, to which it also pointed in its parallel report of 2021 for the Committee on the Rights of Persons with Disabilities. It has found that public buildings, public space, public transportation, media and internet are not sufficiently accessible for persons with disabilities. In case of an emergency situation, Belgium does not have a crisis management plan that sufficiently considers the situation of persons with disabilities. Unia also holds that insufficient money is being invested in inclusive living settings. In addition, the financing of the special needs of pupils with disabilities is largely given to special education. As a result of this, parents often cannot choose inclusive education. Unia moreover states that financing with respect to labour is still largely aimed at labour in workplaces aimed at persons with disabilities and insufficient funding is given to support ordinary work. Lastly, the allowances given to persons with disabilities are insufficient and do not allow for an income above the poverty line.³⁰⁹

³⁰⁵ Belgium, Flemish agency on persons with a disability (*Vlaams agentschap voor personen met een handicap*) (2022), Information note INF/22/19 – reception and support of refugees with a disability from Ukraine ([Infonota INF/22/19 - Opvang en ondersteuning van vluchtelingen met een handicap uit Oekraïne](#)), 4 April 2022 [last accessed 9 October 2022].

³⁰⁶ Belgium, Action Group that denounces the lack of spaces for highly dependent persons (GAMP, *Groupe d'Action qui dénonce le Manque des Places pour personnes handicapées de grande dépendance*) (2022), Help for Ukrainian refugees with autism ([De l'aide pour les réfugiés ukrainiens avec autisme](#)), 22 March 2022 [last accessed 9 October 2022].

³⁰⁷ Belgium, Action Group that denounces the lack of spaces for highly dependent persons (GAMP, *Groupe d'Action qui dénonce le Manque des Places pour personnes handicapées de grande dépendance*) (2022), Help for Ukrainian refugees with autism ([De l'aide pour les réfugiés ukrainiens avec autisme](#)), 22 March 2022 [last accessed 9 October 2022].

³⁰⁸ Belgium, Advice committee Flemish sign language (*Adviescommissie Vlaamse gebarentaal*) (2022), Policy advice – specific help to deaf signing refugees ([Beleidsadvies – specifieke hulp aan dove gebarentalige vluchtelingen](#)), 29 March 2022.

³⁰⁹ Belgium, Interfederal Centre for Equal Opportunities (Unia) (2022), Yearly report 2021. A different world is possible ([Jaarverslag 2021. Een andere wereld is mogelijk](#)), June 2022, 17.

In 2020, the reimbursement of physical therapy for children with cerebral palsy was drastically limited. This measure has been reversed and as from 1 July 2022, physical therapy for children with cerebral palsy is reimbursed without any limit on the number of sessions. Also, for adults the limit on the number of sessions has been raised.³¹⁰

In January 2022, Flanders Statistics issued a report on the societal position and participation of persons with disabilities. The definition of persons with disabilities of the CRPD was used to delineate the target group. In general, the report concludes that the societal position and participation of persons with disabilities is clearly below that of persons without disabilities. It finds that persons with disabilities have generally received less education, participate less in the labour market, more often receive a lower income, have a higher risk of poverty, more often live in an instable and less qualitative housing situation, more often experience health issues and participate less in leisure associations, culture and politics. Persons with severe disabilities score even worse than persons with less severe disabilities. In addition, there are many blind spots regarding available data on persons with disabilities. Sources do not succeed to entirely grasp the diversity of persons with disabilities. The report concludes that more effort to gather this data is necessary.³¹¹

In its statistics report of 2021, published in 2022, Unia reported that in 2021 it opened 538 new cases on discrimination against people with disabilities (which represents 19,4% of the total number of new cases). Disability is the second most invoked ground, after racial criteria. The cases on disability relate mainly to the areas of employment, education and access to goods and services. Of the cases related to the COVID-19 pandemic, 81 of the 320 cases concerned disability.³¹²

Many initiatives taken in relation to COVID-19 and disability were already in place before the start of 2022. The federal government had granted an additional premium of €25 per month to the most vulnerable persons during the COVID-19 crisis, including all persons with a recognised disability, which was prolonged until March 2022.³¹³ A research project, Pandorix,

³¹⁰ Belgium, Action Group that denounces the lack of spaces for highly dependent persons (GAMP, *Groupe d'Action qui dénonce le Manque des Places pour personnes handicapées de grande dépendance*) (2022), Victory for children with cerebral palsy! ([Victoire pour les enfants IMC!](#)), 1 June 2022 [last accessed 9 October 2022].

³¹¹ Belgium, Flanders Statistics (2022), Societal position and participation of persons with disabilities ([Maatschappelijke positie en participatie van personen met een handicap](#)), 3.

³¹² Belgium, Interfederal Centre for Equal Opportunities (Unia) (2022), [Numeral report 2021](#), 26-28.

³¹³ Belgium, Directorate-General Persons with a disability (2021), Corona premium of €25 per month from October 2021 until March 2022 ([Prime Corona de 25 € par mois d'octobre 2021 à mars 2022 inclus](#)), 29 September 2021 [last accessed 9 October 2022].

was set up to research how to adequately respond to a future pandemic in the Brussels Region, with special attention for vulnerable persons, including persons with disabilities.³¹⁴

8.2 CRPD monitoring at national level

An important development regarding CRPD monitoring at the national level is that the Flemish Government has formally confirmed that it will end its cooperation with Unia, Belgium's equality body in charge of monitoring the implementation of the CRPD at the national level, on 14 March 2023. From 15 March 2023 onwards, a new institution, namely the Flemish Institute of Human Rights (*Vlaams Mensenrechteninstituut*) will take on the mandate of monitoring body of the CRPD with regard to the competences of the Flemish region and the Flemish community, while Unia will remain the monitoring body on all remaining competences.³¹⁵

In its advice, the Flemish Advisory Council on Disability states that it is not in favour of the termination of the cooperation with Unia. Notwithstanding this opinion, it is very positive about the high-aiming ambitions that were formulated in the concept of decree. At the same time, it has serious doubts about whether these ambitions will be realized. It advises, among others, to include in its mandate not only the mediation of violations of equal treatment, but also the mediation of violations of the CRPD; to create a thematic and disability-specific operation of the institute, with the CRPD as a starting point; to not only be an independent institution as required in Article 33 of the CRPD, but also to involve civil society in the institution, as required in Article 33, paragraph 3 of the CRPD.³¹⁶ Also the Commission on Diversity of the Flemish Social and Economic Council urges the Flemish government not to end its cooperation with Unia, and if it decides against that, to at least leave the mandate of

³¹⁴ Belgium, Autonomy of Disabled Persons Researched (*Personne Handicapée Autonomie Recherchée (PHARE)*) (2022), Pandorix, the voice of disability to better handle future sanitary crises ([Pandorix: la voix du handicap pour mieux affronter les prochaines crises sanitaires](#)), 14 January 2022 [last accessed 9 October 2022].

³¹⁵ Belgium, Flemish Parliament (2022), Concept of decree to empower the Flemish Government to cancel the cooperation agreement of 12 June 2013 between the federal government, the Regions and the Communities to found the inter-federal Centre for equal opportunities and combat against discrimination and racism in the form of a united institution as meant in article 92bis of the special law of 8 August 1980 ([Ontwerp van decreet tot machtiging aan de Vlaamse Regering om het samenwerkingsakkoord van 12 juni 2013 tussen de federale overheid, de Gewesten en de Gemeenschappen voor de oprichting van het interfederaal Centrum voor gelijke kansen en bestrijding van discriminatie en racisme onder de vorm van een gemeenschappelijke instelling zoals bedoeld in artikel 92bis van de bijzondere wet van 8 augustus 1980 op te zeggen](#)), 4 July 2022, 5.

³¹⁶ Belgium, Flemish Advisory Council on Disability (*Vlaamse Adviesraad Handicap, noozo*) (2022), Advice on the Flemish Institute of Human Rights ([Advies over het Vlaams Mensenrechteninstituut](#)), 1 February 2022, 4-6

monitoring body of the CRPD with Unia.³¹⁷ The Flemish Council of Wellbeing, Public Health and Family is worried that the transfer of the competence of CRPD monitoring body from Unia to the Flemish Institute of Human Rights will lead to a decrease in protection of the rights of persons with disabilities. It notes that the institute foresees a lesser degree of support for going to court and it might not be able to give persons with disabilities the assistance needed to be able to go to court.³¹⁸ All of the above-mentioned institutions agree that the creation of the institute will lead to an increased complexity in the field of the protection of human rights, where already many different institutions have different competences. This makes it increasingly difficult for citizens to find their way to the right institution.³¹⁹

Unia also mentions in its annual report of 2021 (published in 2022) that it is worried about the creation of the Flemish Institute of Human Rights. It underlines the importance of having one organisation that maintains an overview across regions on the compliance with human rights. It moreover values the fact that it can make connections between different fields of inequality. The new institute will, in contrast with Unia, not have the competence to go to court alongside the individual victims of discrimination. No legal assistance is provided for victims of discrimination. A litigation chamber will be set up that can make non-binding decisions. However, no legal assistance is provided within the procedure before the litigation chamber. Unia is worried about the restrictions this will impose on the possibility of alleged victims of discrimination to go to court. Regarding Unia's revenues, the decision of the Flemish government to end the cooperation with Unia will mean that the organisation's

³¹⁷ Belgium, Flemish Parliament (2022), Concept of decree to empower the Flemish Government to cancel the cooperation agreement of 12 June 2013 between the federal government, the Regions and the Communities to found the inter-federal Centre for equal opportunities and combat against discrimination and racism in the form of a united institution as meant in article 92bis of the special law of 8 August 1980 ([Ontwerp van decreet tot machtiging aan de Vlaamse Regering om het samenwerkingsakkoord van 12 juni 2013 tussen de federale overheid, de Gewesten en de Gemeenschappen voor de oprichting van het interfederaal Centrum voor gelijke kansen en bestrijding van discriminatie en racisme onder de vorm van een gemeenschappelijke instelling zoals bedoeld in artikel 92bis van de bijzondere wet van 8 augustus 1980 op te zeggen](#)), 4 July 2022, 97 and 103.

³¹⁸ Belgium, Flemish Council of Wellbeing, Public Health and Family (*Vlaamse Raad WVG*) (2022), Advice: foundation of a Flemish Institute of Human Rights ([Advies: oprichting van een Vlaams Mensenrechteninstituut](#)), 1 February 2022, 8.

³¹⁹ Belgium, Flemish Advisory Council on Disability (*Vlaamse Adviesraad Handicap, noozo*) (2022), Advice on the Flemish Institute of Human Rights ([Advies over het Vlaams Mensenrechteninstituut](#)), 1 February 2022, 7-8; Belgium, Flemish Council of Wellbeing, Public Health and Family (*Vlaamse Raad WVG*) (2022), Advice: foundation of a Flemish Institute of Human Rights ([Advies: oprichting van een Vlaams Mensenrechteninstituut](#)), 1 February 2022, 5; Belgium, Flemish Parliament (2022), Concept of decree to empower the Flemish Government to cancel the cooperation agreement of 12 June 2013 between the federal government, the Regions and the Communities to found the inter-federal Centre for equal opportunities and combat against discrimination and racism in the form of a united institution as meant in article 92bis of the special law of 8 August 1980 ([Ontwerp van decreet tot machtiging aan de Vlaamse Regering om het samenwerkingsakkoord van 12 juni 2013 tussen de federale overheid, de Gewesten en de Gemeenschappen voor de oprichting van het interfederaal Centrum voor gelijke kansen en bestrijding van discriminatie en racisme onder de vorm van een gemeenschappelijke instelling zoals bedoeld in artikel 92bis van de bijzondere wet van 8 augustus 1980 op te zeggen](#)), 4 July 2022, 97-102.

revenue will decrease with some 900.000 euro per year. Moreover, Unia's personnel will not be transferred to the Flemish Institute of Human Rights. This means that a lot of expertise will be lost.³²⁰

The Decree of the Walloon government of 5 May 2022 created an Advisory Council for Persons with Disabilities.³²¹ This Council can give advice on concepts of decrees and regulations concerning people with disabilities. It may also carry out studies on topics related to disability which are relevant to the regional competences of the Walloon Region. The Council will be composed of 15 members, of whom at least 12 members are required to be representatives of associations representing persons with disabilities. The creation of the Council will contribute to the participation of persons with disabilities in decision-making, in accordance with the CRPD.³²² The Belgian Disability Forum is very happy with the creation of this council, which it calls an important step in the direction of executing the CRPD. It notes that after the creation of this council, the three Belgian regions and the federal government will each have their own advisory council. As the German Community has announced the creation of its advisory council, only an advisory council for the French Community will still be lacking in order to cover all Belgian competences with regard to persons with disabilities.³²³

In its yearly report on 2021, published in 2022, the federal ombudsperson again points to problems concerning the Directorate-General responsible for persons with disabilities. While the complaints about the directorate-general have decreased over time, from 370 in 2018 to 125 in 2021, the number of complaints remains high. The Directorate-General has a backlog in processing files and people complain about the fact that the service is not reachable and does not give sufficiently clear information. On a positive note, the average length of processing requests for allowances is 4,9 months, which is below the legal maximum of six months.³²⁴

³²⁰ Belgium, Interfederal Centre for Equal Opportunities (Unia) (2022), Yearly report 2021. A different world is possible ([Jaarverslag 2021. Een andere wereld is mogelijk](#)), June 2022, 75-77.

³²¹ Belgium, Walloon Parliament (2022), Decree of 5 May 2022 on the advisory Council for persons with disabilities (*Décret de 5 mai 2022 relatif au Conseil consultatif wallon des personnes en situation de handicap*), published in the Official Belgian Gazette on 27 May 2022.

³²² Belgium, Walloon Parliament (2022) Concept of decree on the advisory Council for persons with disabilities ([Projet de décret relatif au Conseil consultatif wallon des personnes en situation de handicap](#)), 1 April 2022, 3.

³²³ Belgium, Belgian Disability Forum (2022), The Walloon Region will have its advisory council on persons with disabilities ([Het Waalse Gewest krijgt zijn adviesraad voor personen met een handicap](#)), 10 May 2022 [last accessed 9 October 2022].

³²⁴ Belgium, Federal Ombudsman (2022), Yearly report 2021: Empathy, the key to a humane provision of services ([Jaarverslag 2021: Empathie, de sleutel tot een menselijke dienstverlening](#)), March 2022, 46-47 and 57.

In March, Unia published an advice concerning reintegration processes in labour settings. It was concerned about the fact that the procedure to help persons with long-term illnesses led to a number of complaints of problems and possible discrimination. Problems were that employees were not aware of their rights, the procedure was often abused for other purposes and the right to reasonable accommodation was not or hardly taken into account during the reintegration processes.³²⁵ A new Royal Decree was enacted on 11 September 2022 which made amendments to reintegration processes and took into account some of Unia's recommendations.³²⁶ More specifically, it recognises that for each person who is chronically ill an individual assessment is needed of whether they can be seen as a person with a disability. If this is the case, they have a right to reasonable accommodation. Employers cannot introduce a reintegration process without investigating whether reasonable accommodations are possible.³²⁷

In April, Unia published an advice concerning the proposal for legislative amendment of the law on income replacement allowances. The law has as its aim to introduce a requirement of five years residence in Belgium for a person with a disability to receive an income replacement allowance. In a joint advice by Unia, Myria and the Federal Institute for the Protection and Promotion of Human Rights, these organisations state that the residence requirement is in violation of article 28 of the CRPD, guaranteeing social protection to persons with disabilities. This provision moreover requires Belgium to take measures to safeguard and promote the enjoyment of this right.³²⁸

³²⁵ Belgium, Interfederal Centre for Equal Opportunities (Unia) (2022), Recommendations for an inclusive reintegration process ([Aanbevelingen voor een inclusief re-integratietraject](#)), 25 March 2022.

³²⁶ Belgium, Royal decree of 11 September 2022 to amend the codex on wellbeing at work concerning the reintegration process of employees who are not fit to work (*Koninklijk besluit tot wijziging van de codex over het welzijn op het werk wat het re-integratietraject voor arbeidsongeschikte werknemers betreft*), published in the Official Belgian Gazette on 20 September 2022.

³²⁷ Belgium, Interfederal Centre for Equal Opportunities (Unia) (2022), Good news for chronically ill persons to start working again ([Goed nieuws voor langdurige zieken om het werk te hernemen](#)), 3 October 2022 [last accessed 28 November 2022].

³²⁸ Belgium, Federal Centre on Migration (Myria), Interfederal Centre for Equal Opportunities (Unia) and Federal Institute for the protection and enhancement of Human Rights (FIRM/IFDH) (2022), Proposition of law amending the law of 27 February 1987 concerning the allowances of persons with a disability, with regard to the conditions of stay for the allowances substituting an income no. 1599. Advice of Myria, Unia and the FIRM ([Wetsvoorstel tot wijziging van de wet van 27 februari 1987 betreffende de tegemoetkomingen aan personen met een handicap, wat betreft de verblijfsvoorwaarden voor de inkomensvervangende tegemoetkomingen n° 1599. Advies van Myria, Unia en het FIRM](#)), 25 April 2022, 6.

In May, Unia drew attention to the fact that the federal government wants to invest in care for internees in prison and urged the government to instead rethink the accommodation of internees in the psychiatric departments of prisons. It is of the opinion that this accommodation is contrary to the goal of reintegration of persons with a mental illness and/or intellectual disability.³²⁹

In the Brussels Region, parking inspection happens through scan-cars. This technology does not allow for checking whether a European parking card for persons with disabilities is present in the car. Unia had been denouncing this practice and aided an applicant in challenging it before the courts. The Brussels court of first instance declared the use of scan-cars to be indirect discrimination on the basis of disability.³³⁰ Following this judgment, the Brussels Parliament introduced a new ordonnance on parking, which makes free parking for people with disabilities dependent on preregistration. Unia expressed concerns on this new ordonnance, as this introduces an extra hurdle for persons with disabilities. It moreover precludes any recourse to appeal. Unia is of the opinion that the new ordonnance deteriorates the rights of persons with a disability.³³¹

³²⁹ Belgium, Interfederal Centre for Equal Opportunities (Unia) (2022), More care for internees in prison? Rather take care of a different view on society ([Meer zorg voor geïnterneerden in de gevangenis? Zorg liever voor een andere maatschappijvisie](#)), 3 May 2022 [last accessed 9 October 2022].

³³⁰ Belgium, Interfederal Centre for Equal Opportunities (Unia) (2022), Control via scan-cars is discriminatory for persons with a disability ([Controle via scan-cars blijkt discriminerend voor personen met een handicap](#)), 13 May 2022 [last accessed 9 October 2022].

³³¹ Belgium, Interfederal Centre for Equal Opportunities (Unia) (2022), Unia worried about voted parking ordonnance in Brussels Parliament ([Unia bezorgd over gestemde parkeerordonnantie in Brussels Parlement](#)), 6 July 2022 [last accessed 9 October 2022].

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
Title (original language)	GrIS (Groupe d'Intervention Scolaire)
Title (EN)	School Intervention Group
Organisation (original language)	Fédération Wallonie-Bruxelles
Organisation (EN)	Brussels Wallonia Federation
Government / Civil society	Government
Funding body	Brussels Wallonia Federation
Reference (incl. URL, where available)	https://www.griswalloniebruxelles.com
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2012
Type of initiative	Awareness-raising

Main target group	Youth
Indicate level of implementation: Local/Regional/National	Regional
Brief description (max. 1000 chars)	GrIS Wallonia Brussels meets young people from French-speaking Belgium to demystify sexual orientations and gender identities in schools, youth centers, youth movements, etc. Thanks to the testimonials of hundreds of volunteers, GrIS meets more than 6,000 young people each year to answer their questions.
Highlight any element of the actions that is transferable (max. 500 chars)	Similar interventions can take place in Flemish speaking schools in Brussels as well as in other Member States, as long as there are enough volunteers speaking the local language.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	GrIS started 10 years ago and does not have an obvious end date as more children can benefit from it every year.
Give reasons why you consider the practice as having concrete measurable impact	GrIS's demystification interventions allow teachers and professionals in the youth sector to address, through trained volunteer workers, the theme of the diversity of sexual orientations and gender identities.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The intervention format is easily replicable, but it requires openness from teachers, educators and youth institutions to receive volunteers and have an open debate.

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>LGBTIQ rights organisations were involved in the creation of the initiative (see https://prisme-test.webflow.io/education-migration/gris), which is also supported by the Ministries of Youth, Education and Equal Opportunities of the Wallonia-Brussels Federation.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

<p>Thematic area</p>	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
<p>Title (original language)</p>	<p>Come Together Actieplan</p>
<p>Title (EN)</p>	<p>Come Together Action Plan</p>
<p>Organisation (original language)</p>	<p>Koninklijke Belgische Voetbalbond</p>
<p>Organisation (EN)</p>	<p>Royal Belgian Football Association</p>

Government / Civil society	Civil Society
Funding body	Royal Belgian Football Association
Reference (incl. URL, where available)	Come Together: nieuw actieplan discriminatie en racisme Royal Belgian FA (rbfa.be) / RBFA (2022), Action Plan Come Together ('Come Together Actieplan'), 2022, Meldpunt Royal Belgian FA (rbfa.be)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Early 2022
Type of initiative	With this plan, the RBFA aims to combat structural racism and discrimination in Belgian football by means of awareness raising, but also by imposing concrete sanctions on individual racism cases.
Main target group	Football players, supporters, and parents
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>Early 2022, the Royal Belgian Football Association launched the 'Come Together Action Plan'.³³² With this plan, the RBFA aims to combat structural racism and discrimination in Belgian football by means of awareness raising, but also by imposing concrete sanctions on individual racism cases.³³³ In light of the latter, the RBFA established a 'Football Court' (officially the 'National Chamber against Discrimination and Racism'). Victims of discrimination can file a complaint that will be dealt with by a judge and two independent experts, chosen from a diverse pool of experts (e.g.: the pool includes an expert from Unia and a policewoman).</p> <p>An additional disciplinary chamber will be established, solely focusing on the conduct of referees during matches.</p>

³³² RBFA (2022), Action Plan Come Together ('Come Together Actieplan'), 2022, [Meldpunt | Royal Belgian FA \(rbfa.be\)](#)

³³³ RBFA (2022), 'Come Together: New Action Plan Discrimination and Racism' ('Come Together: Nieuw actieplan discriminatie en racisme'), 2 March 2021, [Come Together: nieuw actieplan discriminatie en racisme | Royal Belgian FA \(rbfa.be\)](#)

Highlight any element of the actions that is transferable (max. 500 chars)	N/A
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Given the involvement of multidisciplinary experts, since it is an initiative of RBFA (main football bond in Belgium, hence not a local or small initiative), the applicability to incidents happening in amateur, youth, and professional football, as well as the positive reactions towards the initiative.
Give reasons why you consider the practice as having concrete measurable impact	Since its establishment, the Football Court already had to consider 100 complaints concerning racism and discrimination. ³³⁴ In 87 cases sanctions were imposed: 12 sanctions for cases deriving from incidents in professional football, 42 sanctions in amateur football, and another 33 in youth football. ³³⁵ The majority of sanctions were of an alternative nature, such as a guided tour in the Royal Museum for Central Africa ('Koninklijk Museum voor Midden-Afrika') or 'Kazerne Dossin' (a museum about the Holocaust and human rights), watching a documentary about racism, or following a course.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The entire plan, including the establishment of a 'football court' could very well be transferred to other Member states given the frequent accounts of racism in football on a large scale.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review	N/A

³³⁴ De Standaard (2022), '100 complaints concerning discrimination in football' ('100 meldingen van discriminatie in het voetbal'), 14 June 2022, [100 meldingen van discriminatie in het voetbal | De Standaard](#).

³³⁵ See for example National Chamber against Discrimination and Racism, *File 113/21-22*, season 2021-2022, 30 June 2022, [137.pdf \(kaagent.be\)](#)

assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	N/A

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
Title (original language)	Post-Mobiel-Wonen
Title (EN)	Post-mobile living (integration project)
Organisation (original language)	Stad Gent + Caritas Vlaanderen
Organisation (EN)	City of Ghent, co-implemented with Caritas Vlaanderen
Government / Civil society	Government & civil society
Funding body	City of Ghent
Reference (incl. URL, where available)	City of Ghent: https://stad.gent/nl/samenleven-welzijn-gezondheid/nieuws-evenementen/postmobiel-wonen-op-lubecksite-van-start-opvang-voor-108-bewoners Caritas Vlaanderen: https://caritasvlaanderen.be/nl/perspectief-wonen-lubecksite-gent
Indicate the start date of the promising practice and the finishing	2020-2023

date if it has ceased to exist	
Type of initiative	Housing project
Main target group	Roma families who lived in precarious encampments on the former 'Lübeck site' on the Afrikalaan in Ghent.
Indicate level of implementation: Local/Regional/National	Local (city)
Brief description (max. 1000 chars)	On 9 November 2020, the City of Ghent launched the three-year (2020-2023) integration project 'Post-mobile living' (<i>Post-Mobiel-Wonen</i>), co-implemented with Caritas Vlaanderen. This project aims to provide a temporary housing solution to Roma families who lived in precarious encampments. The new residential site has a capacity of 108 residents. Warsco Units was appointed to place 44 residential containers on the former 'Lübeck site' on the Afrikalaan in Ghent. According to a first evaluation of the project in 2021, half of the hosted children go to school and 47% of adults are working.
Highlight any element of the actions that is transferable (max. 500 chars)	N/A (to be assessed by the end of the project)
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	N/A (to be assessed by the end of the project)
Give reasons why you consider the practice as having concrete measurable impact	N/A (to be assessed by the end of the project)

Give reasons why you consider the practice as transferable to other settings and/or Member States?	N/A (to be assessed by the end of the project)
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	N/A

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.
Title (original language)	FARI (AI for the common good institute Brussels) <i>AI Strategy pilot project</i>
Title (EN)	

Organisation (original language)	FARI (AI for the common good institute Brussels and the Brussels Regional Informatics Centre (BRIC))
Organisation (EN)	
Government / Civil society	Gouvernement and civil society
Funding body	Brussels Region
Reference (incl. URL, where available)	https://www.fari.brussels/research-and-innovation/project/ai-strategy-for-the-brussels-region
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Septemebr 2022 - on going
Type of initiative	Study/pilot project
Main target group	Regional institutions/administration
Indicate level of implementation: Local/Regional/National	Regional - Brussels
Brief description (max. 1000 chars)	<p>This pilot project was launched to help the Brussels Region in co-creating a proposed concrete roadmap for AI development within its administrations. The goal of this AI Strategy pilot project is to transform the E-Administration approach towards a truly digital administration using data to provide new services to citizens and businesses, and to position the administration as a value creator. Together with the Brussels Government and its administrations, the pilot project will use the Objectives-Goals-Strategies-Measures (OGSM) framework to ultimately define an AI strategy that fits the region's needs, context, and overall direction.</p> <p>A series of field works, data collection, and workshops with all stakeholders have been conducted to validate initial research which involved a comprehensive benchmarking of AI Strategies implemented in other Belgian regions, as well as across EU and worldwide. Concretely, it covered varied visions, key topics included in their</p>

	<p>strategies, and examples of concrete applications. This initial study was then narrowed down to the analysis of documents related to governmental agreements and strategic plans of administrations responsible for core competences of Brussels.</p> <p>As an output, this Pilot project will provide a vision of AI for the Brussels Region in line with the current political agenda and an overall strategy with a focus on application areas of AI for the Brussels government and its administrations.</p> <p>The project is also expected to provide guidelines to the use and implementation of AI based on key capabilities required such is data, technical, operational, governance, and ethical aspects. Potential instruments and tools to foster AI development in Brussels may also be developed in the context of this project. The continued use of this tool will maximise prioritising of the initiatives that the region must focus on for long-term, sustainable administrative development using AI as a strategic approach.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The overall process is transferable. The objective is to define the Region's AI strategy based on actual data.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The AI Strategy Pilot is sustainable because it will be based on actual data reflecting the Region's needs. It is bottom up approach to setting the Region's AI strategy rather than a top down approach. Such a fact based approach is more likely to be realistic, respond better to citizen needs, and have long term effects.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The project is likely to have concrete measurable impact because its objective is to gather data and set AI objectives in relation to E-Administration, which is central to people's lives.</p>
<p>Give reasons why you consider the practice as transferable to other settings</p>	<p>This is a bottom up approach or fact based approach to policy setting around E-Administration, which is important in all EU Member States. This can be done in any country and would be especially useful where authorities are not able to identify the most pressing priorities.</p>

and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The project has conducted field works, data collection, and workshops with all stakeholders, to validate initial research which involved a comprehensive benchmarking of AI Strategies implemented in other Belgian regions, as well as across EU and worldwide.
Explain, if applicable, how the practice provides for review and assessment.	

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).
Title (original language)	Lokale gezinscoaches
Title (EN)	Local family coach
Organisation (original language)	Departement Welzijn, Volksgezondheid en Gezin
Organisation (EN)	Ministry of Welfare, Public Health and Family
Government / Civil society	Government
Funding body	Flemish Government
Reference (incl. URL, where available)	https://armoede.vlaanderen.be/projecten
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2020-2024
Type of initiative	Pilot project
Main target group	The most vulnerable families in poverty
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	Currently, a family in poverty is often helped by several partners, who often do not have an overview of the assistance the family receives. To counter this fragmentation, the Flemish government wants to support local administrations to realise, via the principle of local family coaches, tailor-made intensive assistance for

	<p>vulnerable families with children struggling with various problems. Proactive and outreach support helps families advance in all life domains so that more fundamental social rights can be realised.</p> <p>Family coaches are embedded in a (supra)local network, under the direction of local governments. Cooperation with partners such as youth assistance services, social housing, the House of the Child, education, youth work, welfare work, etc. is important in the elaboration of this concept. Supralocal cooperation is encouraged to realise the necessary working principles, collaboration and preconditions.</p> <p>In the Flemish Poverty Reduction Action Plan, the Flemish Government proposes to develop a framework for working with local family coaches to provide tools for local administrations that want to start working with them. 5 pilot projects have started.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>One person is connecting the questions and needs of a family in a vulnerable situation. Those questions and needs often involve several services and people. The fact that one person can act as a person of trust and a connecting person makes sure that the people involved have the service and support they need. The local family coach can also detect flaws in the system based on the stories of the families the person is supporting.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The local family coach is embedded in the local network, making sure that the work can be done sustainably. The role of the local family coach is clearly defined and aligned with other initiatives with similar aims. The process is phased and coordinated with the stakeholders.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Together with the family, the progress and support are evaluated regularly. Here, attention is paid to (the progress of) the realisation of fundamental rights in function of the desired objectives. The evaluation also includes the impact experienced by the families themselves. Based on this, the best way to continue the support is discussed.</p> <p>Besides the impact at the family level, the impact at the organisational and network levels is also mapped. In this way, assistance can be better tuned and adjusted to the needs of the target group.</p> <p>The experts accompanying the pilot projects will work on a tool to map the impact.</p>
<p>Give reasons why you consider the practice as transferable to other settings</p>	<p>Supporting families in poverty involves several services and people. The idea of working with one support person for the whole family can be transferred to other member states.</p>

and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	In the first phase (2020), a concept note was written and discussed with experts, the working field and the target group to create a supported framework. The second phase (2021-2023) results in setting up pilot projects. The pilot projects test the framework in practice. If necessary, the framework is adapted to the feedback from the practice and scientific research. In the third phase (2023-2024), the framework for local family coaches will be implemented in local authorities.
Explain, if applicable, how the practice provides for review and assessment.	In the first phase (2020), a concept note was written and discussed with experts, the working field and the target group in order to create a supported framework. The second phase (2021-2023) results in setting up pilot projects. The pilot projects test the framework in practice. If necessary, the framework is adapted to the feedback from the practice and scientific research. In the third phase (2023-2024), the framework for local family coaches will be implemented in local authorities to implement this further in local poverty reduction policies.

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).
Title (original language)	Databank kwaliteitsvolle praktijken
Title (EN)	Database for qualitative practices
Organisation (original language)	Vlaams Agentschap Opgroeien, EXPOO (Expertisecentrum Opvoeden en Opgroeien)
Organisation (EN)	The Flemish Agency 'Growing up', EXPOO (Expert Centre for Parenting and Growing Up)
Government / Civil society	Government
Funding body	Flemish Government

Reference (incl. URL, where available)	https://www.opgroeien.be/interventiedatabank
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Started May 2022, ongoing.
Type of initiative	Database
Main target group	Professionals working in youth and family policy
Indicate level of implementation: Local/Regional/National	Regional (Flanders and Brussels), but the practices can be local.
Brief description (max. 1000 chars)	The database is an initiative of The Flemish Agency 'Growing up'. EXPOO coordinates the development of the database and facilitates the process of learning together. The database gathers high-quality interventions and methods concerning children growing up. It aims to strengthen professionalisation in function of quality service and assistance tailored to children, youth and families. By exchanging with and learning from each other, collective knowledge is created, and methodological and scientifically grounded work is stimulated. The database aims at (1) sharing knowledge and insights, (2) stimulating methodological and scientifically based work, (3) stimulating collective knowledge accumulation and learning and (4) captivating signals for further research and knowledge building. The database has 10 good practices so far. In the first instance, the database focuses on youth delinquency. The ambition is, however, to develop further and share all good practices concerning children growing up in Flanders and Brussels. It aims to become a knowledge hub for all people making a difference for young people. A committee of scientific experts and practitioners works together to analyse and refine all submitted practice descriptions. This creates an exciting interaction between science and practice.
Highlight any element of the actions that is transferable (max. 500 chars)	The creation of a database with good practices is transferable. These good practices are not only shared but also analysed by a committee existing of experts. They identify the criteria that apply to 'good practices' in general and analyse the good practices that are handed in on the platform.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The database creates a platform where knowledge is gathered and shared. The knowledge is publicly accessible, which ensures that professionals working with children and youth have access to the knowledge. Professionals can apply these good practices in their work. Gathering knowledge in one place allows to spot the gaps in existing knowledge, and to efficiently invest in new research, policy or practices.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The database is a website, where data can be gathered from. The database is also a living instrument. The committee of the database reviews the submitted practices. They can measure how many practices are handed in, which practices are selected to be part of the database and why. For each practice submitted, a contact person is indicated. The agency can ask those contact persons how often they were contacted because of the database.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Each member state has good practices. These practices are often not widely known. By creating a scientifically sound database, it is possible to share knowledge in other settings and other member states.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The committee is composed of researchers and professionals from practice. They review the submitted practices in and decide on the useability of the practice for the database. They do not judge the practice itself, but rather decide on the criteria necessary for the database and whether or not the practice is meeting those criteria.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>/</p>

Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.
Title (original language)	Join The Fam
Title (EN)	Join The Fam
Organisation (original language)	N/A
Organisation (EN)	N/A
Government / Civil society	Brussels Capital Region Government – Brussels Regional Public Service equal.brussels
Funding body	Brussels Capital Region
Reference (incl. URL, where available)	https://www.jointhefam.brussels/en
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	21 November 2022 – 2 January 2023
Type of initiative	Sensibilisation campaign
Main target group	Witnesses of (sexual) harassment in public
Indicate level of implementation: Local/Regional/National	Regional (Brussels)
Brief description (max. 1000 chars)	This campaign against harassment targets for the first time not the perpetrators or the victims, but the witnesses of (sexual) harassment in public, which affects over 91% of girls and women in Brussels. The

	<p>campaign alludes to a sense of community against harassment, to make the streets and nightlife (feel) safer. Witnesses of harassment in public should apply the "5D method":</p> <ul style="list-style-type: none"> - Distract: The witness distracts to divert the attention of the aggressor, such as pretending to know the victim, making noise, pointing to something in the street, singing, asking for the time... - Document: Filming the harassment (without endangering oneself), as videos are admissible evidence if the victim files a complaint with the police. The campaign gives guidelines on filming: it is important to be able to identify the people on the video and to state aloud the date, time and place of the attack in order to make this evidence more concrete. However, publishing such videos online and on social networks without the consent of the people in the video can be considered as defamation, and may even constitute secondary victimisation for the victim. - Direct: This involves speaking directly to the aggressor in a strong, authoritative manner and asking them to stop. This may disconcert the aggressor and make them flee. - Delegate: In case of risk for oneself, intervening indirectly by seeking help from those present or contacts nearby such as authority figures (bus driver, security guard, bar manager, police officer,...). - Dialogue: When witnessing a situation of harassment and the aggressor has left, the witness should try to make sure that the victim is okay, and try to help her if she is not. <p>Interestingly, the campaign was developed online (videos available on Youtube in French, Dutch and English - https://www.youtube.com/@equalbrussels2901, social media posts in collaboration with influencers) and in paper (adds in and attached to local newspapers). It uses new supports such as stickers to place in streets, on phones or doorbells (see image here: https://image.adsoftheworld.com/j1qo3q0ibe8dl0mbmmnnggt2gsx9). The latter is considered as a 6th D for Doorbell, inviting Brussels inhabitants to place reflective stickers on their doorbells.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>All elements are transferable as it concerns a phenomenon that is common to many countries, and implies a mentality and habit shift rather than the implementation of specific actions or policies.</p> <p>Other cities have implemented similar raising awareness campaigns against street harassment.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The campaign tries to instill a mentality and practices to adopt when witnessing harassment and sexual violence. If awareness is raised correctly, these practices will stay.</p>

<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Although the campaign is still ongoing, and its effects are yet to be assessed, it may have a concrete impact. The campaign not only raises awareness on the issue of sexual harassment in the public opinion, but it also gives concrete tools to combat sexual harassment. Perpetrators of harassment will likely be discouraged if it becomes usual for by-standers to intervene and assist in collecting evidence.</p> <p>When presenting the campaign, Rudi Vervoort, the Minister-President of the Brussels region stressed that according to statistics, victims in public spaces are three times more likely to obtain the support of witnesses in cities that set up such awareness campaigns (newspaper La Libre Belgique, 3 December 2022)</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>All elements are transferable as it concerns a phenomenon that is common to many countries, and implies a mentality and habit shift rather than the implementation of specific actions or policies.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The campaign has several partners of intergovernmental (Institute for the Equality for Men and Women; Centres specialised in the reception of victims of sexual violence (CVPS)) and non-governmental bodies. The latter are for instance, representatives of Brussels' nightlife and hospitality sectors, who are directly concerned by the safety of their customers, or the Youth Forum.</p> <p>No information is available on their role in the design, planning, evaluation, review or assessment of the practice.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
Title (original language)	Kies Gelijke Kansen / À propos du Choix Égalité
Title (EN)	Choose Equal Opportunities
Organisation (original language)	Unia (Interfederaal Centrum voor Gelijke Kansen)
Organisation (EN)	Unia (Interfederal Centre for Equal opportunities)
Government / Civil society	CRPD monitoring body/Independent public institution
Funding body	While funding for Kies Gelijke Kansen is not specified, Unia is mainly funded by the Federal Authority (allocation from the state budget and subsidy from the National Lottery), the Regions and the Communities.
Reference (incl. URL, where available)	Kies Gelijke Kansen
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	It was created in March 2019 and still exists
Type of initiative	Online tool to promote choosing for equal opportunities in political decisionmaking at the local level
Main target group	Politicians

Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Choose Equal Opportunities is an online tool that contains good practices taken by municipalities that create equal opportunities for everyone. The recommendations are made at the municipal level and are based on existing practices. Everyone can add good practices and citizens can use the website to encourage municipalities to implement good practices. It moreover rates initiatives depending on their reach and its possibility of recurrence.
Highlight any element of the actions that is transferable (max. 500 chars)	All aspects.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The tool has existed since 2019 and has recently been updated with a new section on crisis and equality. With this platform Unia not only gives inspiration to politicians and citizens, but also highlights good practices of municipalities, thereby nudging others to do the same, so they can also appear by name on the platform.
Give reasons why you consider the practice as having concrete measurable impact	While the impact is hard to measure, the tool provides concrete examples of good practices that can often easily be implemented, moreover scoring these practices with regard to their reach and possibility of recurrence.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	A similar tool can be set up in other member states

Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	N/A

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	9 February 2022
Reference details	Trib.corr.Bxl., 9-02-2022 (Tribunal de Première Instance de Bruxelles, 45e chambre correctionnelle). Available at: (accessed 8 September 2022)
Key facts of the case (max. 500 chars)	In July 2018, a transgender person was violently attacked by two people in a park in Anderlecht (Brussels). The defendants had fixed an appointment with the victim the day before the facts via a dating site for homosexuals. The perpetrators, armed with a taser, assaulted the victim while filming the scene. On the video, it is possible to hear one of the defendants shouting "He's a faggot". Other videos were also be found on the phone of one of the defendants. In these videos, he is seen a few days after the events filming himself hitting his bed with a katana, saying he wants to "smash the zamels" (which designates homosexual people).
Main reasoning/argumentation (max. 500 chars)	Considering the facts of the case, the tribunal found that one of the motives for the attack was hatred, contempt or hostility towards a person, because of their sexual orientation.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	While no key issue was clarified by this case, Unia noted that to their knowledge, this is the second decision finding a hate crime against a transgender person. Unia mentions that research has already shown that transgender people, although also victims of this type of incident, often have more difficulty in taking steps with the authorities, in particular for fear of being mocked. See Unia, Tribunal correctionnel de Bruxelles, 9 février 2022 , 23 March 2022 (accessed 8 September 2022).
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Criminally, the first defendant was sentenced to 38 months in prison with a five-year suspended sentence (sursis) for two-thirds of the sentence and a fine of €800. The second defendant was sentenced to 300 hours of work and a fine of €800. At the same time, as a civil sentence, both defendants were ordered to pay €1,500 as compensation to the NGO (Rainbow House) assisting the victim in the proceedings and €11,000 to the victim themselves (€1,000 for material damages and €10,000 for non-pecuniary damages).

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Que le tribunal relève que le dossier répressif permet de déterminer que non seulement les faits ont été commis avec préméditation et avec un mobile de haine, en raison de l'orientation sexuelle de la personne, mais aussi que le prévenu E. I. se complait manifestement à visionner les vidéos qui ont été vues à l'audience par le tribunal, en présence des prévenus et de leurs conseils et du conseil des parties civiles, ainsi que du Ministère public, mais ne semble manifestement nullement prendre conscience de la gravité des faits qu'il admet néanmoins à présent avoir commis.”</p> <p>“That the court notes that the criminal record makes it possible to determine that not only were the facts committed with premeditation and with a motive of hatred, because of the sexual orientation of the victim, but also that the defendant E. I. clearly takes pleasure in watching the videos that were seen at the hearing by the court, in the presence of the defendants and their counsel and the counsel for the civil parties, as well as the Public Prosecutor, but clearly does not seem to be aware of the seriousness of the facts that he nevertheless now admits having committed.”</p> <p>Trib.corr.Bxl., 9-02-2022, page 3.</p>
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<p>Thematic area</p>	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.</p>
<p>Decision date</p>	<p>15 September 2022</p>
<p>Reference details</p>	<p>Court of Appeal Antwerp (HvB Antwerpen), 15 September 2022</p> <p>Available at: https://www.unia.be/files/Documenten/Rechtspraak/Hof_van_beroep_Antwerpen_15_september_2022.pdf.</p>
<p>Key facts of the case (max. 500 chars)</p>	<p>Between March 2019 and January 2020, V.N., a woman who was already well-known by the Coordination Unit for Threat Assessment (CUTA), repeatedly published hate memes on social media. Amongst others, the woman shared a video of the bloody attack in the mosque in Christchurch (NZ); a video of a jeep hitting coloured people by which she posted bellowing</p>

	<p>emoticons; a meme stating 'I support the warmest week³³⁶' on an image of a burning mosque; memes of a laughing Adolf Hitler captioned "Look at Europe now. Miss me yet?"; and a video of Hitler's speeches during which he calls to fight Jews. Furthermore, her internet profiles depicted various neo-Nazi symbols.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Court emphasised the unambiguous interpretation of the content, namely inciting hatred, racism and violence and stressed the woman's 'special intent' to incite hatred and violence. The woman's right to freedom of expression, freedom of thought, conscience and religion, nor the freedom of assembly and association did not outweigh the gravity of the facts.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The recognition of the power of online content in racist or discriminatory discours (The judgment marks the first conviction in Belgium for publishing hate memes online).</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The woman was sentenced to six months imprisonment suspended for a period of three years, a guided tour in the Memorial, Museum and Documentation Centre on the Holocaust and Human Rights Kazerne Dossin, and a fine of 400 EUR.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>"Het staat in de gegeven specifieke omstandigheden vast dat beklagde V. N. handelde met de bijzondere wil om aan te zetten tot haat of geweld. De opeenvolging en veelheid van de diverse door beklagde geposte berichten laten geen ruimte voor twijfel over haar intenties. De omschrijving van de tenlastelegging A, in samenhang gelezen met de elementen vervat in het strafdossier, laten er geen twijfel over bestaan dat beklagde met de door haar online geposte berichten aanzette tot haat en geweld tegen moslims, vreemdelingen, vluchtelingen en mensen met een andere huidskleur."</p> <p>"It is established in the specific circumstances that defendant V. N. acted with the particular intent to incite hatred or violence. The sequence and multiplicity of the various messages posted by defendant leave no room for doubt as to her intentions. The description of the indictment A, read in conjunction with the elements contained in the criminal file, leave no doubt that the defendant, with the messages she posted online, incited hatred and violence against Muslims, foreigners, refugees and people with a different skin color"</p> <p>(HvB Antwerpen, 15 September 2022, p.6)</p>

³³⁶ The warmest week is a solidarity initiative organised annually by Flemish media.

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	No case law has been identified for this thematic area.

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
Decision date	No case law has been identified for this thematic area.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
Decision date	6 May 2022
Reference details	Conseil d'état - 253.677
Key facts of the case (max. 500 chars)	VIVALIA, a public network of hospitals, started a public tender to find a contractor to process patient data of hospitals for statistical purposes. The contract was assigned to 3M, a US company that was already in the news for transferring data to the US and Russia without appropriate safeguards. On this basis, a third party, which also took part in the public procurement procedure, challenged VIVALIA's decision.
Main reasoning/argumentation	The Council of State suspended a decision to choose a US contractor in the context of a public procurement procedure on the ground that the public authority did not sufficiently examine whether the contractor was compliant with the requirements of the GDPR, in particular the

(max. 500 chars)	provisions on transfers and the further processing by another company, Smart Analytics, based in Russia.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Suspension of public authority decision.
Key quotation in original language and translated into English with reference details (max. 500 chars)	

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
Decision date	2 February 2022
Reference details	Litigation Chamber Decision on the merits 21/2022 of 2 February 2022, Case number: DOS-2019-01377 https://www.dataprotectionauthority.be/citizen/iab-europe-held-responsible-for-a-mechanism-that-infringes-the-gdpr
Key facts of the case (max. 500 chars)	On 2 February 2022, the Belgian Data Protection Authority found that the Transparency and Consent Framework (TCF) developed by IAB Europe fails to comply with a number of provisions of the GDPR. The TCF is a widespread mechanism that facilitates the management of users' preferences for online personalised advertising, and that plays a pivotal role in the so-called Real Time Bidding (RTB) system for online advertising space.

Main reasoning/argumentation (max. 500 chars)	<p>Contrary to IAB Europe’s claims, the Litigation Chamber of the BE DPA found that IAB Europe is acting as a data controller with respect to the registration of individual users’ consent signal, objections and preferences by means of a unique Transparency and Consent (TC) String, which is linked to an identifiable user. This means that IAB Europe can be held responsible for possible violations of the GDPR.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>the Litigation Chamber of the BE DPA decided to impose serious sanctions, particularly because the TCF may lead to a loss of control of their personal information by large groups of citizens. The Litigation Chamber therefore imposed an administrative fine of 250.000 EUR on IAB Europe. What’s more, it ordered the company to undertake a series of corrective measures aimed at bringing the current version of the TCF into compliance with the GDPR.</p> <p>These measures include (among others) :</p> <ul style="list-style-type: none"> - the establishment of a valid legal basis for the processing and dissemination of users' preferences within the context of the TCF, as well as the prohibition of the use of legitimate interest as a basis for the processing of personal data by organisations participating in the TCF; - the strict vetting of participating organisations in order to ensure that they meet the requirements of the GDPR. <p>The BE DPA gives IAB Europe two months to present an action plan to implement these corrective measures.</p> <p>The decision was appealed before the Market Court. Before ruling on the case, the Market Court decided to refer a series of preliminary questions to the Court of Justice of the European Union. The questions relate to the status of IAB Europe as a joint data controller and whether the TC String (a numerical character string translating user preferences) can be considered personal data. To this day, the CJEU has not answered these questions.</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“The processing of personal data (e.g. capturing user preferences) under the current version of the TCF is incompatible with the GDPR, due to an inherent breach of the principle of fairness and lawfulness. People are invited to give consent, whereas most of them don’t know that their profiles are being sold a great number of times a day in order to expose them to personalised ads. Although it concerns the TCF, and not the whole real time bidding system, our decision today will have a major impact on the protection of the personal data of internet users. Order must be restored in the TCF system so that users can regain control over their data”</p>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
Decision date	23 February 2022
Reference details	Cour des marchés - 2021/AR/657
Key facts of the case (max. 500 chars)	A preliminary ruling by the Court of Justice was asked for by the Belgian Court of Appeals (cour d'appel Bruxelles – section Cour des marches 19e chambre A – Chambre des marches) in a case between the Belgian State and a data subject, decided by the Belgian Data Protection Authority. Part of a decision containing personal data was published in an official journal by the Belgian government (Le Moniteur Belge). The Belgian Data Protection Authority had in its decision on the 21 March 2021 ordered the Belgian State (SPF Justice) to act according to the right to be erased for the data subject. On the 22 of April 2021 the Belgian State appealed to the Court of Markets against the Decision challenged, with a view to obtain the annulment of the decision.
Main reasoning/argumentation (max. 500 chars)	The court mainly discussed the meaning of the processor as well as its responsibilities (with regards to le Moniteur Belge). The Court was unsure of the position of le Moniteur Belge and therefore decided to request a preliminary ruling regarding the term processor (as it is meant in article 4.è) and 5.2 GDPR) by the court of Justice.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The questions were whether article 4, 7) must be interpreted as meaning that an Official Journal of a Member State – invested with the mission of public service for the publication and archiving of official documents, which, by virtue of the applicable national legislation, is responsible for publishing the official acts and documents whose publication is ordered to it by third-party public authorities, as communicated by these bodies after they have themselves processed personal data contained in these acts and documents, without being invested by the national legislator with a discretion as to the content of the documents to be published, and as to the purpose and means of publication, has the status of data controller? In case the answer is yes, Should article 5, 2. GDPR be interpreted as meaning that the official Journal in question must be solely responsible for compliance with the obligations weighing on the person responsible for the

	processing under this provision, to the exclusion of third-party public authorities having previously processed the data appearing in the official acts and documents of which they require publication, or are these obligations cumulatively based on each of the successive data controllers?
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	
Key quotation in original language and translated into English with reference details (max. 500 chars)	

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision for the related topics addressed in the chapter.
Decision date	9 June 2022
Reference details	Constitutional Court, Judgement nr. 76/2022 of the 9 th of June 2022, docket number 7404.
Key facts of the case (max. 500 chars)	The non-profit organisations "Ligue des droits humains " and "Association Syndicale des Magistrats" filed an appeal to annul two laws (2019) relating to the statute of limitations on serious sexual offences against minors. According to the applicants, the contested laws violate the principle of equality and non-discrimination (Articles 10 and 11 of the Constitution) and the right to a fair trial (Article 6 of the European Convention on Human Rights). They criticise the distinction between the absence of a limitation period for sexual offences on minors and the existence of a limitation period for sexual offences on adults or non-sexual offences.
Main reasoning/argumentation (max. 500 chars)	The Court stresses no general principle guaranteeing a limitation period for criminal proceedings is in place. The legislature may determine the repressive policy itself, including the limitation periods, provided that it does not adopt unreasonable measures. If the legislator makes a distinction in the limitation system of crimes, it may use a criterion other than the severity of the punishment. However, this criterion must be objective and pertinent. Furthermore, the rights of the person(s)

	<p>concerned must not be disproportionately restricted. The Court considers whether those conditions are met.</p> <p>The Constitutional Court dismissed the appeal. The absence of a limitation period relies on a double criterion: the sexual nature of the crime and the victim's minority. The Court holds that this dual criterion is objective and pertinent. The situation of minor victims of sexual crimes is unique in many ways. Because of their young age and the traumatising aspect of an attack on their sexual integrity, a considerable period may be necessary for them to become aware of the seriousness of the act(s) and also to denounce them. Finally, the Court found that the contested laws do not disproportionately affect the right to a fair trial.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The limitation period of certain sexual offences against minors by adults. The sexual offences are voyeurism, the attack of modesty and rape, grooming or cyber grooming, corruption of youth and prostitution, the manufacture and distribution of child pornographic material, GMF, child trafficking with the purpose of exploitation of prostitution or other forms of sexual exploitation.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The laws continue to apply and there is still no statute of limitations for sexual offences against minors.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>B.7 (pp. 14-15): "Er bestaat geen algemeen beginsel dat de verjaring van de strafvordering waarborgt. Onder voorbehoud dat hij geen maatregelen mag nemen die kennelijk onredelijk zijn, vermag de democratisch gekozen wetgever het repressief beleid zelf vast te stellen, beleid dat de beoordeling omvat van de ernst van een tekortkoming en de zwaarwichtigheid waarmee die tekortkoming kan worden bestraft, met inbegrip van de mogelijkheden tot individualisering van de straf en de daaraan verbonden gevolgen en vorderingen, maar tevens de vaststelling van de verschillende verjaringstermijnen naar gelang van het beschouwde misdrijf. De wetgever vermag zich ook streng op te stellen in aangelegenheden waarin de misdrijven de grondrechten van de burger en de belangen van de gemeenschap ernstig kunnen aantasten."</p> <p>"There is no general principle guaranteeing a limitation period of criminal proceedings. Provided that it may not take measures that are manifestly unreasonable, the democratically elected legislature is to determine the repressive policy itself, a policy that includes the assessment of the seriousness of a shortcoming and the gravity with which that shortcoming can be punished, including the possibilities of individualisation of the punishment and the related consequences and claims, but also the determination of the different limitation periods according to the offence under consideration. The legislator may also adopt a strict approach in matters where the crimes may seriously affect the fundamental rights of citizens and the interests of the community."</p>

	<p>B.9.1 (p. 15): "Gelet op de kwetsbaarheid van de categorie van de beoogde slachtoffers, zijn de nagestreefde doelstellingen, met name om die slachtoffers toegang te verlenen tot een rechter ondanks het verstrijken van de tijd, gewettigd." "Given the vulnerability of the category of targeted victims, the objectives pursued, in particular guaranteeing those victims access to a judge despite the statute of limitations on the case, are legitimate."</p> <p>B.10.2 (p.16): "Dat zwijgen is juist verbonden met de jonge leeftijd van de slachtoffers en met het traumatiserende aspect van een aantasting van hun seksuele integriteit. Bovendien zijn die situaties bijzonder, in zoverre de dader van het seksueel misdrijf op een minderjarige in het merendeel van de gevallen een afstammings- of gezagsverhouding ten opzichte van zijn slachtoffer heeft." "Such silence is precisely linked to the young age of the victims and the traumatising aspect of an assault on their sexual integrity. Moreover, those situations are particular, insofar as in the majority of cases the perpetrator of the sexual offence on a minor has a parental or custody relationship towards to his victim."</p> <p>B.10.6 (p. 17): "De onverjaarbaarheid van de in de bestreden wetten beoogde misdrijven vormt bijgevolg een relevante maatregel om het gerecht toe te laten die zaken te behandelen zonder te lijden onder een verjaringstermijn die, gelet op de bijzondere situatie van de slachtoffers en op de soms aanzienlijke termijn waarover zij moeten beschikken om zich bewust te zijn van de ernst van de feiten die zij hebben ondergaan en om die aan te klagen, zeer regelmatig wordt overschreden voor dergelijke feiten." "The absence of a limitation period of the offences targeted in the impugned laws constitutes consequently a relevant measure to allow the court to deal with those cases without suffering from a limitation period which, given the particular situation of the victims and the sometimes considerable period of time they must have to be aware of the seriousness of the acts they have suffered and to denounce them, is very regularly exceeded for such acts."</p>
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Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).
Decision date	10 February 2022

Reference details	Tribunal du travail Brabant wallon (division Nivelles) – Judgment 19/960/A – unpublished (available on Stradalex)
Key facts of the case (max. 500 chars)	<p>Ms. D., an employee, got a new manager in March 2016, with whom tensions arised quickly. The manager created a toxic working environment by adopting hostile behaviour against Ms. D, diminishing her competences and issuing negative feedback reports despite the fact she reached her targets.</p> <p>On 12 March 2019, Ms. D. introduced a request for intervention of the safety and prevention counsellor for harassment. Multiple witnesses confirmed with the counsellor that the manager had a misogynist attitude towards Ms. D specifically, but also that the company was male-dominated and not woman-friendly with a reigning sexist culture.</p> <p>On 21 March 2019, Ms. D was dismissed for economic motives. She filed a complaint with the Labour Tribunal and the Institute for the Equality of Women and Men decided to intervene.</p>
Main reasoning/argumentation (max. 500 chars)	The tribunal decided that Ms. D had been the victim of moral harassment based on gender, and that her dismissal was a retaliation for the introduction of an intervention request with the safety and prevention counsellor. The tribunal confirmed that those who introduce such complaints benefit from a protection against dismissal for 12 months. Finally, the Tribunal decided that the company did not take the appropriate measures to put an end to the manager’s behaviour.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	This case (for which the appeal period has expired) is worth highlighting. As pinpointed by the Director of the Institute for the Equality of Woemn and Men, it is exceedingly rare that tribunals have the opportunity to rule on these issues, due notably to the lack of evidence, and to recognise gender-based moral violence. Gender dimensions are usually relegated to the realm of sexual violence.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Ms. D has received a damages equivalent to six months of pay, having been dismissed unfairly.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>« <i>Le rapport du Conseiller en prévention, formulé au terme d'un travail de recueil d'informations, de témoignages et d'une analyse fouillée, constitue des éléments sérieux et concordants de nature à faire présumer le harcèlement moral subi par Mme ...</i></p> <p><i>En effet, l'ensemble des faits que ce rapport révèle, constitue un exercice anormal et abusif de l'autorité d'un responsable hiérarchique. Il en ressort en effet que M. ... a clairement manifesté de l'hostilité à l'égard de Mme ... parce que celle-ci remettait en cause son autoritarisme et le traitement de faveur qu'il accordait à une collègue, qu'il l'a mise sous pression en la contrôlant</i></p>

d'avantage que les autres collègues, en lui accordant moins d'autonomie, moins de soutien et d'intérêt pour son travail, et en discréditant et déconsidérant sa valeur professionnelle, avec la circonstance aggravante que ces conduites ont été motivées (peu importe que cela soit conscient ou inconscient) par un motif discriminatoire liée au « sexe » (ou « genre » dans son acception plus actuelle) parce qu'elle était une femme.

Ces comportements abusifs se sont répétés dans le temps, avec pour effet de porter atteinte à l'intégrité psychique de Mme ... à mettre en péril son emploi (elle a été en incapacité de travail et a été licenciée) et à lui faire subir un environnement de travail hostile. » (judgment, end of point 3)

English translation :

"The Prevention Advisor's report, formulated after collecting information, testimonies and an in-depth analysis, constitutes serious and concordant elements likely to lead to the presumption of moral harassment suffered by Ms.

Indeed, all of the facts that this report reveals constitute an abnormal and abusive exercise of the authority of a line manager. It shows that Mr. ... clearly showed hostility towards Mrs. ... because she questioned his authoritarianism and the preferential treatment he granted to a colleague, whom he put her under pressure by controlling her more than other colleagues, by giving her less autonomy, less support and interest in her work, and by discrediting and discrediting her professional value, with the aggravating circumstance that these behaviors have motivated (whether consciously or unconsciously) by a discriminatory motive related to "sex" (or "gender" in its more current sense) because she was a woman.

These abusive behaviors were repeated over time, with the effect of undermining Mrs. ...'s mental integrity, jeopardizing her job (she was unable to work and was dismissed) and subjecting her to an hostile work environment."

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	8 July 2022
Reference details	Cour du travail de Bruxelles (Labour court Brussels, second instance), https://www.unia.be/nl/rechtspraak-alternatieven/rechtspraak/arbeidshof-brussel-8-juli-2022
Key facts of the case (max. 500 chars)	The applicant is a Syrian national born on 8 november 2000 who has lost a leg during a bombing. She has been recognised as a political refugee in Belgium. She had the right to receive a higher child benefit until the age of 21 (instead of 18) because of her disability. She also received a subsistence allowance from the moment she turned 18, namely 8 November 2018. However, on 27 May 2019, the Public Centre for Social Welfare that the child benefit should be considered as an income and decides to deduct it from her subsistence allowance. In addition to receiving a lower allowance in the future, she needs to pay back the amounts she received that were too much over the past few months.
Main reasoning/argumentation (max. 500 chars)	The Labour Court holds that the royal decree in place creates a difference in treatment in violation of the principle of equality and non-discrimination of articles 10 and 11 of the Belgian Constitution. The law should be interpreted in such a way that applicant is able to receive her child benefit in addition to her subsistence allowance, a solution that is also imposed by the UN CRPD. As the provisions of the CRPD have direct effect in Belgium, the royal decree in place needs to be interpreted in accordance with them. Taking into consideration the supplementary allowances received due to disabilities to lower the subsistence allowance is not compatible with article 28, § 2 of the Convention, which obliges the member states to ensure access to social protection and assistance with disability-related expenses without discrimination on the basis of disability. However, taking into account the child benefit in calculating the subsistence allowance deprives persons with disabilities of effective access to this specific social protection. In addition, this practice constitutes an obstacle to the realisation of individual autonomy of persons with disabilities guaranteed by articles 3 and 19 of the Convention, which is even more striking in the current case as the child benefits could only be deducted from the subsistence allowance because she was living on autonomously and received the benefits in her own name. The only way to ensure the equality of persons with disabilities as guaranteed in article 5 CRPD is to declare the provision of the royal decree partially inapplicable insofar as it does not allow the applicant to

	receive her child benefit in addition to her subsistence allowance, without deducting the amount of the child benefit from the subsistence allowance.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Deducting the increased child benefit for persons with disabilities which is received by the person with a disability in their own name from the amount of the subsistence allowance, while this is not done when the child benefit is received by the parents, is an unjustified difference in treatment. The law should be interpreted in a way that is in accordance with the CRPD, meaning that the provision should be declared inapplicable in a specific case in order to be in accordance with the CRPD.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The judgment has no implications further than those in the handled case. However, by engaging with the CRPD in this way and not applying the provision of the royal decree because it violates the CRPD, it may send a message to the other courts that the CRPD should be taken into account in such instances and may prove a strong tool for protecting the rights of persons with disabilities.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>57. La prise en considération du supplément d'allocations lié au handicap, lorsque les allocations sont perçues par l'enfant bénéficiaire d'un revenu d'intégration, n'est pas compatible avec l'article 28, § 2 de la Convention, qui fait obligation aux Etats d'assurer aux personnes handicapées, sans discrimination fondée sur le handicap, l'accès à l'aide publique destinée à couvrir les frais liés au handicap.</p> <p>Cette prise en considération du supplément d'allocations lié au handicap crée en effet un obstacle à l'accès effectif à cette protection sociale spécifique : l'enfant handicapé qui perçoit son propre revenu d'intégration ne reçoit en définitive aucune protection sociale supplémentaire par rapport à un enfant non handicapé, le supplément d'allocations étant absorbé par le revenu d'intégration.</p> <p>Paragraph 57 of the judgment :</p> <p>The consideration of the supplementary allowance due to disability, when the allowance is received by the child benefitting from a subsistence allowance, is not compatible with article 28, § 2 of the Convention, which obliges states to ensure that persons with disabilities have access to assistance from the state destined for disability-related expenses without discrimination on the basis of disability.</p> <p>This consideration of the supplementary allowance due to disability in effect creates an obstacle to the effective access to this specific social protection: the child with a disability who receives its own subsistence allowance in effect does not receive any additional social protection compared to a non-disabled child, as the supplementary allowance due to disability is absorbed by the subsistence allowance.</p>