

Franet National Contribution to the Fundamental Rights Report 2022

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Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	The secretariat of the Federal Institute for the protection and promotion of Human Rights was engaged in February 2021 , allowing the institute to start its substantive groundwork.
EU Charter of Fundamental Rights	In 2021, 579 Flemish Court judgments and 655 French Court judgments referred to the EU Charter of Fundamental Rights. In one case, the Constitutional Court concluded that the ban on slaughter without stunning does restrict the right of groups to express their religious beliefs, however, finds that it meets a pressing societal need and pursues the legitimate aim of protecting animal welfare and is therefore proportionate.
Equality and non-discrimination	In November 2021, the national action plan of the fight against gender violence 2021-2025 was adopted, including specific measures to improve reception of LGBTI+ people in reception centres for asylum seekers and on centres for victims of sexual violence.
Racism, xenophobia & Roma integration	The federal Parliament set up a Special Commission in charge of research on Congo Free State and the Belgian colonial past in DR Congo, Rwanda and Burundi, its impact and the consequences to be given to it. On 17 September 2021, the Flemish Government decided to prolong the Roma stewards (Buurtstewards) project in Gent, Antwerp, Sint-Niklaas and Brussels (VGC) for another year (2022). The project, which started in 2012, receives annual subsidies from the Flemish Government that amount to 300,000 euros divided between the cities of Ghent, Sint-Niklaas, Antwerp and the Flemish Community Commission (VGC).
Asylum & migration	In 2021, 215 people had their international protection status revoked in Belgium.
Data protection and digital society	In 2021, Belgium enacted legislation to allow the use of a Covid-safe ticket (CST) in many sectors in the country. A bill is currently being discussed to guarantee transparency regarding the use of algorithms.
Rights of the child	While classes were suspended due to confinement measures, Flanders ensured that schools still received children who would be vulnerable in their homes (vulnerability was assessed by schools together with psychosocial medical centres and parents). This also applied in Brussels/Wallonia for children in specific social situations (such as those who were under the care of the State).
Access to justice, including	Discussions are ongoing relating to the proposal to reform the Code of Criminal Procedure to provide for the audiovisual recording of specific auditions. Currently, it is mandatory to record the interview of minors or

victims of crime	vulnerable adults, victims or witnesses of certain offences of sexual character, such as rape, prostitution of minor, etc. A proposal submitted in 2019 aims at expanding the recording of such auditions for all adults, victims or witnesses in such cases.
Convention on the Rights of Persons with Disability	The constitutional amendment of 17 March 2021 inserted article 22ter in the Belgian constitution, stating that every person with a disability has the right to full inclusion in society, including the right to reasonable accommodation.

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

On 21 May 2021, the UN Committee on the Elimination of Racial Discrimination (CERD) adopted its Concluding Observations on Belgium's combined twentieth to twenty-second periodic reports.¹ In its observations, the Committee called on Belgium to strengthen the mandate of the Federal Institute for the Protection and Promotion of Human Rights, created in 2019, so that the institution covers all human rights throughout the whole territory of Belgium and that it may receive individual complaints.

The CERD expressed concern over police racial profiling and police violence against members of persons belonging to ethnic minorities, migrants and asylum seekers. This concern was also expressed by the UN Committee Against Torture (CAT) in its concluding observations concerning the fourth periodic report of Belgium, adopted in July.² In its observations, the CAT expressed concern over information according to which police forces in Belgium target people belonging to minority groups for identity checks.

The CERD also expressed concern over racial hate crimes against people of Asian descent since the beginning of COVID 19; racial discrimination of people of African descent in the areas of employment, housing and education; and the situation of non-citizens, such as migrants, refugees, asylum seekers and stateless persons, including the risk of deportation that migrants in an irregular situation face when they exercise certain basic rights, such as the rights to education for minors, health care and housing, or when they report a crime to the police.

In April 2021, the Flemish Parliament adopted a resolution on violence and discrimination against LGBTI+ people calling on the government to focus more on raising awareness, developing hotlines and helplines, and making the welfare sector and education more inclusive.³

In June 2021, the Secretary of State for Gender Equality, Equal Opportunities and Diversity, Sarah Schlitz, inaugurated two apartment that will serve as refuge for

¹ Belgium, UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined twentieth to twenty-second periodic reports of Belgium](#), 21 May 2021 [Last accessed 28 September 2021].

² Belgium, UN Committee Against Torture, [Observations finales concernant le quatrième rapport périodique de la Belgique](#), July 2021 [Last accessed 28 September 2021].

³ Belgium, Flemish Parliament, [Voorstel van resolutie over geweld en discriminatie tegen lgbtqi+-personen](#), 30 April 2021 [last accessed 7 October 2021]

young members of the LGBTQI+ community.⁴ These 2 apartments are part of around 30 additional emergency accommodation places for LGBTQI + young people who have had to flee their families, who have been kicked out or who are threatened in reception centers for asylum seekers. They also inaugurate the EMWA project,⁵ the first Walloon solidarity network for accommodation and support for LGBTQI + people, which organises the reception of young people in transit apartments and facilitates their social integration.

In November 2021, the action plan of the fight against gender violence 2021-2025⁶ was adopted. The plan foresees the following measures addressing specifically the members of the LGBTQIA+ community: i) integrate the realities of LGBTQI + people into the training of professionals in the police, medical and psycho-social sectors and also encourage this integration within the judicial sector; ii) take into account the needs of LGBTQI + people who are victims of violence in reception centres, for example through the development of suitable and secure spaces and the involvement of associations with expertise and experience with this group; iii) improve the reception of victims within the sexual violence support centres with particular attention to people with disabilities, to people in migration situations (including women without a residence permit) and to LGBTQI + people; iv) ensure the safety of women and LGBTQI + people in and around Fedasil reception centres at all times, including in times of crisis. This aspect is also taken into account in the design and layout of the reception centre.

In its 2020 annual report,⁷ published in 2021, the institute for the equality of women and men mentioned that 11% of the complaints received by the institute in 2020 related to transgender persons. In this regard, the institute noted that it received several reports of transgender and intersex refugees. Two people reported that they were unable to register their correct gender identity and common first name during the asylum procedure. Another said she did not have access to hormonal treatment as part of a transition while awaiting deportation.

Unia, in its statistics report 2020,⁸ published in 2021, reported that in 2020 it opened 109 new cases on discrimination due to sexual orientation, 24 less than in 2019. These cases referred to events that took place mainly in the areas of social

⁴ Belgium, Sarah Schlitz, [Inauguration de nouvelles places de Refuge LGBTQI+ à Verviers](#), 11 June 2021. See also arc-en-ciel Wallonie, [Communiqué de Presse : création en Wallonie de safe places, les Espaces 17 mai](#). [last accessed 7 October 2021]

⁵ Belgium, see <https://www.arcenciel-wallonie.be/emwa>

⁶ Belgium, National action plan to combat gender-based violence 2021-2025 - strategic axes and key measures ([Plan d'action national de lutte contre les violences basées sur le genre 2021-2025 - axes stratégiques et mesures clés](#)). See also Sarah Schlitz, The National Action Plan to Combat Gender-Based Violence 2021-2025 was adopted this Friday, November 26, 2021! ([Le Plan d'Action Nationale de Lutte contre les violences basées sur le genre 2021-2025 a été adopté ce vendredi 26 novembre 2021 !](#)), 27 November 2021 [last accessed 29 November 2021]

⁷ Belgium, institute for the equality of women and men, [Rapport d'Activités 2020](#), 2021 [last accessed 7 October 2021]

⁸ Belgium, Unia, [Rapport chiffres 2020](#), 2021 [last accessed 7 October 2021]

life (28.4%), employment (24%) and the media (22%). The majority of cases (64.4% in 2020, against 81.2% in 2019) came from men, although Unia reports that more and more women are reporting discrimination based on their sexual orientation.

In May 2021, it was published in the media that there were 414 requests for identity change in 2020.⁹ The number of requests peaked in 2017 (742 request) after the so-called transgender law was enacted and stabilised between 400 and 500 yearly afterwards.

In early 2021, a 42-year-old gay man was murdered in a park in Belgium where he was supposed to encounter someone he met on a dating app. It is believed that the crime had homophobic reasons.¹⁰ In view of this violent crime, the Wallonian federation of LGBTI associations called on victims to denounce acts of violence against members of the LGBTI community to Unia.¹¹

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

In 2021, the final report of the UN-MENAMAIS (Understanding the Mechanisms, Nature, Magnitude and Impact of Sexual Violence in Belgium) project was published.¹² The project was part of the BRAIN-be (Belgian Research Action through Interdisciplinary Networks) research programme, funded by BELSPO (Belgium's Federal Public Planning Service Science Policy). According to the report, the project was based on "a mixed methods methodology that combined a literature review of the extant empirical research on sexual violence (SV) victimisation and perpetration (WP1) with a large scale nationally representative quantitative self-report study on SV victimisation and perpetration (WP2.1), face-to-face questionnaires with vulnerable people (WP2.2) and a quantitative study of healthcare professionals (WP2.3), follow-up in-depth interviews among a purposive sample of SV victims (WP3.1) and focus groups with professionals on

⁹ Belgium, RTBF info, En 2020, [414 personnes ont changé d'identité de genre en Belgique, principalement en Flandre](#), 3 May 2021 [last accessed 7 October 2021]

¹⁰ Belgium, CNN, [He was lured to his death in a secluded park. In a pandemic, dating can be deadly for LGBTQ+ people](#), 4 April 2021. See also RTBF info, [Beveren : les réactions d'indignation se multiplient après la mort d'un homme probablement victime d'une agression homophobe](#), 8 March 2021. [last accessed 7 October 2021]

¹¹ Belgium, arc-en-ciel Wallonie, [Victime de LGBphobie ? Unia est là pour vous aider](#). [last accessed 7 October 2021]

¹² Belgium, Keygnaert I - De Schrijver L - Cismaru Inescu A - Schapansky E - Nobels A - Hahaut B - Stappers C - Debauw Z - Lemonne A - Renard B - Weewauters M - Nisen L - Vander Beken T - Vandeviver C. [Understanding the Mechanisms, Nature, Magnitude and Impact of Sexual Violence in Belgium. Final Report](#). Brussels : Belgian Science Policy 2021 [last accessed 1 October 2021]

SAS [Sexual Aggression Set] (WP3.2) and a seminar with a Café Dialogue set of rotating focus groups with professionals and SV victims on policy recommendations (WP4). A multidisciplinary and (inter)national expert follow-up committee assured the quality of the study.”¹³

In total, 2115 persons completed the project’s survey and 129 interviews with victims of sexual violence were conducted (124 of which were included in the analysis).¹⁴ Based on this data collection, the final report presented the following findings:

- Overall, 64.1% of Belgian residents between 16 and 69 years experienced some form of sexual victimisation during their lifetimes;¹⁵
- Two in five women and one in five men indicated to have been subjected to hands-on sexual violence (with physical contact between the assailant and the victim) with 5% of men and 16% of women indicating to have been raped;¹⁶
- 80% of LGBTQIA+ persons were exposed to any type of sexual violence; 79% experienced hands-off sexual violence (e.g. sexual harassment, forms without physical contact between the assailant and the victim) and 42% hands-on sexual violence, of which 24% concerned (attempt to) rape. Moreover, 68% of LGBTQIA+ persons were exposed to sexual violence in the past 12-months.¹⁷

In 2021, Unia published the final report of the “Improving equality data collection in Belgium” project.¹⁸ According to the report, there is no concertation or central actor coordinating equality data in Belgium, which means efforts concerning equality data are dispersed and based on ad hoc initiatives that lack the strategic character that would allow them to be useful in structural and political actions. In view of this, the project was presented as a first step towards a coordinated strategy for the collection and use of data relating to equality in Belgium. In this regard, the project resulted in the creation of a datahub,¹⁹ a database containing Belgian data on three groups of discrimination criteria: 'racial' criteria; religious or philosophical beliefs; and sexual orientation, gender identity, gender expression and sex characteristics.

According to the report, these three groups were selected for being “protected” criteria in anti-discrimination laws. However, to correspond to the reality of the

¹³ Ibid., p. 9

¹⁴ Ibid., pp. 33-34.

¹⁵ Ibid., p. 34

¹⁶ Ibid., p. 93

¹⁷ Ibid., p. 94

¹⁸ Belgium, Unia, [Rapport final: Improving equality data collection in Belgium](#), 2021 [last accessed 28 September 2021].

¹⁹ Belgium, Unia, [Data hub Equality Data](#) [last accessed 28 September 2021]

data sources in the country, there was a need to group certain criteria in the final selection. With the groups defined, the data to be included in the hub were defined according to the following requirements: data sources must have been published between 2010 and 2020; the data must be publicly accessible; data must be in the form of surveys, censuses, administrative data, complaints, situation tests, diversity monitoring and qualitative research. Finally, to collect the data, the project adopted a participatory approach, gathering data through crowdsourcing by resorting to advisory group meetings, surveys, and expert interviews.

At the end, the report presents recommendations based on the data inventory, its analysis and the collection of information through crowdsourcing. Recommendations include, among others, filling the gaps that exist in equality data, which relate to the content and type of data as well as to the quality and analyses of such data. Regarding LGBTI people, the report notes that there is a need for more data on whole spectrum of sexual orientation; more data and research on the criteria of sex characteristics and more specifically data on discrimination and inequalities towards intersex; as well as more data on the criteria of gender identity and gender expression in the general population as well as discrimination and inequalities vis-à-vis transgender people.

The report on Belgium, prepared by Çavaria, for the EU funded Diversity and Childhood project was published.²⁰ The report was based on interviews with people from Flanders done in the context of the project. It mentioned that on a legislative level, Belgium has been a frontrunner within Europe regarding LGBTI issues and that attitudes towards LGBTI people in Belgium have also been better than in most other European countries. It noted, however, that the research showed that genderbinarism is still prevalent within society at large, within families and the professional world. For instance, one in five respondents responded that they see gender as a male-female binary. One in three does not think gender is a social construct. The report also mentioned that the experiences of interviewed stakeholders and survey respondents were in line with other research on LGBTI-phobic attitudes and behaviors, showing that, while open and hostile forms of discrimination and violence are widely condemned in Belgian society, less overt forms of discrimination and violence persist.

In October 2021, Unia published information on the average time it takes graduates to find employment after graduation in Belgium.²¹ According to the table presented by the organisation, EU nationals (especially those from Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia,

²⁰ Belgium, Diversity and Childhood, [National analysis on violence against LGBTI+ children – BELGIUM](#) [last accessed 7 October 2021]

²¹ Belgium, Unia, Despite a higher education diploma, young people of foreign origin remain at a disadvantage in the labor market ([Malgré un diplôme de l'enseignement supérieur, les jeunes d'origine étrangère restent désavantagés sur le marché du travail](#)), 27 October 2021 [last accessed 29 November 2021]

Bulgaria, Romania and Croatia) take longer to find employment than Belgian citizens in Belgium.

Chapter 2. Racism, xenophobia and related intolerance²²

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

No less than 40 countries commented on the need to tackle racism and xenophobia in Belgium's Universal Periodic Review by the United Nations Human Rights Council of May 2021.²³ For example, the Democratic Republic of the Congo urged Belgian political leaders not to use racism and xenophobia in the exercise of their functions. China asked to combat discrimination and hate crimes against 'Asian' people and people of 'Asian' descent and other minorities.²⁴ Indonesia requested to investigate incidents including those experienced by the 'Asian' community in relation to the COVID-19 pandemic. More hate crimes have been reported since the beginning of the COVID-19 pandemic, targeting in particular people of perceived 'Asian' origin.²⁵ For example, in June 2020, a Belgian customer told another Belgian customer of Chinese descent that she was 'not Belgian' and 'had to go back to her country'.²⁶ The Movement Against Racism and Xenophobia (MRAX) pointed out the many facets of anti-Asian racism and prejudice in an interview in the series 'There is not just one form of discrimination'. In this interview, a Belgian woman of Japanese descent recalls many racist incidents during her life. MRAX supports the League Against Asiaphobia (Ligue Contre l'Asiaphobie (LCA)) in the French-speaking part of Belgium which was founded at the beginning of 2021.²⁷ The LCA was originally only a French organisation.²⁸

²² The authors of this chapter – Aleydis Nissen and Rik Raedschelders – wish to thank Mohamed Barrie, Heidi Mertens, Raf Njotea, Pieter-Paul Verhaeghe, Evodia Uggi and Emilie Van den Broeck for their input. The authors are solely responsible for any mistakes.

²³ Belgium, United Nations (UN) Human Rights Council (2021), *Report of the Working Group on the Universal Periodic Review, A/HRC/48/8*, 14 July 2021.

²⁴ Belgium, The concept 'Asian' is often considered to be overly generic because it mashes together more than half of the world population, ignoring varying contexts and cultures.

²⁵ Belgium, UN Committee on the Elimination of Racial Discrimination (CERD) (2021), *Concluding Observations on the Combined Twentieth to Twenty-Second Periodic Reports of Belgium, CERD/C/BEL/CO/20-22*, 21 May 2021, para. 18. The first COVID-19 casualties were reported from Wuhan (China) on 31 December 2019.

²⁶ Belgium, Court of First Instance of Leuven, Chamber 1A (Rechtbank van 1e Aanleg, Leuven, Chambre 1A) (2020), [25 October 2021](#).

²⁷ Belgium, Wolwertz, A. (2021), [Mobiliser la communauté Asiatique pour les sinistrés](#), *L'avenir.net*, 21 August 2021.

²⁸ Belgium, Their website can be found on [Asia 2.0](#).

At the beginning of this chapter, it is necessary to emphasise the importance of considering racism and xenophobia through an intersectional lens. Kimberlé Crenshaw famously wrote that the discrimination of women of colour is 'greater than the sum of racism and sexism' when she coined the concept 'intersectionality'.²⁹ More generally, it is important to challenge unidimensional conceptualisations and stress that people who are targets of racism or xenophobia in Belgium are not a homogenous group. Targets can experience multiple burdens due to interlocking modes of power including gender, age, sexuality, and religion.³⁰

A new Data Hub Equality Data has been created between June 2020 and September 2021.³¹ This mapping project has been coordinated by Unia, Belgium's National Human Rights Institution with B-status under the Paris Principles, and the federal government's 'Equal opportunities' team.³² This project is a part of the European Commission's 'Rights, Equality and Citizenship' Programme. This project strengthens the collection and use of equality data in Belgium and provides a centralised platform to improve accessibility and transparency. In so doing, it aims to promote the effective implementation of the principle of non-discrimination in Belgium. Public institutions and civil society have provided input and are also the target audience of the Data Hub Equality Data. The final report of this mapping project finds that there is a lack of data on so-called 'racial' criteria.³³ The process is not finished. Any request for additions can be communicated to Unia via a web form. The Hub allows searches of data sources in French and Dutch according to the ground of discrimination (including 'skin colour' and so-called 'racial criteria'), the domain (including 'work' and 'media'), the community or region, year, type of data (including 'complaints' and 'survey'). It is also possible to filter data that contain hate crime/speech and reports that 'explicitly refer to experiences with discrimination'.

The Data Hub Equality Data refers to various manifestations and incidents of racism and xenophobia that occurred in Belgium in 2021. It is useful to refer to three reports here.³⁴ First, in the yearly external audit report of the Flemish mental health ombuds service, an ombudsperson of a hospital in Antwerp reported an 'alarming' rise in complaints on racist conduct on account of healthcare workers.³⁵

²⁹ Belgium, Crenshaw, M. (1989), 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist politics', *The University of Chicago Legal Forum*, Vol. 1989, No. 1, p. 140.

³⁰ Belgium, The largest proportion of racist hate crimes in Belgium are ethno-religious in nature. (See CERD (n 25) para. 17).

³¹ Belgium, Unia (2020-2021), '[Données sur l'\(in\)égalité et la discrimination en Belgique](#)'.

³² Belgium, Equal.be, [Improving Equality Data Collection in Belgium](#).

³³ Belgium, Unia (2021), [Improving Equality Data Collection in Belgium](#), Brussels, June 2021, available at: [https://equal.belgium.be/sites/default/files/Rapport_IEDCB - NL_1006.pdf](https://equal.belgium.be/sites/default/files/Rapport_IEDCB_-_NL_1006.pdf).

³⁴ Belgium, Other relevant reports will be discussed below.

³⁵ Belgium, Vlaamse Ombudsdienst (2021), *Bemiddelingsboek Ombudsfunctie in Ziekenhuizen en Geestelijke Gezondheidszorg*, 9 March 2021, p. 716, available at: <https://publicaties.vlaanderen.be/view-file/41356>.

Such conduct manifests itself, amongst others, in generalisations and biases concerning the supposed religious and cultural customs of people coming from a certain area, such as Northern Africa. The report fails to report on racist and xenophobic abuse on account of patients. Moreover, there are few reliable figures on access to health care on the basis of so-called 'racial' criteria.³⁶ Second, according to a new study on discrimination in youth football associations, players of colour and overweight players are frequently targeted.³⁷ 37% of young male players reported having fallen victim to some form of discrimination. Among young female players, this percentage rose to 50%. Two-thirds of the parents of players stated having been witness to some form of discrimination during the previous two football seasons. Nevertheless, the study concluded that the number of reported incidents of discrimination had diminished since 2005. Third, we have requested Unia to add a report on transnational adoptions that was published in August 2021.³⁸ After the suspension of such adoptions in the Netherlands,³⁹ Wouter Beke, the Flemish Minister who is competent for Family Units ('Gezin'), asked an expert panel to give advice. Amongst others, the panel advised paying more attention to 'racism, identity and discrimination', and 'the impact of abuse' during the screening and preparation of the future parents. The panel suggested that the 'ancestry centrum' ('afstammingscentrum') - a new knowledge hub of Foster Care Flanders ('Pleegzorg Vlaanderen') - can play an important role in these matters.⁴⁰

Particularly worrisome is racism and xenophobia that is promoted by state institutions. State policies, laws and practices may appear to be neutral, but - in reality - they often empower some people to disempower others. For example, crimes are defined according to the views and interests of dominant groups 'to disadvantage less powerful groups such as women, people of color, and the poor'.⁴¹ The Belgian law does not ensure that racist and xenophobic motivations are taken into account by national courts as an aggravating factor for all crime committed, therefore failing to ensure hate crimes are effectively and adequately prosecuted.⁴² The European Commission also started an infringement decision in February 2021 because Belgium does not adequately transpose the EU rules on combating racism and xenophobia by means of criminal law. Similarly, during its

³⁶ Belgium, Equal.be, [Improving Equality Data Collection in Belgium](#).

³⁷ Belgium, Royal Belgian Football Association (RBFA), '[Wetenschappelijk onderzoek naar discriminatie in het jeugdvoetbal](#)', press release, 22 March 2021; Scheerder, J., Huyghe, E. and Corthouts, J. (2021), '[Mixed-Methods onderzoek naar discriminatie in het Belgische jeugdvoetbal \(deel 5\), Synthese en beleidsaanbevelingen](#)' KU Leuven, PowerPoint presentation.

³⁸ Belgium, Expertpanel inzake Interlandelijke Adoptie (2021), *Eindrapport*, 14 August 2021, available at: www.opgroeien.be/sites/default/files/documents/expertenpanel-interlandelijke-adoptie-eindrapport-met-aanbevelingen.pdf.

³⁹ Belgium, Rijksoverheid Nederland (2021), [Adoptie van buitenlandse kinderen opgeschort](#).

⁴⁰ Belgium, Afstammingscentrum (2021), [Wie zijn we?](#)

⁴¹ Belgium, Pemberton, S. (2016), 'Prison' in Disch, L. and Hawkesworth, M. (eds.), *The Oxford Handbook of Feminist Theory*, Oxford, Oxford University Press, p. 722.

⁴² Belgium, European Commission (2021), [February Infringement Package: Key Decisions](#).

'constructive dialogue' with Belgium in 2021, the United Nations Committee on the Elimination of Racial Discrimination (CERD) referred, for example, to the overrepresentation of non-Belgians in prison, and the lack of reliable data on the national or ethnic origins and the rate and length of imprisonment.⁴³ The CERD also questioned the inconsistent and costly procedures that people in irregular situations must follow in order to obtain emergency health care.⁴⁴ However, according to a new report by Unia and the Belgian Federal Migration Centre Myria the structural dimension of racial discrimination is 'not yet sufficiently recognised'.⁴⁵ Moreover, it is 'a central issue met with significant resistance' by Belgium.⁴⁶

Institutional racism often remains invisible because it is not sufficiently measured. Up-to-date data are important to prove that 'state practices of racialization produces observable and widespread inequities' in, amongst others, income, representation in justice institutions and life expectancy.⁴⁷ In its 2021 Concluding Observations, the CERD extensively referred to Belgium's lack of data collection. Most notably, the CERD concluded that Belgium should 'endeavour to develop tools that will allow it to have an overall view of the composition of its population'.⁴⁸ The CERD also noted that the existing registering system of hate crimes and hate speech does not allow for distinguishing them or identifying specific cases of ethno-religious hatred, such as antisemitism, Islamophobia, anti-Gypsyism, Afrophobia or anti-Asian hatred.⁴⁹ In January 2021, the Belgian statistical office Statbel announced that it would start publishing new statistics on the origin of the Belgian population.⁵⁰ Statbel said that 19.7% of the Belgian population has at least one parent of non-Belgian nationality and 12.4% of the population does not have the Belgian nationality. Looking at non-EU and non-British nationalities, Morocco and Turkey are the most common countries of origin. Statbel did not release specific information on the number of people of 'Asian'

⁴³ Belgium, UN Committee on the Elimination of Racial Discrimination (CERD) (2021), *Concluding Observations on the Combined Twentieth to Twenty-Second Periodic Reports of Belgium*, CERD/C/BEL/CO/20-22, 21 May 2021, para. 26a.

⁴⁴ Id. para. 26d.

⁴⁵ Belgium, Unia and Myria (2021), *Parallel rapport voor de 20ste tot 22ste periodieke evaluatie van België*, Unia/Myria, Brussels, available at: <https://www.unia.be/nl/publicaties-statistieken/publicaties/comite-tegen-rassendiscriminatie-van-de-verenigde-naties-parallel-rapport-2021> para. 7.

⁴⁶ Id. See also Belgium, The NGO Human Rights Ligue ('Liga voor de Rechten van de Mens') wrote in an op-ed that racism in the police forces is reduced to an 'image problem'. (Belgium, Liga voor de Rechten van de Mens (2021), 'Racisme bij politie geen imago probleem, maar een mensenrechtenprobleem', *Apache*, 12 February 2021.)

⁴⁷ Belgium, Isoke, Z. (2016), 'Race and Racialisation' in Disch, L. and Hawkesworth, M. (eds.), *The Oxford Handbook of Feminist Theory*, Oxford, Oxford University Press, p. 367.

⁴⁸ Belgium, UN Committee on the Elimination of Racial Discrimination (CERD) (2021), *Concluding Observations on the Combined Twentieth to Twenty-Second Periodic Reports of Belgium*, CERD/C/BEL/CO/20-22, 21 May 2021, paras. 5-6.

⁴⁹ Id. para. 17

⁵⁰ Belgium, Statbel (2021), Nieuwe statistiek over diversiteit naar herkomst in België, 13 January 2021.

descent. In education, official figures from Statistics Flanders ('Statistiek Vlaanderen') show that between 22 and 29% of the Flemish youth in school do not speak Dutch at home.⁵¹ In Brussels, these figures amount to between 72 and 76% of the children that attend Flemish schools.

The Secretary of State in Brussels ordered an audit study from Moore Business Consulting concerning the Firefighting and Emergency Medical Assistance Service ('SIAMU' / 'DBDMH').⁵² On the basis of 45 in-depth interviews and 479 surveys, this audit found - in May 2021 - that firefighters in Brussels engaged in racist and sexist behaviour. Afterwards, Unia published a report with various anonymous statements of firefighters based on this audit. This report described that firefighters, especially those of North-African descent, frequently faced racist, sexist and Islamophobic violence, both physical and verbal, from their colleagues.⁵³ For example, some firefighters posted racist and Islamophobic messages on social media. Female firefighters of colour are particularly at risk. Two out of three female firefighters stated having faced displays of sexism, often in the form of sexist remarks or jokes by male colleagues. The Unia report contains many other examples of racist behaviour and comments by firefighters, directed toward colleagues but also the general population. In an incident reported by media outlets, a firefighter threw a banana at a patient of African descent in a hospital, shouting racist slurs. Unia found that the reaction of the trade unions towards complaints on racism was 'passive' and that the hierarchical superiors of the firefighters failed to act sufficiently when confronted with complaints on racism. This led to a general feeling among the survivors that it was useless and even counterproductive to file a complaint. One statement was 'if you dare to open your mouth, they'll make life miserable'.⁵⁴ Unia stated that it was imperative for SIAMU to implement a diversity policy and a new code of conduct, to adapt the recruitment process and to sanction those members of staff who violate the non-discrimination principle. In an official reply, SIAMU reacted in great detail to the factual elements in the Unia report.⁵⁵ According to this reply, the hierarchical structure of SIAMU and developments in the last ten to fifteen years could 'contextualise' the racist incidents from a historic perspective. However, SIAMU alleged that exclusion mechanisms were not 'inherent' to its policies and its official hierarchy. SIAMU also claimed that many complaints in the Unia report were out

⁵¹ Belgium, Statistiek Vlaanderen (2021), Leerlingenkenmerken. Unfortunately, we were not able to localize the report on the French-speaking community in Belgium to which the Data Hub Equality Data refers.

⁵² Belgium, Christiaens, E. (2021), 'Brusselse brandweer doorgelicht: audit legt racisme en seksisme bloot', Bruzz, 4 May 2021

⁵³ Belgium, Unia (2021), *DBDMH, Samenvatting van de getuigenissen*, Unia, June 2021, available at: www.unia.be/nl/publicaties-statistieken/publicaties/racisme-bij-de-brusselse-brandweer-samenvatting-van-getuigenissen-2021.

⁵⁴ Id. p.12

⁵⁵ Belgium, Service d'Incendie et d'Aide Médicale Urgente (SIAMU) (2020), 'Note de réponse du SIAMU au rapport de UNIA: "synthèse de témoignages - juin 2020"', 23 October 2020.

of date and that great progress had been made in the last ten years. Despite this, SIAMU reaffirmed that discrimination is not tolerated and that it wished to further combat racism within its organisation.

Another continuing problem is racism and xenophobia in the police. The CERD regretted that there is a lack of comprehensive data on racially motivated police violence and racial profiling.⁵⁶ Both issues will be discussed in turn. First, the CERD expressed concerns that incidents of racially motivated police violence are treated as isolated problems and are not dealt with in a consistent and systematic way.⁵⁷ A new position paper of the General Inspection of the Police ('Algemene Inspectie van de Federale Politie en de Lokale Politie' / 'Inspection Générale de la Police Fédérale et de la Police Locale') confirms that 'Belgian police are sailing blind: there are no clear figures concerning illegitimate police violence, racism and discrimination.'⁵⁸ The position paper recommends that more scientific research on the police is needed. Unia reported in 2021 to the CERD that it received 355 cases relating to police services, among which about 70% were about 'racial' criteria, between 2014 and 2019.⁵⁹ In 2020, Unia opened 99 cases relating to police services and 'racial' criteria.⁶⁰ In 2021, one such case emerged on video.⁶¹ A police agent used racist and homophobic slurs while she was riding her police car with a colleague in a diverse inner-city Brussels neighbourhood in 2018. The CERD noted that it is concerned that police violence and ill-treatment have intensified during the COVID-19 pandemic and following recent anti-racism demonstrations in Belgium.⁶² Second, the CERD regretted the lack of data about racial profiling. It is difficult to quantify the number of incidents of racial profiling since the term 'reasonable grounds' is often used as a justification for carrying out

⁵⁶ Belgium, UN Committee on the Elimination of Racial Discrimination (CERD) (2021), *Concluding Observations on the Combined Twentieth to Twenty-Second Periodic Reports of Belgium*, CERD/C/BEL/CO/20-22, 21 May 2021, para. 13 and 14.

⁵⁷ Id.

⁵⁸ Belgium, Algemene Inspectie van de Federale Politie en van de Lokale Politie (2021), "Zijn alle flikken onbekwaam?" *De aanpak van integriteit binnen de Belgische politie*, AIG, March 2021, available at: https://www.aigpol.be/sites/aigpol/files/attachments/visiedocument%203%20AIG%20zijn%20alle%20flikken%20onbekwaam_1.pdf.

⁵⁹ Belgium, Unia and Myria (2021), *Parallel rapport voor de 20ste tot 22ste periodieke evaluatie van België*, Unia/Myria, Brussels, available at: <https://www.unia.be/nl/publicaties-statistieken/publicaties/comite-tegen-rassendiscriminatie-van-de-verenigde-naties-parallel-rapport-2021>, para. 28 referring to Unia (2020), *Rapport chiffres 2019*, Brussels, Unia, p. 43 and 44.

⁶⁰ Belgium, Unia (2021), *Cijfersverslag 2020*, Brussels, Unia, June 2021 available at: www.unia.be/files/Documenten/Jaarrapport/CV_2020_Unia_NL_DEF.pdf p. 26; Unia (2021), *Jaarverslag 2020*, Brussels, Unia, June 2021, available at www.unia.be/files/Documenten/Jaarrapport/Unia_Jaarverslag_2020_NL_AS.pdf

⁶¹ Belgium, Het Nieuwsblad (2021), *Agentes gefilmd terwijl ze "makakken" en "bende homo's" roepen, maar ze ontlopen straffen*, 21 January 2021. For more examples between 2016 and 2020, see Unia and Myria (n **Error! Bookmark not defined.**) p. 7 and 8.

⁶² Belgium, UN Committee on the Elimination of Racial Discrimination (CERD) (2021), *Concluding Observations on the Combined Twentieth to Twenty-Second Periodic Reports of Belgium*, CERD/C/BEL/CO/20-22, 21 May 2021, para 13.

identity checks which would otherwise be considered racial profiling.⁶³ Therefore, the CERD urged Belgium to explicitly prohibit racial profiling by law and to gather data concerning the issue.⁶⁴ In February 2021, a law proposal was introduced to create a legal framework that allows people to know the reason for a police control.⁶⁵ The law has not been adopted yet, and does not sufficiently resolve the issues that have been raised by the CERD.⁶⁶ According to its 2020 year report – published in June 2021 – Unia receives about 50 complaints per year on the issue of ‘police selectivity’ (ethnic profiling), according to its year report.⁶⁷ Unia refers to a separate position paper on this issue of 2020.⁶⁸ The NGO Amnesty International recommended the use of so-called ‘stop forms’.⁶⁹ In a ‘stop form’, a police officer checking the identity of a person should be required to note the reason for stopping said person and describe this person’s perceived ethnicity and gender. This would allow for a detailed gathering of reliable data on cases of racial profiling. Some police zones are currently ‘experimenting’ with the use of body cams.⁷⁰ Police zone Antwerp has developed a framework to deal with racial profiling, and this framework has been shared with police zones all over the country.⁷¹ Various organisations emphasise the right of people to film police actions.⁷²

⁶³ Id. para. 15; Amnesty International (2021), ‘Submission to the UN Committee on the Elimination of Racial Discrimination 103rd Session, 19-30 April 2021’, April 2021, p. 3, available at <https://www.amnesty.org/en/documents/eur14/3919/2021/en/>.

⁶⁴ Belgium, UN Committee on the Elimination of Racial Discrimination (CERD) (2021), *Concluding Observations on the Combined Twentieth to Twenty-Second Periodic Reports of Belgium*, CERD/C/BEL/CO/20-22, 21 May 2021, 16.

⁶⁵ Belgium, *Wetsvoorstel van de Wet van 5 Augustus 1992 op het Politieambt, met het oog op de Invoering van een Registratie- en Motiveringsplicht bij Identiteitscontrole (DOC 55/1777/001 van 3 februari 2021)*.

⁶⁶ Belgium, Controleorgaan op de Politie Informatie (2021), *Advies Betreffende een Wetsvoorstel van de Wet van 5 Augustus 1992 op het Politieambt, met het oog op de Invoering van een Registratie- en Motiveringsplicht bij Identiteitscontrole (DOC 55/1777/001 van 3 februari 2021) DA210016*, 14 July 2021, 7, 14 and 16. This information was shared via email by Emilie Van den Broeck, Unia legal and policy officer (December 2021).

⁶⁷ Belgium, Unia (2021), *Jaarverslag 2020*, Brussels, Unia, June 2021, available at www.unia.be/files/Documenten/Jaarrapport/Unia_Jaarverslag_2020_NL_AS.pdf p 31.

⁶⁸ Belgium, Politie selectiviteit, Brussels, Unia, 2020, available at https://www.unia.be/files/Documenten/Publicaties_docs/Position_Paper_Politie_selectiviteit_Unia_-_NL.pdf

⁶⁹ Belgium, Amnesty International (2021), ‘Submission to the UN Committee on the Elimination of Racial Discrimination 103rd Session, 19-30 April 2021’, April 2021, p. 3, available at <https://www.amnesty.org/en/documents/eur14/3919/2021/en/>.

⁷⁰ Belgium, Unia and Myria (2021), *Parallel rapport voor de 20ste tot 22ste periodieke evaluatie van België*, Unia/Myria, Brussels, available at: <https://www.unia.be/nl/publicaties-statistieken/publicaties/comite-tegen-rassendiscriminatie-van-de-verenigde-naties-parallel-rapport-2021>, para. 34.

⁷¹ Belgium, This information was shared via email by Emilie Van den Broeck, Unia legal and policy officer (December 2021).

⁷² Belgium, E.g. Human Rights Ligue (*Ligue des Droits Humains*) (2021), *Etat des Droits Humains en Belgique, rapport 2020*, EDH, January 2021, available at: www.liguedh.be/wp-content/uploads/2021/02/EDH_2020%E2%80%94web.pdf.

In June 2021, Unia also published its 2020 statistics report.⁷³ According to the statistics report, the number of claims connected to so-called 'racial' features (skin colour, presumed 'race', descent, nationality and national or ethnic origin) rose to 3,684, a 49.5% increase in 2020, compared to 2019. Unfortunately, Unia does not publish specific gender-disaggregated data relating to complaints about 'racist' criteria. This is a missed opportunity. Unia can empower women of colour to claim their rights by measuring and publishing more specific data. Unia only reported gender-disaggregated data of the total number of claims. It reported that 42.4% of total claims were made by women and 54.5% by men. There are various reasons why women are less empowered to file complaints.⁷⁴ Amongst others, they have, in general, less time to do so, due to the gender pay gap and a disproportionate share in household responsibilities. They might also have internalised stereotypes to 'sois belle et tais-toi'.

The number 3,684 also contains events that were reported multiple times by various claimants, such as tweets by politicians. The total number of unique cases that have been registered on the basis of so-called 'racial' features was 2,081. That is a 1.2% increase compared to 2019. Unia did not open files for all these cases. Unia only opens a file if the following two criteria are met. First, the claim has to fall under its competence. It has been noted above that Unia is, amongst others, competent for five so-called 'racial' criteria. Notoriously, Unia is not competent for the criteria of gender and language. Second, the claimant has to request advice or another form of intervention by Unia. In 2020, approximately 920 cases of discrimination based on so-called 'racial' criteria were opened.⁷⁵ This is similar to the number of opened cases in 2019. Amongst these 920 cases, there were 244 files against the media (including social media), 196 files about access to goods and services, 194 files that related to work (including complaints about housing), 124 files were categorised in the general field of 'society' (including neighbourly disputes), 99 files related to police and justice, 52 files related to education.

Unia's year report refers to the COVID-19 pandemic in relation to people of perceived 'Asian' descent, Muslims and black people. Unia's year report furthermore explains that hostility toward people of perceived 'Asian' descent increased dramatically, often resulting in physical violence during the pandemic.⁷⁶

⁷³ Belgium, Unia (2021), *Cijferslag 2020*, Brussels, Unia, June 2021 available at: www.unia.be/files/Documenten/Jaarrapport/CV_2020_Unia_NL_DEF.pdf; Unia (2021), *Jaarverslag 2020*, Brussels, Unia, June 2021, available at www.unia.be/files/Documenten/Jaarrapport/Unia_Jaarverslag_2020_NL_AS.pdf.

⁷⁴ Belgium, See Nissen, A. (2021), 'Please Give Me a Remedy: Women Human Rights Defenders for Occupational Safety and Health' (working paper - available upon request).

⁷⁵ Belgium, Please note that the data reported on the website of Unia, in the statistics report, and in the separate categories seem to differ slightly.

⁷⁶ Belgium Unia (2021), *Jaarverslag 2020*, Brussels, Unia, June 2021, available at www.unia.be/files/Documenten/Jaarrapport/Unia_Jaarverslag_2020_NL_AS.pdf, p. 2.

It notes 'fear already descended upon the country even before the pandemic did'.⁷⁷ The complaints included various reports on racist slurs, a malicious prank in a Flemish high school, an incident where a person of Chinese descent was denied access to a hotel and even, in two reported cases, physical violence.⁷⁸ Unia's director also addressed the issue of anti-Asian racism in interviews.⁷⁹ Complaints concerning racism during the early months of the pandemic were not limited to asiaphobia. The report stated that the presidents of two mosques had filed a complaint against the president of the right-wing political party 'Vlaams Belang' for stating that 'the Muslim community was responsible for the increase in COVID-19-cases in Antwerp'.⁸⁰ When Vlaams Belang Member of Parliament Filip De Winter wrote a tweet deploring the government posters promoting handwashing in March 2020, 13 individual complaints were submitted to Unia.⁸¹ In his initial tweet, Dewinter mocked the fact that the poster showed a white hand and a black hand. He commented whether 'the black hand is a dirty hand which needs to be whitened?' One complaint, claiming Dewinter promoted 'white supremacist' views in this tweet, was signed by 650 people.

While there has been more attention to racism against people of perceived 'Asian' descent in the media, it needs to be emphasised here that the media displayed xenophobia in their reporting.⁸² The same newspapers that called out xenophobic references to the 'Chinese virus' (instead of COVID-19 coronavirus), used the term 'Indian variant' of this virus.⁸³ The media furthermore used slurs such as 'banana generation' to refer to people of Thai and Chinese descent in Belgium and mixed up pictures of the singers of the South Korean boy band BTS in their clickbait reporting.⁸⁴ Such xenophobic references have gone largely unnoticed. Nevertheless, one isolated event on the Flemish public broadcasting association

⁷⁷ Id. p. 10.

⁷⁸ Belgium, Unia (2020), *Covid-19: een Test voor de Mensenrechten*, Brussels, Unia, p. 34, available at: www.unia.be/files/Documenten/Publicaties_docs/2020_Rapport_Covid_-_NL.pdf, p. 31

⁷⁹ E.g. Torbeyns, A. (2021), 'Els Keytsman (Unia): 'Racisme tegen Aziatische Belgen is onderschat probleem'', *De Standaard*, 23 March 2021; Torbeyns, A. (2021), 'Unia ontvangt recordaantal klachten over racisme: 'Tien meldingen per dag'' *De Standaard*, 21 March 2021.

⁸⁰ Unia (2021), *Jaarverslag 2020*, Brussels, Unia, June 2021, available at www.unia.be/files/Documenten/Jaarrapport/Unia_Jaarverslag_2020_NL_AS.pdf, p. 34 and 46.

⁸¹ Unia (2020), *Covid-19: een Test voor de Mensenrechten*, Brussels, Unia, p. 34, available at: www.unia.be/files/Documenten/Publicaties_docs/2020_Rapport_Covid_-_NL.pdf

⁸² Belgium, The CERD regretted that people of African descent are not sufficiently represented in the media UN Committee on the Elimination of Racial Discrimination (CERD) (2021), *Concluding Observations on the Combined Twentieth to Twenty-Second Periodic Reports of Belgium*, CERD/C/BEL/CO/20-22, 21 May 2021, para. 24(c)).

⁸³ Belgium, E.g. Het Belang van Limburg (2021), 'Zeg niet "Britse variant van het coronavirus", maar "Nelly"', 19 January 2021; Het Belang van Limburg (2021), 'Wat als je je niet laat vaccineren? En zijn de vaccins bestand tegen de Indiase variant?', 13 May 2021. See Kalra, A. (2021), 'India asks social media to remove reference to 'Indian variant' of Coronavirus', Reuters, 21 May 2021.

⁸⁴ Belgium, E.g. Tielens, F. and Torbeyns, A. (2021), 'Aziaten worden gezien als modelallochtonen: altijd succesvol en nooit klagen', *De Standaard*, 27 March 2021; Het Laatste Nieuws (2021), 'Influencer ondergaat achttien operaties en naamsverandering om t lijken op BTS-zanger', 29 June 2021. See Nissen, A. (2018), 'How South Korean boy band BTS became a K-pop hit by fighting for social rights', Irish Examiner, 13 June 2018.

VRT was highly mediatised in 2021. The daily Flemish soap opera 'Thuis' - which reaches an audience of over one million people - ⁸⁵ made headlines because of a stereotypical joke on the supposed accent of people with Chinese origins (the mispronunciation of the 'r'-sound) when speaking Dutch.⁸⁶ A white character deliberately pronounced the word 'frietjes' (French fries) as 'frietjes' in a scene where she was discussing ordering french fries at a snack bar owned by a person of Chinese origin. Joey Kwan, a Flemish actress of Chinese descent, denounced the joke as an example of the increase of negative remarks on Chinese people since the beginning of the pandemic in an emotional video on social media.⁸⁷ It is interesting to note that some, including a well-known radio presenter, deemed reactions such as Kwan's 'exaggerated'.⁸⁸ VRT apologised for the incident.

Veto, the student newspaper of the university KU Leuven, also reported in May 2021 that the number of reports on anti-Asian racism had increased.⁸⁹ Heidi Mertens, a counsellor of this university's Harassment Help Desk, stated that she had received 22 complaints from students and employees of the university concerning anti-Asian xenophobia in the previous year. These figures do not reflect the full scale of anti-Asian racism complaints at KU Leuven. Not all incidents are reported and many other channels that deal with complaints on racism at the university, such as the ombudsperson.⁹⁰ In an email conversation with the authors of this chapter, Mertens provided gender-disaggregated data. She received 16 complaints from men and 6 from women. There are no exact figures that describe whether there are more male students and employees of 'Asian' descent at KU Leuven. It has already been noted above that women disproportionately face barriers when they want to file a complaint.

In a report of March 2021, Unia discussed racism and xenophobia following the terrorist attacks which took place in France and Belgium between 2014 and 2017.⁹¹ Between 2010 and 2020, Unia received 150 complaints directly or indirectly concerning the anti-terrorist measures taken by the government. The number of complaints rose rapidly after the attacks of 2015 and 2016. From 2018 onwards, the number of complaints has strongly diminished. Unia distinguishes two types of complaints: those pertaining directly to the government measures

⁸⁵ Belgium, Centrum voor Informatie over de Media (2021), Openbare resultaten, 10 October 2021.

⁸⁶ Belgium, Beckers, K. (2021), 'Stereotiepe grap over Aziaten in Thuis 'door mazen van het net geglipt'', *De Standaard*, 2 March 2021; Matthysen, H. (2021), 'De tragiek achter de 'frietjes'', *De Standaard*, 9 March 2021.

⁸⁷ Belgium, Huygebaert, P. (2021), "Thuis"-makers excuseren zich voor "frietjes"-opmerking: "Daar lach je beter niet mee", *VRT NWS*, 2 March 2021

⁸⁸ Belgium, Radio 1 (2021), 'Waarom brengt alles wat 'woke' is zo'n felle reacties teweeg?', 13 April 2021.

⁸⁹ Belgium, Desmet, E. (2021), Meer meldingen van anti-Aziatisch racisme, *Veto*, 21 May 2021.

⁹⁰ Id.

⁹¹ Belgium, Unia (2021), Maatregelen en Klimaat, Brussels, Unia, June 2021, available at: www.unia.be/files/Documenten/Publicaties_docs/2021-03_Maatregelen_en_klimaat_TERAD_2020_NL_mar0.pdf

and those about the general climate created by these measures. The latter category often includes complaints concerning the discriminatory behaviour of individuals and institutions, directly linked to a perceived terrorist threat.

Finally, Unia publishes an online database with court cases.⁹² Unia has thus far published 25 decisions for 2021. Unia does not publish comprehensive gender-disaggregated data of court cases. However, we have searched for these data to prepare this chapter. Eight cases were brought on behalf of minority communities, three cases concerned abuse against couples and families, six cases concerned alleged racist abuse against boys and men, seven cases concerned alleged racist abuse against women. It is useful to refer to two complaints that resulted in convictions. Two women witnessed a discussion between a man and two security officers in a shopping mall.⁹³ Upon seeing the two women, the man started abusing the women verbally, shouting racist insults and telling them to 'speak Dutch' and 'go back to their country'. In February 2021, the court ordered him to pay a court fine of EUR 1,200. In June 2021, a translator, whose name appeared on the list of sworn translators of the FPS Justice, was sentenced to 6 months of imprisonment for posting racist and antisemitic posts on Twitter.⁹⁴ The interpreter had sent emails containing racist language to the guardian of a Chilean minor living with his grandparents in Belgium in 2019. The translator had been asked to translate a Chilean document pertaining to the child. The translator had to translate a Spanish text because she had extreme right sympathies. She said that 'Chileans belong in Chile' and that the child should be sent back to Chile by a chartered flight.

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

An Expert Member of the CERD and Country Rapporteur for Belgium, said that the high-level composition of Belgium's delegation during the 2021 constructive dialogue reflected the importance that Belgium placed on dialogue.⁹⁵ The CERD recommended that its concluding observations be made readily available and

⁹² Belgium, Unia (2021), Jurisprudence [Decisions between 1 January 2021 and 25 October 2021 have been published at the time of writing].

⁹³ Belgium, Correctional Court of West-Flanders, Department of Kortrijk, 17th Chamber (*Correctionele Rechtbank West-Vlaanderen, Afdeling Kortrijk, Kamer 17*) (2021), 22 February 2021.

⁹⁴ Belgium, Correctional Court of Luxembourg, Department of Arlon, 14th Chamber (Tribunal Correctionnel du Luxembourg, Section Arlon, 14ème Chambre) (2021), 3 March 2021.

⁹⁵ Belgium, UN Human Rights Office of the High Commissioner (OHCHR) (2021), In Dialogue with Belgium, Committee on the Elimination of Racial Discrimination Asks about Lack of Data on Ethnic Origin and the Removal of Belgian Nationality, press release, 21 April 2021.

accessible to the public by Belgium.⁹⁶ Unia and some media published a link to the report on their websites.⁹⁷ The headlines focused mainly on the CERD's finding on racism in the police forces that have been reported in section 2.1 above.⁹⁸ This section will discuss eight legal and policy developments that relate to the application of the Racial Equality Directive and the Framework on Racism and Xenophobia (section 2.2.2). The FRANET guidelines require to provide information especially on the efforts and challenges in the partnerships between the state and civil society or community-based organisations. Due to the major challenges that exist in Belgium, this will be discussed separately first (section 2.2.1).

2.2.1 Challenges for civil society

The CERD recommended that Belgium continues consulting and increasing its dialogue with civil society organisations working in the area of human rights protection, in particular those working to combat racial discrimination.⁹⁹ But, four issues illustrate that structural cooperation between the state and civil society is difficult. First, the CERD is concerned about the decision of the Flemish government to withdraw from the cooperation agreement between the federal state, the communities and the regions on the establishment and operation of Unia, in order to create its own anti-discrimination institution in Flanders.¹⁰⁰ This decision has been made in the 2019 Flemish government agreement but needs to be communicated to the parliaments of the other entities of Belgium by 15 September 2022. The CERD and a number of NGOs are concerned that such a withdrawal would result in a loss of the resources of Unia and make the system for the promotion and protection of human rights in Belgium more complex. Second, the CERD is concerned about the newly established Federal Institute for the Protection and Promotion of Human Rights for two reasons.¹⁰¹ On the one hand, the Institute does not have the mandate to receive and deal with individual complaints. On the other hand, the Institute has only jurisdiction over fundamental rights that come under federal jurisdiction. Notably, language is excluded. The CERD notes that the Institute should have jurisdiction over 'cases

⁹⁶ Belgium, UN Committee on the Elimination of Racial Discrimination (CERD) (2021), *Concluding Observations on the Combined Twentieth to Twenty-Second Periodic Reports of Belgium*, CERD/C/BEL/CO/20-22, 21 May 2021, para. 36.

⁹⁷ Belgium, Unia and Myria (2021), *Parallel rapport voor de 20ste tot 22ste periodieke evaluatie van België*, Unia/Myria, Brussels, available at: <https://www.unia.be/nl/publicaties-statistieken/publicaties/comite-tegen-rassendiscriminatie-van-de-verenigde-naties-parallel-rapport-2021>. E.g. De Standaard (2021), *Verenigde Naties bezorgd om racisme en geweld bij Belgische politie*, 3 May 2021.

⁹⁸ Belgium, E.g.id; RTBF (2021), *Les violences policières et le profilage racial en Belgique épinglés par un comité des Nations-Unies* 1 May 2021; Meijer, J. (2021), *VN veroordeelt structureel racisme bij Belgische politie*, *Apache*, 16 June 2021.

⁹⁹ Belgium, UN Committee on the Elimination of Racial Discrimination (CERD) (2021), *Concluding Observations on the Combined Twentieth to Twenty-Second Periodic Reports of Belgium*, CERD/C/BEL/CO/20-22, 21 May 2021, para. 35.

¹⁰⁰ Id. para. 9.

¹⁰¹ Id. para. 7-8.

of language discrimination against minorities'.¹⁰² The NGOs Association for the Promotion of the Francophonie in Flanders ('APFF') and the Association for the Promotion of Human Rights and Minorities ('ADHUM') reported to the CERD that they felt excluded from the legal process that created the Institute (despite alleged promises that they would be included in this process).¹⁰³ Third, the CERD is concerned that Belgium has not yet adopted a national or 'interfederal' action plan against racism, despite the recommendation to make this plan in its previous concluding observations to Belgium in 2014.¹⁰⁴ The Secretary of State for Gender Equality and Equal Opportunities Sarah Schlitz announced in Parliament that she aims to launch this plan in 2021. Unia and a coalition of 60 civil society organisations have been consulted, but not concerning all key stages of the plan's development.¹⁰⁵ The CERD recommended greater participation by relevant civil society actors and representatives of groups in the development of the plan.¹⁰⁶ The CERD furthermore stressed that the plan should include the structural dimension of racial discrimination and set measurable goals and deadlines for achieving them.¹⁰⁷ Thereto, sufficient resources should be allocated for the effective implementation and monitoring of the plan.¹⁰⁸ Fourth, the Flemish government funding for the Forum for Minorities ('Minderhedenforum') was cancelled in 2020. Its director, Landry Mawungu, called the decision 'incomprehensible'.¹⁰⁹ Flemish Minister for Equal Opportunities Bart Somers declared that funding would go to Join.Vlaanderen, another organisation that had been created just before the deadline for claiming funds. In November 2020, the Council of State ordered the suspension of the Flemish government's decision because the Minister had insufficiently motivated this decision.¹¹⁰ In January 2021,

¹⁰² Id.

¹⁰³ Belgium, APFF and ADHUM (2021), Alternative report of the Association for the Promotion of the Francophonie in Flanders (APFF) and the Association for the Promotion of Human Rights and Minorities (ADHUM) to the Committee on the Elimination of Racial Discrimination (CERD) with a view to examining the periodic report of the Belgian State, March 2021, para 3, available at: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/BEL/INT_CERD_NGO_BEL_446_42_E.pdf. See also Ligue des Droits Humains (n 72) p. 5.

¹⁰⁴ Belgium, UN Committee on the Elimination of Racial Discrimination (CERD) (2021), *Concluding Observations on the Combined Twentieth to Twenty-Second Periodic Reports of Belgium*, CERD/C/BEL/CO/20-22, 21 May 2021, para. 11.

¹⁰⁵ Belgium, Unia and Myria (2021), *Parallel rapport voor de 20ste tot 22ste periodieke evaluatie van België*, Unia/Myria, Brussels, available at: <https://www.unia.be/nl/publicaties-statistieken/publicaties/comite-tegen-rassendiscriminatie-van-de-verenigde-naties-parallel-rapport-2021>, para 6 and R2.

¹⁰⁶ Belgium UN Committee on the Elimination of Racial Discrimination (CERD) (2021), *Concluding Observations on the Combined Twentieth to Twenty-Second Periodic Reports of Belgium*, CERD/C/BEL/CO/20-22, 21 May 2021, para. 12.

¹⁰⁷ Id.

¹⁰⁸ Id.

¹⁰⁹ Belgium, Goris, G. (2020), 'Bart Somers stopt subsidie voor Minderhedenforum en noemt het een toekomstgerichte keuze', *MO*, 10 November 2020.

¹¹⁰ Belgium, Council of State (*Raad van State / Conseil d'Etat*) (2020), Arrest 249.047, 25 November 2020.

it was announced that Minderhedenforum and Join.Vlaanderen would merge by the beginning of 2022.¹¹¹

2.2.2 Legal and policy developments

This section will discuss nine legal and policy developments that relate to the application of the Racial Equality Directive and the Framework on Racism and Xenophobia.

To begin, a number of decolonisation efforts have taken place in 2021. We have identified four efforts. First, the federal Parliament set up a Special Commission in charge of research on Congo Free State and the Belgian colonial past in DR Congo, Rwanda and Burundi, its impact and the consequences to be given to it.¹¹² The mandate of the Commission includes developing recommendations on how to deal with Belgium's colonial past, and developing proposals for reconciliation between Belgians (including Belgians of Congolese Rwandan and Burundian origin), and optimising relations between Belgians and Congolese, Rwandans and Burundians. The Commission published an extensive report in October 2021.¹¹³ The report has three parts: histories; memory, reparation and participation; and colonialism and racism. The last part has two sections. Laure Uwase first discusses the connection between anti-black racism and colonialism. Afterwards, Anne Wetsi Mpoma investigates current forms of colonialism and the connection between racism and colonialism. Many issues, including institutional racism and discrimination, racism in football, lack of diversity in the media, internalised racism, stereotypes, white privilege, racist memes, adoption, racial profiling and police violence are discussed. A small number of references in the report specifically refer to policy developments that have taken place in 2021. We have selected two issues. First, there is a reference to Belgium's effort to decolonise public space by renaming the Leopold II tunnel.¹¹⁴ A contest was organised to rename the tunnel after a woman. Mpoma questions why the tunnel was named after Annie Corby, who used racist slurs in her songs. Moreover, much more effort will need to be made by Belgium. For example, throughout the report the Commission questions why primary and high school curricula do not adequately reflect the history of colonisation or the

¹¹¹ Belgium, De Witte, L. (2021), Minderhedenforum en Join.Vlaanderen slaan handen in elkaar, VRT NWS, 7 January 2021.

¹¹² Belgium, Chamber of Representatives (*Kamer van Volksvertegenwoordigers / Chambre des Représentants*) (2020), 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, 1462/001, 17 Juli 2020.

¹¹³ Belgium, Chamber of Representatives (*Kamer van Volksvertegenwoordigers / Chambre des Représentants*) (2021), 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. Verslag van de deskundigen, 1462/003, 26 October 2021.

¹¹⁴ Id. pp 640-641. See also Belgium, ERD (2021), Summary record of the 2815th meeting, CERD/C/SR.2815, 29 April 2021, para. 41.

history and contributions of people of African descent in Belgium. This issue was also discussed by the CERD.¹¹⁵ Second, there are recommendations to work with the African diaspora in the cultural sector, in particular in museums, throughout the report. A number of researchers and curators have also asked the Belgian state and its heritage institutions to 'recognise the misappropriation and/or pillage of cultural heritage from (post-)colonial contexts' in 2021.¹¹⁶ Furthermore, the Secretary of State for Science Policy expressed the will to return all 'objects that have been acquired illegitimately by our ancestors' to the Congolese people.¹¹⁷

Second, Belgium - as a Member State of the EU - will commit again to fight all forms of racism, racial discrimination, xenophobia and related intolerance, and all forms of violence and discrimination, including all instances of advocacy of hatred. This is an essential element of the new Partnership Agreement with the Organisation of African, Caribbean and Pacific States that was initialled in April 2021.¹¹⁸

Third, the Cell for Equal Opportunities ('Cel Gelijke Kansen' / 'Cellule Egalité des Chances') of the federal government funded projects that are being undertaken to have a clearer understanding of the different aspects and dynamics behind discrimination and the effectiveness of government measures against racism.¹¹⁹ In September 2021, the Cell published information about nine projects that were subsidised in 2020 on its website.¹²⁰ For example, Sankaa, an NGO dealing with racism against black people, started undertaking a narrative research project.¹²¹ The goal of Sankaa's project 'Racism Unravelling' ('Racisme Ontrafeld') is to gather personal testimonies on racism as perceived by victims of xenophobia. Sankaa is collecting 600 testimonies in the form of individual 60- to 120-minute interviews conducted by trained volunteers.¹²²

Fourth, in the Brussels-Capital Region, a project called 'Assises against Racism' ('Assises de lutte contre le Racisme' / 'Assisen tegen Racisme') six different panels (statistics, data and research; housing; economy, job opportunities and public

¹¹⁵ Belgium, UN Committee on the Elimination of Racial Discrimination (CERD) (2021), *Concluding observations on the combined twentieth to twenty-second periodic reports of Belgium*, CERD/C/BEL/CO/20-22, 21 May 2021, para. 30.

¹¹⁶ Belgium, Restitution Belgium (2021), *Ethical Principles for the Management and Restitution of Colonial Collections in Belgium*, June 2021, available at: <https://restitutionbelgium.be/en/report#conclusions>.

¹¹⁷ Belgium, Rankin, J., [Belgium unveils plans to return DRC artworks stolen during colonial rule](#), *The Guardian*, 7 July 2021.

¹¹⁸ Belgium, Art 9.2 Partnership Agreement Between [the European Union / The European Union and its Member States], of the one part, and Members of the Organisation of African, Caribbean and Pacific States, of the Other Part (initialled in 2021) available at: https://ec.europa.eu/international-partnerships/system/files/negotiated-agreement-text-initialled-by-eu-oacps-chief-negotiators-20210415_en.pdf.

¹¹⁹ Belgium, Equal.be (2021), [Subsidies](#).

¹²⁰ Belgium, Equal.be (2020), [Projectoproep 2020](#).

¹²¹ Belgium, Sankaa (2021), [Racisme ontrafeld](#).

¹²² Belgium, This information was gathered during a videoconference of one of the authors with Evodia Uggi, project coordinator of 'Racisme Ontrafeld'.

office; public space and mobility; prevention and sensibilisation and finally social affairs, healthcare and access to services). Members of Parliament and government, representatives of other government institutions, experts on the field of discrimination and NGOs combatting racism participated. On 21 October 2021 the panels presented their reports in the regional parliament and on 9 November 2021 several civil society organisations (such as Actiris) were invited to react to the reports.¹²³ On the basis of these reports and reactions, the Brussels Secretary of State for Equal Opportunities will propose a Regional plan in collaboration with the other members of the Brussels regional government. In November 2021, the Brussels Secretary of State for Equal Opportunities already launched an awareness campaign called #BrusselsYouCanDoIt. The campaign included posters in metro stations, a song denouncing racism and a website raising awareness among Brussels citizens.¹²⁴ The main slogan of the campaign was ‘“Races” do not exist. Racism does’.

Fifth, in the French Community, the Minister for Equal Opportunities Frédéric Daerden presented a plan against racism entitled ‘Racism leads to nowhere’ (‘Le racisme ne mène nulle part’) in March 2021.¹²⁵ Coincidentally, the campaign was launched in Liège only a week after a Black Lives Matter manifestation took place in that same city. The manifestation had turned violent: nine people (amongst whom five police officers) were taken to hospital and rioters caused considerable damage to shops in the city centre.¹²⁶ The goal of the campaign ‘Racism leads to nowhere’ is to stop generalisations and prejudice, especially among the age group of 15-35 years old. The large-scale project, for which the government of the French Community provides a budget of 2 million euros, seeks to raise awareness, among other things by an internet and social media campaign.

Sixth, as major actors in the political life of citizens, the cities and municipalities also play a part in combating racism and discrimination in daily life. It is beyond the scope of this chapter to identify every project concerning anti-discrimination and antiracism in each of the 581 cities and municipalities of Belgium. Nevertheless, we find it appropriate to report on some of the new initiatives taken by the major cities in Belgium.¹²⁷ The city of Bruges, for instance, presented its

¹²³ Belgium, Videos and programmes of the complete parliamentary debates and the written reactions of the associations can be found on Belgium, Parliament of the Brussels-Capital Region (Parlement van het Brussels-Hoofdstedelijk Gewest / Parlement de la Région de Bruxelles-Capitale) (2021), [Assisen tegen Racisme](#)

¹²⁴ Belgium, Bruzz (2021), [Campagne zet Brusselaar aan om racisme te veroordelen](#), 16 November 2021. See: Belgium, Equal.be (2021), [YouCanDoIt Brussels](#)

¹²⁵ Belgium, Federation Wallonia-Bruxelles (*Fédération Wallonie-Bruxelles*) (2021), [Erreur 404. Le racisme ne mène NULLE PART.](#)

¹²⁶ Belgium, Huyghebaert, P. (2021), ‘[Rust teruggekeerd na zware rellen in Luik, burgemeester: "Deel reischoppers kwam uit Brussel en zelfs uit Frankrijk"](#)’, *VRT NWS*, 13 March 2021.

¹²⁷ Belgium, See also: Department of Wellbeing and Society, City of Ghent (*Departement Welzijn en Samenleving, Stad Gent*) (2020), [Actieplan antidiscriminatie en antiracisme 2020-2025](#), Ghent, City

'plan against racism 2021-2025'.¹²⁸ In it, Bruges stated the ambition of playing a precursory role in the European Coalition of Cities Against Racism (ACCER). The plan contains ten goals that the city would like to realise in the next five years, including combating discrimination on the housing market, raising awareness through education, promoting cultural diversity and handling hate crimes. Charleroi published an equal opportunities action plan in April 2021.¹²⁹ The plan proposed to fight racism by supporting the actions of the Regional Centre for Integration of Charleroi (CRIC), which organises - among other initiatives - a yearly campaign on the International Day for the Elimination of Racial Discrimination. On 21 March 2021, a static demonstration took place in Charleroi under the name 'stand up against racism' in which approximately 100 people participated. A notable attendee was David Quinaux, the officer responsible for 'discrimination and hate crimes' in the Charleroi police department. He was quoted as having said: 'This is a beautiful cause and I think that to tolerate racism is already a racist act by itself. So in Charleroi, we do not tolerate racism'.¹³⁰

Seventh, the Flemish Media Regulator ('Vlaamse Regulator voor de Media') stated in its latest yearly report that VRT had taken steps to raise awareness about social issues such as racism and discrimination in its programming.¹³¹ In an internal directive concerning the rebroadcasting of older programmes, VRT stated its intention to ensure that these programmes were 'adapted to the present climate', especially in relation to discrimination and racism.¹³² In its integrity code, VRT insisted on taking action against forms of racism or discrimination within its organisation.¹³³ Furthermore, VRT drew attention to discrimination and racism in Flemish football clubs. A series called 'FC United' focused on this theme by interviewing well-known and lesser-known football players, coaches and others involved with the sport on many forms of institutional and unofficial discrimination and racism.¹³⁴ Three 50-minute episodes were broadcasted on VRT-channel Canvas. Also in 2021, a series of interviews called 'Through the eyes of...' ('Door de ogen van...') was broadcast on Canvas.¹³⁵ The series aimed to understand

of Ghent, 14 December 2020, available at: https://stad.gent/sites/default/files/media/documents/20201217_NO_Actieplan%20Antidiscriminatie%20en%20Antiracisme%202020_25_DEF.pdf; City of Antwerp (*Stad Antwerpen*) (2021), *Allemaal Antwerpenaar*; City of Liège (*Ville de Liège*) (2021), *Lutte contre les discriminations*.

¹²⁸ Belgium, City of Bruges (*Stad Brugge*) (2021), *Stedelijk plan tegen racisme 2020-2025*, City of Bruges, April 2021, p. 6, available at: www.brugge.be/eccar-brugge-2021-2025-nl.

¹²⁹ Belgium, City of Charleroi (*Ville de Charleroi*) (2021) *Egalité des chances : le plan d'actions*, press release, 16 April 2021.

¹³⁰ Belgium, Telesambre (2021), "'Lève-toi contre le racisme": une manifestation statique à Charleroi' 21 March 2021.

¹³¹ Belgium, Flemish Media Regulator (*Vlaamse Regulator voor de Media*) (2021), *Rapport 2020*, Brussels, p. 33, available at: www.vlaamseregulatormedia.be/sites/default/files/pdfversions/toezichtsrapport_vrt_2020.pdf.

¹³² Id. p. 47.

¹³³ Id. p. 48.

¹³⁴ Belgium, VRT NU (2021), 'FC United - Aflevering 1 (Seizoen 1)'.

¹³⁵ Belgium, VRT NU (2021), 'Canvas door de ogen van'.

racism through the eyes of those perceiving it in the media. Special attention was given to themes such as the typecasting of 'Asian' actors in fiction and discriminatory vernacular in news programmes. In October and November 2021, a 5-part series called 'Life in colour' ('Leven in kleur') was broadcasted on Canvas.¹³⁶ Through interviews with dozens of experts and targets of racism, tv-journalist Karine Claassen wished to gather a better understanding of the broader historical, societal, psychological but also emotional aspects of racism in Flanders. Finally, the Flanders Audiovisual Fund ('Vlaams Audiovisueel Fonds') requires that applicants describe their diversity approach.¹³⁷ They are requested to consider four elements in their applications: ethnic-cultural background, gender, sexual orientation, and life with a disability.

In the Wallonia-Brussels Federation (the French Community), the Supreme Council for Audiovisual Media ('Conseil Supérieur de l'Audiovisuel') also published a yearly report in which it stated having received 45 complaints (20% of the total number of claims filed by the public) in 2020 concerning discrimination, including sexism and racism in the media.¹³⁸ Of these complaints, only one was considered warranted after close inspection by the Council. In January 2021, an analysis on 'racism, media and society' was ordered by RTBF, the Francophone counterpart of VRT. The report, published by Média Animation, an NGO for media education, stated that in spite of good intentions, there is a serious lack of diversity in the editorial staff of large media outlets, such as RTBF.¹³⁹ The report also stated that news reports on foreign affairs remain highly partial and biased and that casting in fiction series is largely based on stereotypical views held by the casting directors themselves.¹⁴⁰ The report strongly called for new action plans to diversify Belgian Francophone media and to combat forms of 'racialisation' and discrimination. At the end of 2020, the NGO Media and Diversity in Action (M&DiA) was created in French-speaking Belgium to defend the rights of minority groups in the media.¹⁴¹ There have already been some efforts, including in privately-owned television media. For example, the Belgian branch of international media chain Vice broadcasted a series called Diversideas on racism, discrimination and diversity.¹⁴²

Eight, the so-called 'praktijktesten' 'practice tests' ('praktijktesten') to detect discrimination on the housing and job market have been discussed for some years

¹³⁶ Belgium, VRT (2021), *Het leven in kleur over racisme in Vlaanderen*, 21 September 2021.

¹³⁷ Belgium, Flemish Audiovisual Fund (*Vlaams Audiovisueel Fonds*) (2021), *'Diversiteitsaanpak Filmfonds & Mediafonds'*.

¹³⁸ Belgium, Supreme Council for Audiovisual Media (*Conseil Supérieur pour l'Audiovisuel*) (2021), *Rapport d'activités 2020*, Brussels, CSA, p. 31, available at: www.csa.be/wp-content/uploads/2021/05/CSA_Rapport-2020.pdf.

¹³⁹ Belgium, Bonvoisin, D., Goffard, C. and Guffens, B. (2021), *Racisme, médias et société*, Brussels, Media Animation, p. 138, available at: https://media-animation.be/IMG/pdf/mediaanimation_-_2021_-_racismemediasetsociete.pdf.

¹⁴⁰ Id. p. 138-139.

¹⁴¹ Belgium, *Media and Diversity in Action* (2021).

¹⁴² Belgium, Vice (2021), *Diversideas*.

in Belgium, and in particular Flanders. Unia provided proposals in November 2020 to improve the practice tests by the federal and devolved authorities.¹⁴³ In December 2020, after much discussion and debate, the Flemish government finally agreed on the implementation of such tests, albeit under a different name, 'correspondence tests' ('correspondentietesten').¹⁴⁴ Vlaams Belang heavily criticised Flemish Minister of Employment Hilde Crevits, claiming the government showed a 'lack of confidence' in Flemish managers and employers by approving the 'correspondence tests'.¹⁴⁵ In March 2021, Federal Minister of Employment announced that the federal government holds the intention to render the practice tests more efficient by further developing the legal framework enabling 'mystery calls'.¹⁴⁶ It is interesting to note that, according to a VUB study conducted by Pieter-Paul Verhaeghe, Billie Martiniello and Dounia Bourabain with 899 respondents, approximately two-thirds of respondents were in favour of such tests to tackle ethnic discrimination in the housing market.¹⁴⁷ For this study, a sample of people of Belgian origin living in Flanders was interviewed.¹⁴⁸ Earlier, in March 2021, a research team of UGent revealed that, according to tests done in Antwerp, discrimination is very present in the job market.¹⁴⁹ Stijn Baert and a team of researchers sent 2,880 job applications to 1,440 job advertisements. The test results revealed that candidates with a 'non-Flemish' sounding name have 17% less chance to receive a positive answer to their application. The city of Antwerp declared wanting to create an 'improvement plan' ('verbeterplan') in collaboration with stakeholders following these results. The city of Ghent also declared wanting to continue using practice tests in order to reveal discrimination in the job market.¹⁵⁰ Unia has published a court decision of February 2021 concerning intentional discrimination of a candidate of 'foreign' descent by an employer.¹⁵¹ The manager of an ambulance company in East-Flanders accidentally sent an email to the rejected applicant stating that she didn't want 'foreigners, people

¹⁴³ Belgium, Unia (2020), 'Praktijktesten 2.0: enkele nieuwe voorstellen van Unia', 18 November 2020.

¹⁴⁴ Belgium, Winkelmanns, W. (2021), 'Vlaamse regering begint dan toch met praktijktests De Standaard, 21 December 2020 ; Flemish Parliament (Vlaams Parlement), 'Actuele vraag 242 (2020-2021)' 6 January 2021.

¹⁴⁵ Belgium, Redactie 24 (2021), 'Hilde Crevits moet kritiek slikken: "De realiteit die u niet wil zien"', 22 April 2021.

¹⁴⁶ Belgium, Arnoudt, R. (2021), 'Minister van Werk Dermagne (PS) wil praktijktests tegen discriminatie op arbeidsmarkt doeltreffender aanpakken', *VRT NWS*, 12 March 2021.

¹⁴⁷ Belgium, VUB Today (2021), 'Groot draagvlak voor antidiscriminatiebeleid', 20 September 2021.

¹⁴⁸ Belgium, Verhaeghe, P.P., Martiniello, B. and Bourabain, D. (2021), Ethnic prejudices and public support for anti-discrimination policies on the housing market (working paper).

¹⁴⁹ Belgium, Baert, S., Dalle, A., Lippens, L., Malfait, L. and Sharipova, A. (2021), 'Nulmeting Discriminatie op de Antwerpse Arbeidsmarkt Rapportering', 25 May 2021.

¹⁵⁰ Belgium, Unia (2021), 'Gent test voor het eerst arbeidsdiscriminatie en wil daarmee doorgaan, 1 July 2021.

¹⁵¹ Belgium, Court of First Instance East Flanders, Correctional Department Ghent, 14th Chamber (Rechtbank van eerste aanleg Oost-Vlaanderen, afdeling Gent, Kamer 14), '17 February 2021

without [work] experience and women with young children' among the staff as this was, according to her, 'doomed to fail'.¹⁵²

Ninth, the Royal Belgian Football Association (with the Association des Clubs Francophones de Football and Voetbal Vlaanderen) launched an ambitious action plan titled 'Come Together' in 2021.¹⁵³ This project encompasses all the projects which the RBFA undertakes to combat racism, discrimination, homophobia and other forms of inequality. Key elements of the plan include an 'accessible hotline, a new inclusion manager, a diversity board and a National Chamber for Discrimination and Racism'.¹⁵⁴ It is important to note that the Association des Clubs Francophones de Football and Voetbal Vlaanderen are subsidised by the Flemish and French Community governments who therefore support the 'Come Together'-plan.

¹⁵² Belgium, Unia (2021), 'Werkgever veroordeeld tot geldboete wegens opzettelijke discriminatie', 24 February 2021.

¹⁵³ Belgium, Royal Belgian Football Association (2021), Come Together.

¹⁵⁴ Id.

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	The Federal public planning service for social integration (www.mi-is.be) has confirmed ¹⁵⁵ that the Strategy has not yet been submitted to the European Commission (EC) as it has not yet been politically validated. The complex governmental structure in Belgium makes it difficult to validate the strategy in time for an inter-ministerial conference. This has been communicated to the EC and they are aware of it. The inter-ministerial conference is scheduled to take place in March this year (2022).
Please add a hyperlink if the strategy is publicly available.	NA
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	The last assessment adopted by the Commission on the progress made in the implementation of the national Roma integration strategy in Belgium dates 2014. Available at: https://ec.europa.eu/info/sites/default/files/2014.pdf
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	NA
Was Roma civil society involved in the development of the strategy? Please provide examples?	As communicated by the Federal public planning service for social integration (www.mi-is.be), during the Strategy drafting process two consultations were held by the Roma platform. Civil society organisations and Roma could participate. Still, it seemed difficult to reach the Roma.
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	As confirmed by the Federal public planning service for social integration (www.mi-is.be), there is contact between the equality body and the Roma contact point twice a year. Both were present at the work meetings for the Strategy drafting. They will receive the draft Strategy together with the administrations just before validation. This will allow the equality body to make their comments one last time before the Strategy is politically validated.
Does the new strategy link to the operational programmes	NA

¹⁵⁵ Belgium, information provided by the Federal public planning service for social integration (www.mi-is.be) to the author via e-mail on 24/1/2022.

for the new EU funding period 2021-2027?	
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3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

As previously reported (see FRR2021), the **Coalition Agreement of the Flemish Government 2019-2024**¹⁵⁶ (implemented by the Horizontal Integration and Equal Opportunities Policy Plan 2020-2024¹⁵⁷) lays down the policy decisions for the 2019-2024 legislature, including specific integration and civic integration measures targeting caravan residents (*woonwagenbewoners*).¹⁵⁸ 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'**.¹⁵⁹ Such decision builds on 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'.¹⁶⁰ Consequently, 'initiatives that revert to ethnic-cultural origin and promote segregation are no longer subsidised by the Flemish government.'¹⁶¹ In 2020, the Minorities Forum (*Minderhedenforum*) reported¹⁶² that the withdrawal of the subsidies provided by the Flemish government to support initiatives addressing caravan residents will have a negative impact on the activities of the Forum, as it will no longer be allowed to develop and implement actions specifically targeting this group. When asked to contribute to this report (FRR2022), the Minorities Forum – that is now being transformed into a new organization with a new task (LEVL, www.levl.be) – informed us that no input can be provided anymore as they stopped working on Roma and Travellers related topics due to the subsidies cut¹⁶³. This has been

¹⁵⁶ Belgium, [Regeerakkoord van de Vlaamse Regering 2019-2024](#) [last accessed 4 October 2020].

¹⁵⁷ Belgium, Flemish Government, [Horizontaal Integratie- en Gelijke Kansenbeleidsplan 2020-2024](#) [last accessed 5 January 2021].

¹⁵⁸ 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? ([Woonwagenbewoners opnieuw aan de zijlijn?](#)), Sociaal.net, 26 November 2019 [last accessed 5 October 2020].

¹⁵⁹ 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 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].

¹⁶⁰ Ibid., p. 110.

¹⁶¹ Ibid.

¹⁶² Belgium, information provided by the Minorities Forum (*Minderhedenforum*) to the author via phone interview on 21/9/2020.

¹⁶³ Belgium, information provided by the Minorities Forum (*Minderhedenforum*) to the author via email on 29/9/2021.

confirmed by UNIA¹⁶⁴ and Foyer¹⁶⁵, which have underlined the very important work *Minderhedenforum* did with Travellers over the years, both on the terrain and at the policy level. For instance, UNIA and *Minderhedenforum* co-organized a forum¹⁶⁶ on the rights to housing for Travellers in the Flemish Parliament in 2019. According to UNIA, the way the 'inclusion' of Travellers is currently realized will actually result in more exclusion: the effect of a discourse on 'inclusion' as opposed to 'specific measures' results in a direct loss of support for Travellers, as well as in a decline of knowledge and network.

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. UNIA fears that the creation of a Flemish equality body will lead to confusion for citizens regarding the roles and competencies of the various institutions combating discrimination in Belgium. Moreover, the Flemish Government is currently responsible for 10% of the financial resources of UNIA and this loss of income will have harsh consequences for the running of the centre.¹⁶⁷

The Walloon Government is preparing an amendment to the legislation relating to the reception of Travelers¹⁶⁸. The purpose of this modification is on the one hand the reception of Travelers in winter, and on the other hand the expansion of future calls for infrastructure projects at the supracommunal level (in other words, the municipalities will no longer be the only potential beneficiaries of calls for projects launched by the Walloon government for the development of a reception area for Travelers). This draft modification of the legislation, still in preparation, must still be submitted to the Parliament of Wallonia.

Together with the AP Hogeschool Antwerpen and the Association Foyer, the Federal public planning service for social integration (<https://www.mi-is.be/en>) supports the exposition "**Reflections. Roma in Belgium**", held in Kazerne Dossin¹⁶⁹ (Mechelen) from **15 June to 30 September 2021**, and in Migratie Museum Migration¹⁷⁰ (Brussels) from **5 October to 5 November 2021**.

On **17 September 2021**, on the proposal of Deputy Prime Minister, the Flemish Government decided to prolong the Roma stewards (*Buurtstewards*) project in Gent, Antwerp, Sint-Niklaas and Brussels (Flemish Community Commission, VGC)

¹⁶⁴ Belgium, information provided by UNIA to the author via email on 8/11/2021.

¹⁶⁵ Belgium, information provided by Foyer to the author via email on 23/12/2021.

¹⁶⁶ Belgium, UNIA, [Trefdag: recht op wonen op wielen](#), 5 November 2019.

¹⁶⁷ Belgium, European Commission (DG Justice and Consumers), [European Equality Law Review 2020/1](#), p. 75, The position of UNIA regarding the decision of the Flemish Government to withdraw from UNIA's competence is available at <https://www.unia.be/fr/articles/unia-reagit-a-la-decision-de-la-flandre-darreter-leur-cooperation> [both websites last accessed 5 October 2020].

¹⁶⁸ Belgium, Service Public de Wallonie, Intérieur et Action Sociale, Direction de la Cohésion Sociale (<http://cohesion sociale.wallonie.be>), information received via email on 20 September 2021.

¹⁶⁹ Belgium, 'Reflecties. Roma in België', Kazerne Dossin, Mechelen, 15 June-30 September 2021 [last accessed 5 October 2021].

¹⁷⁰ Belgium, 'Réflexions. Roms en Belgique', Migratie Museum Migration, Brussels, 5 October-5 November 2021 [last accessed 5 October 2021].

for another year (2022).¹⁷¹ The neighborhood stewards are deployed in the central cities where there is a strong presence of Roma, especially Antwerp, Ghent, Sint-Niklaas. The neighborhood stewards form the bridge between the Roma population, the city services and social services, and have the specific task to improve the social integration of Roma families. The annual subsidy for neighborhood stewards amounts to 300,000 euros to the city of Ghent (this amount covers four full-time employees)¹⁷², 100,000 euros to the city of Sint-Niklaas, 200,000 euros to the city of Antwerp and 200,000 euros to the Flemish Community Commission (Brussels).

As communicated by the Flemish Government¹⁷³, from 2022 an integrated approach will be used, as determined in the **Horizontal Integration and Equal Opportunities Policy Plan 2020-2024**, translated into the **Living Together** plan¹⁷⁴. 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 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.

In its 2020 report "Roma Rights in the Time of COVID"¹⁷⁵, ERRC stated that police operations took place on 4 and 5 April 2020 concerning two groups of Travellers living at unofficial sites in Charleroi, namely in the areas of Jumet and Couillet respectively. The police exclusively targeted members of the Romani community with the aim of seizing their caravans, which were also their homes. Multiple police cars arrived at the sites alongside a large number of armed federal police, dressed all in black, to deal with what the police said was a routine vehicle check (p. 7). The affected Traveller families – which included minor children, a pregnant young

¹⁷¹ Belgium, Flemish Government, [Ministerraad - Plan Vlaamse Veerkracht van 10 september 2021](#) [last accessed 3 December 2021].

¹⁷² Belgium, [Vlaanderen betaalt 300.000 euro subsidie om Gentse 'Roma-stewards' aan het werk te houden](#), PZC, 19 September 2021 [last accessed 11 October 2021].

¹⁷³ 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*).

¹⁷⁴ Belgium, Flemish Government, [Plan Samenleven: ondersteuning voor lokale besturen](#) [last accessed 10 January 2022].

¹⁷⁵ Belgium, ERRC, [Roma Rights in the Time of COVID](#), 9 September 2020 [last accessed 5 October 2021].

woman, and persons with serious health conditions – were made homeless as result of the raid, without being offered any alternative housing solution, social aid, or COVID-19 emergency support (p. 8). On **27 April 2020**, the **ERRC brought a complaint concerning the police actions before the European Committee of Social Rights of the Council of Europe**,¹⁷⁶ alleging that this operation amounted to ethnically targeted collective punishment. On 22 July 2020, the Belgian Government sent its observations on admissibility and request for immediate measures,¹⁷⁷ where it clarified the reasons why none of the requested measures could be accepted. On 11 September 2020, ERRC replied¹⁷⁸ to the observations of the Belgian Government by renewing its request for immediate measures and asking the Committee to make a decision as quickly as possible. On 12 May 2021, ERRC provided its responses¹⁷⁹ to the Committee’s questions to the parties (dated 1 April and 7 April 2021 respectively) concerning (i) the total number of persons who were affected by the loss of their homes/caravans as a result of the police operations, (ii) the general practice and protocol followed as regards Travellers who have lost their homes, particularly under the conditions of the COVID-19 pandemic, and (iii) the current housing situation for the persons who were affected by the loss of their homes/caravans as a result of the police operations. On 9 June 2021, the Belgian Government also sent its responses¹⁸⁰ to the Committee’s questions. On **29 June 2021**, the **European Committee of Social Rights declared the complaint admissible and decided that it was not necessary to indicate to the Government any immediate measures**¹⁸¹.

On **21 May 2021**, the **Committee on the Elimination of Racial Discrimination (CERD) adopted concluding observations on the combined twentieth to twenty-second periodic reports of Belgium**¹⁸². In the section

¹⁷⁶ Belgium, European Committee of Social Rights, [European Roma Rights Centre \(ERRC\) v. Belgium](#), Complaint No. 195/2020, 28 May 2020 [last accessed 11 October 2021].

¹⁷⁷ Belgium, Council of Europe, European Social Charter, Pending complaints, No. 195/2020 European Roma Rights Centre (ERRC) v. Belgium, Observations by the Government on admissibility and request for immediate measures ([Observations du Gouvernement sur la Recevabilité et Demande de Mesures Immédiates](#)), 22 July 2020 [last accessed 11 October 2021].

¹⁷⁸ Belgium, Council of Europe, European Social Charter, Pending complaints, No. 195/2020 European Roma Rights Centre (ERRC) v. Belgium, [Response by the ERRC on the Government's observations on admissibility and request for immediate measures](#), 11 September 2020 [last accessed 11 October 2021].

¹⁷⁹ Belgium, Council of Europe, European Social Charter, Pending complaints, No. 195/2020 European Roma Rights Centre (ERRC) v. Belgium, [Response by the ERRC to the Committee's questions](#), 12 May 2021 [last accessed 11 October 2021].

¹⁸⁰ Belgium, Council of Europe, European Social Charter, Pending complaints, No. 195/2020 European Roma Rights Centre (ERRC) v. Belgium, Response by the Government to the Committee’s questions ([Reponses du Gouvernement aux questions du Comité](#)), 9 June 2021 [last accessed 11 October 2021].

¹⁸¹ Belgium, Council of Europe, European Social Charter, Pending complaints, No. 195/2020 European Roma Rights Centre (ERRC) v. Belgium, [Decision on admissibility and on immediate measures of the Complaint No. 195/2020](#), 29 June 2021 [last accessed 11 October 2021].

¹⁸² Belgium, CERD, [Concluding observations on the combined twentieth to twenty-second periodic reports of Belgium](#), 21 May 2021 [last accessed 11 October 2021].

dedicated to the Roma and Travellers communities, CERD expresses particular concern about the persistence of social exclusion and poverty experienced by Roma and Travellers, in particular children; the high rate of unemployment among Roma and Travellers, especially women, compared to the rest of the population; the low rate of health insurance coverage for Roma and Travellers and the fact that their life expectancy is significantly lower than that of the general Belgian population; the insufficient number of transit and residential sites for Travellers, and the evictions that they face; the negative impact of the COVID-19 pandemic on the already precarious enjoyment of economic, social and cultural rights by Roma and Travellers. CERD thus provides recommendation to the Belgian State on how to address these issues and requires reporting on the concrete measures taken to implement those recommendations.

Chapter 4. Asylum, visas, migration, borders and integration

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Belgium	In 2021, 215 person had their protection status (refugee or subsidiary protection status) revoked. ¹⁸³ The main reasons for this revocation were not made public.			

¹⁸³ Belgium, Office of the Commissioner General for Refugees and Stateless, [Asylum Statistics December 2021](#), January 2022 [last accessed 25 January 2022]

4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
There is no national border monitoring mechanism in Belgium.						

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

Data protection and security issues

A proposal to change the law on intelligence services and security to add an active notification procedure is currently being discussed. On 4 June 2021, the Federal Institute for the protection and promotion of Human Rights adopted an opinion on the proposal,¹⁸⁴ in which the Institute welcomes the initiative to develop an active notification procedure but provides recommendations to further clarify the application of the active notification obligation and to make the protection of privacy and the right to appeal in the context of surveillance methods more effective. Among others, the Institute recommends that the active notification obligation be extended to more forms of surveillance than currently foreseen in the proposal; that exceptions to the obligation be limited and interpreted strictly; and that notifications are sent as soon as possible.

An investigation by BuzzFeed indicated that the Belgian Federal police was making use of a facial recognition software produced by Clearview AI, which is considered a violation of the GDPR. The police, however, denies the accusation.¹⁸⁵

Safety and disinformation online

The Federal Police monitors and reports on online threats. For example, in January, it noted that at the end of 2020, 71% of structures specialising in cybersecurity reported a significant increase in threats;¹⁸⁶ while in September, it announced that in 2020, the Financial Services and Markets Authority received 1555 consumer reports of investment fraud, an increase of 30%

¹⁸⁴ Belgium, Federal Institute for the protection and promotion of Human Rights, [Opinion n° 3/2021](#), 4 June 2021 [last accessed 28 September 2021]

¹⁸⁵ Belgium, Brussels Times, [Belgian police deny using controversial facial recognition software](#), 1 September 2021 [last accessed 7 October 2021]

¹⁸⁶ Belgium, Federal Police, Safe Surfing: Start the year off right by avoiding the pitfalls ([Surfons Tranquille : Bien démarrer l'année en évitant les pièges](#)) [last accessed 9 November 2021]

compared to 2019.¹⁸⁷ To avoid harm, the police reported on scams and threats multiple times, such as the rise of new viruses and malware;¹⁸⁸ phishing;¹⁸⁹ data leakages;¹⁹⁰ and different methods used by harmful actors to obtain data.¹⁹¹

¹⁸⁷ Belgium, Federal Police, Safe Surfing: Investment fraud on the rise! ([Surfons Tranquille : Les fraudes aux placements en hausse constante !](#)) [last accessed 9 November 2021]

¹⁸⁸ Belgium, Federal Police, Safe Surfing: Beware of this malware that sends premium-rate SMS! ([Surfons Tranquille : Attention à ce logiciel malveillant qui envoie des SMS surtaxés !](#)); Federal Police, Microsoft Alert! A virus circulates in the Windows environment ([Alerte Microsoft ! Un virus circule dans l'environnement Windows](#)); Federal Police, Warning: the Joker virus is back in the Android environment! ([Attention : le virus Joker est de retour dans l'environnement Android !](#)); Federal Police, Safe Surfing: A particularly effective virus: watch out! ([Surfons Tranquille : Un virus particulièrement efficace : soyez sur vos gardes !](#)); Federal Police, Safe Surfing - Over 9,000 infected phones: protect yourself against viruses! ([Surfons Tranquille - Plus de 9 000 téléphones infectés : prémunissez-vous des virus !](#)) [last accessed 9 November 2021]

¹⁸⁹ Belgium, Federal Police, Police identities used to set a trap for you! ([Des identités policières utilisées pour vous tendre un piège !](#)); Federal Police Safe Surfing: Intense activity of hackers to collect our data ([Surfons Tranquille : Activité intense des pirates pour collecter nos données](#)); Federal Police Facebook data breach: our tips against phishing ([Fuite de données Facebook : nos conseils contre le phishing](#)); Federal Police, Safe Surfing ([Surfons Tranquille: De faux mails et prétendus paiements de PayPal](#)) [last accessed 9 November 2021]

¹⁹⁰ Belgium, Safe Surfing: LinkedIn victim of new data breach ([Surfons Tranquille : LinkedIn victime d'une nouvelle fuite de données](#)); Federal Police, Safe Surfing: Tips to Limit Data Sharing ([Surfons Tranquille : Des astuces pour limiter le partage de données](#)) [last accessed 9 November 2021]

¹⁹¹ Belgium, Federal Police, Safe Surfing: The Play Store Used By Hackers To Trick The User ([Surfons Tranquille : Le Play Store utilisé par les pirates pour piéger l'utilisateur](#)); Federal Police, Safe Surfing: Beware of your smartphone! ([Surfons Tranquille : Méfiez-vous de votre smartphone !](#)); Federal Police, Safe Surfing: A Netflix Access Application Containing ... A Trojan Horse ([Surfons Tranquille: Une application d'accès à Netflix contenant... un cheval de Troie](#)); Federal Police, Safe Surfing: Be careful if you download games from the Internet! ([Surfons Tranquille: Attention si vous téléchargez des jeux via Internet !](#)); Federal Police, Safe Surfing: Your television is also of interest to pirates ([Surfons Tranquille: Votre télévision intéresse aussi les pirates](#)); Federal Police, Safe Surfing: Telecommuting, this friend of hackers ([Surfons Tranquille : Le télétravail, cet ami des pirates informatiques](#)); Federal Police, Safe Surfing: Internet Browsers Targeted ([Surfons Tranquille: Les navigateurs Internet pris pour cible](#)); Federal Police, Safe Surfing: Some tips to limit access to your tablet ([Surfons Tranquille: Quelques conseils pour limiter l'accès à votre tablette](#)); Federal Police, Safe surfing: blocked WhatsApp accounts ([Surfons Tranquille: Des comptes WhatsApp bloqués](#)); Federal Police, Safe Surfing: A QR Code Scanner Trapped By Hackers ([Surfons Tranquille: Un scanner de QR codes piégé par les pirates](#)); Federal Police, Safe Surfing - Miracle investments: don't fall into the traps ([Surfons Tranquille - Placements miracles : ne tombez pas dans les pièges](#)) [last accessed 9 November 2021]

5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government / Parliamentary	National Draft Act	<p>This bill aims to amend Article 2 of the law on public access, in order to guarantee transparency regarding the use of algorithms. In particular, public authorities would be required to:</p> <ul style="list-style-type: none"> – publish online the rules used to determine the main algorithmic processing operations where individual decisions are based wholly or partly on them; – communicate the characteristics of the algorithm to the person against whom a decision based wholly or partly on algorithmic processing is made; – publish the impact assessment carried out under Article 35 of the General Data Protection Regulation (GDPR) with regard to the tools used by the public administration. 	Yes	<p>Belgium, Chambre des Représentants de Belgique, Law Proposal amending the law of 11 April 1994 on open government, in order to provide more transparency on the use of algorithms by the government (proposition de loi modifiant la loi relative à la publicité de l'administration du 11 avril 1994 afin d'introduire une plus grande transparence dans l'usage des algorithmes par les administrations), 6 April 2021.</p>
National human rights institution	Rerport: Federal Human Rights Institution	<p>The Federal Institute for the Protection and Promotion of Human Rights issued an opinion on the draft act (mentioned above). The Institute welcomed the bill, yet</p>	Yes	<p>Belgium, Federal Institute for the Protection and Promotion of Human Rights, Opinion 5.2021 dated 5 October 2021 (Avis n° 5/2021 du 5 octobre</p>

		recommended some improvements. For example, the Institution noted that it is not clear which government acts are covered by the bill. This should be clarified and the field of application should be sufficiently broad to cover not only administrative decisions but also preparatory acts concerning those decisions. The Institute also recommends that the transparency requirement extends to all federal authorities, not only administrative ones.		2021) [last accessed 15 November 2021]
Government, Business, Academia	Other projects	The program Digital Minds - #SmartNations was launched in 2021. Through this initiative, members of different sectors will be responsible for analysing and optimising the impact of the recovery plan and the structuring projects developed in Belgium in the digital field. Their role will be to advise public and private actors on the best way to implement recovery projects in order to maximise their positive impacts for society. This strategy aims to obtain the best possible efficiency within the framework of the significant investments made by the recovery and resilience plan.	No	Belgium, Mathieu Michel, Première réunion des Digital Minds - #SmartNation , 30 June 2021 [last accessed 29 September 2021]
DPA, Academia	Other projects	The Belgian DPA is currently working with Belgian universities to develop a conversational AI system	No	Belgium, Data Protection Authority, L'APD se lance dans l'intelligence artificielle pour

		that can facilitate access to the DPA's documents.		faciliter l'accès à ses documents , 28 September 2021 [last accessed 29 September 2021]
Academia, Business, Government	Other projects	In March 2021, the Belgium AI Week was organised involving multiple experts in the field. The event involved over 60 conferences and debates.	No	Belgium, The Belgian Artificial Intelligence Week [last accessed 29 September 2021]
Academic	Other projects	FARI is an independent, not-for-profit Artificial Intelligence initiative led by two universities in Brussels: the Vrije Universiteit Brussel (VUB) and the Université libre de Bruxelles (ULB). The Institute was launched during the Belgian AI week 2021 (March 2021) and is based in Brussels. It consists of 300 researchers, who represent as many as 15 disciplines. The initiative aims to help citizens, politicians and companies as well as not-for-profit organisations to address local, every day or long-term challenges in the Brussels-Capital Region, Belgium and Europe.	No	Belgium, The Artificial Intelligence for the Common Good Institute in Brussels [last accessed 29 September 2021]
Autorité de protection des données	DPA : opinion	Opinion concerning a preliminary draft ordinance relating to the implementation of the COVID Safe Ticket (that is, a sanitary ticket proving that the person has been vaccinated, tested negative or recovered from COVID 19 to access	- Non-discrimination (briefly): the DPA mentions that the use of the CST may	Belgium, Data Protection Authority, Opinion 164/21, dated 28/09/2021 (Avis n° 164/2021 du 28 septembre 2021) [last accessed 6 October 2021]

		<p>certain places) in case of necessity arising from an epidemiological situation. At the moment, the COVID Safe Ticket is required to access the hospitality and entertainment sectors and sports facilities in Belgium.</p>	<p>lead to discrimination and this should be taken into account.</p> <ul style="list-style-type: none"> - Right to privacy / right to protection of personal data: taking into account the objective/purpose of the envisaged processing, those enacting it should ensure that there are not less intrusive measures that could achieve the same aim. Furthermore, the aim of the measure should be explicitly 	
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			<p>prescribed in its legal basis (paras. 9-11)</p> <ul style="list-style-type: none">- Important factors for interference with rights: epidemiological data (rate of vaccination, situation in the hospitals), information on effectiveness, transmission and immunity regarding vaccination; what kind of access is granted for users of CST. All these measures should be taken into account to determine when and where it is	
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			<p>appropriate to use the CST.</p> <p>- Recommendations to improve the use of CST: specific legal grounds for extension of the use, continuous scientific assessment, data protection safeguards, access to public places in accordance with principles of proportionality, necessity and non-discrimination</p>	
Government	Legal act	Implementation cooperation agreement between the [acting governments] concerning the processing of data related to the digital COVID vaccine certificate of the EU and the COVID Safe Ticket, the passenger locator form (PLF) (a	In the preamble, it is mentioned that the CST should be used in the less restrictive	Belgium, Implementation cooperation agreement between the Federal State, the Flemish Community, the French Community, the German-speaking Community, the Common Community

		<p>document that is to be completed by all persons entering Belgium from abroad) and the processing of personal data of employees and self-employed workers living or residing abroad who carry out activities in Belgium (14/07/2021) [revoked by the agreement mentioned below].</p>	<p>way possible to limit its interference with the right to privacy, but this is not further elaborated.</p>	<p>Commission, the Walloon Region and the French Community Commission concerning the processing of data related to the digital COVID certificate of the EU and the COVID Safe Ticket, the PLF and the processing of personal data of employees and self-employed workers living or residing abroad who carry out activities in Belgium (<i>Accord de coopération d'exécution entre l'État fédéral, la Communauté flamande, la Communauté française, la Communauté germanophone, la Commission communautaire commune, la Région wallonne et la Commission communautaire française concernant le traitement des données liées au certificat COVID numérique de l'UE et au COVID Safe Ticket, le PLF et le traitement des données à caractère personnel des travailleurs salariés et des travailleurs indépendants vivant ou résidant à l'étranger qui effectuent des activités en Belgique</i>). Published in the official Belgian Gazette on 28 July 2021.</p>
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Government	Legal act	Implementation cooperation agreement between the [acting governments] concerning the processing of data related to the digital COVID vaccine certificate of the EU and the COVID Safe Ticket, the PLF and the processing of personal data of employees and self-employed workers living or residing abroad who carry out activities in Belgium (27/09/2021)	No. Only gives legal grounds for the future use of CST	Belgium, Implementation cooperation agreement between the [acting governments] concerning the processing of data related to the digital COVID certificate of the EU and the COVID Safe Ticket, the PLF and the processing of personal data of employees and self-employed workers living or residing abroad who carry out activities in Belgium (<i>Accord de coopération d'exécution entre l'Etat fédéral, la Communauté flamande, la Communauté française la Communauté germanophone, la Commission communautaire commune, la Région wallonne et la Commission communautaire française concernant le traitement des données liées au certificat COVID numérique de l'UE et au COVID Safe Ticket, le PLF et le traitement des données à caractère personnel des travailleurs salariés et des travailleurs indépendants vivant ou résidant à l'étranger qui effectuent des activités en Belgique</i>), 27 September 2021. Published in the official
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				Belgian Gazette on 1 October 2021.
Courts	Court decision	The CST has been questioned in Court and was initially deemed illegal by the Namur's Court of First Instance, which deemed that it did not respect the principle of proportionality. On appeal, however, the decision was overturned as the Wallonian court of appeal considered that the CST is a necessary, objective and proportional instrument to fight the COVID-19 pandemic.	Yes, the principle of proportionality is discussed in both decisions.	Brussels times, Court declares use of Covid Safe Ticket in Wallonia illegal (1 December 2021) [last accessed 10 January 2021]; Brussels times, Covid Safe Ticket is legal, Wallonian court rules (7 January 2021) [last accessed 10 January 2021]
DPA	DPA : press release	The Belgian DPA is currently investigating a possible flaw on the Covid Scan app, which reads the CST to allow access to certain events. According to the DPA, due to this flaw, the data of about 39,000 people may have leaked.	Yes. The DPA stressed the importance of protection health data, as prescribed in the GDPR, and due to potential risks to the rights and liberties of individuals.	Data Protection Authority, DPA addresses potential security flaw in CovidScan application (L'APD se penche sur une potentielle faille de sécurité de l'application CovidScan), 13 October 2021.

Chapter 6. Rights of the child

6.1 Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<ul style="list-style-type: none">• The regulations on family allowances provide that they can be suspended if the child engages in paid employment (children in Belgium can work after they turn 15).¹⁹² There are exceptions to this rule, for example when the child works under a student employment contract up to a maximum of 475 hours per year. One of the measures resulting from COVID-19 was to disregard this maximum of 475 hours for students who worked during the period from April 1 to June 30, 2020. This measure aims to encourage more students to get involved during this period of crisis and to provide the necessary help in the care or education sector, without losing their right to family allowances. The Flemish government decided to extend this measure in the context of family allowances from October 1, 2020, for the fourth quarter of 2020 and the first quarter of 2021.¹⁹³ For students working in care or education services, the measures were extended until the first quarter of 2021 in the whole country.¹⁹⁴• Removal of the difference applied in terms of socio-professional integration exemption between students who benefit from a scholarship and students who do not and who work (until June 30, 2021): young people benefiting from a scholarship therefore continued to benefit from the same exemption as non-scholarship holders, namely 253.88 euros per month. Normally, they only benefit from an exemption of 70.81 euros per month.¹⁹⁵ Scholarships (or study allocations) can be granted for students in secondary or high education, that is, from 12 years of age onwards.¹⁹⁶• To detect, prevent and remedy the learning loss due to the impact of the COVID-19 pandemic, in particular for the most vulnerable target groups, the Flemish
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¹⁹² Belgium, Federal Public Service – Employment, Labour and Social Dialogue, Student employment contract ([Contrat d'occupation d'étudiants](#)) [last accessed 10 November 2021]

¹⁹³ Belgium, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, [Aperçu des mesures COVID-19, en soutien aux situations de pauvreté et de précarité](#), 20 July 2021 [last accessed 29 September 2021]

¹⁹⁴ Belgium, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, [Aperçu des mesures COVID-19, en soutien aux situations de pauvreté et de précarité](#), 20 July 2021 [last accessed 29 September 2021]

¹⁹⁵ Belgium, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, [Aperçu des mesures COVID-19, en soutien aux situations de pauvreté et de précarité](#), 20 July 2021 [last accessed 29 September 2021]

¹⁹⁶ Belgium, see e.g. Wallonia-Brussels Federation, study allocations ([allocations d'études](#)) [last accessed 9 November 2021]

	<p>Government calls for the organisation of summer schools. These must offer students varied and goal-oriented activities, which are part of the individual educational path of students and which are linked to the educational objectives. They work with small groups of students. Participation is free and voluntary for students. Summer courses can start on Monday July 5, 2021 and continue until Friday August 27, 2021.¹⁹⁷ Similarly, to combat the risks of learning delays, the Flemish government is launching a project called "remedial routes in secondary education" ("Autumn and winter schools"). Regular and special secondary schools as well as part-time vocational secondary education centres can register for this call. Thanks to these funds, students can receive additional training outside of school hours, on weekends or during the autumn holidays, Christmas 2020 and February 2021 holidays. Preference is given to remedial courses for students in the second, fourth, sixth and seventh cycles of secondary education, but courses can also be set up for other students.¹⁹⁸ Secondary school comprises students aged 12 to 18.</p> <ul style="list-style-type: none"> • On October 30, 2020, the advisory committee decided that in person education for the 2nd and 3rd levels of secondary education would be limited to a maximum of 50% of the time. Higher education is shifting to full-time distance education. The Flemish government provides subsidies for the purchase of laptops to enable socially vulnerable families to access distance education. The request is made by the schools, which determine who needs a laptop. A budget of 8.25 million euros is foreseen for secondary education and 550,000 euros for higher education. This budget comes from the (increased) digitisation budget of 2021.¹⁹⁹ • To ensure the continuity of learning during the 2020-2021 school year, the Wallonia-Brussels Federation has made some places accessible to students who do not have equipment or connection at home.²⁰⁰ • The daytime winter reception²⁰¹ period for homeless persons was extended until 15 April 2021, with a particular attention to families and children, offering
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¹⁹⁷ Belgium, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, [Aperçu des mesures COVID-19, en soutien aux situations de pauvreté et de précarité](#), 20 July 2021 [last accessed 29 September 2021]

¹⁹⁸ Belgium, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, [Aperçu des mesures COVID-19, en soutien aux situations de pauvreté et de précarité](#), 20 July 2021 [last accessed 29 September 2021]

¹⁹⁹ Belgium, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, [Aperçu des mesures COVID-19, en soutien aux situations de pauvreté et de précarité](#), 20 July 2021 [last accessed 29 September 2021]

²⁰⁰ Belgium, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, [Aperçu des mesures COVID-19, en soutien aux situations de pauvreté et de précarité](#), 20 July 2021 [last accessed 29 September 2021]

²⁰¹ Belgium, see [Dispositif Hiver 86.400](#) [last accessed 30 September 2021]

	<p>specific reception areas for children and more sustained support with parents.²⁰²</p> <ul style="list-style-type: none"> • Special subsidies were provided for: <ul style="list-style-type: none"> i) the local distribution of packages containing material for free time; ii) restarting and strengthening external support for young people and children in youth support services; iii) temporary support for problematic situations during free time; iv) the centre for digital literacy in Flanders and Brussels to increase digital inclusion by strengthening their digital skills and their social, critical and creative skills online; v) supralocal and rural organisations in the youth sector which focus on young people and children in vulnerable situations.²⁰³
Measures to protect children from violence	<ul style="list-style-type: none"> • On 1st January 2021, guidelines COL 15/2020 came into force introducing a risk assessment tool for police and public prosecutors in cases of domestic violence.²⁰⁴ • The Wallonia-Brussels Federation has compiled the numbers of emergency, listening and support services available to victims, perpetrators, their relatives and professionals in difficulty.²⁰⁵ • While classes were suspended due to confinement measures, Flanders ensured that schools still received children who would be vulnerable in their homes (vulnerability was assessed by schools together with psychosocial medical centres and parents).²⁰⁶ This also applied in Brussels/Wallonia for children in specific social situations (such as those who were under the care of the State).²⁰⁷

²⁰² Belgium, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, [Aperçu des mesures COVID-19, en soutien aux situations de pauvreté et de précarité](#), 20 July 2021 [last accessed 29 September 2021]

²⁰³ Belgium, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, [Aperçu des mesures COVID-19, en soutien aux situations de pauvreté et de précarité](#), 20 July 2021 [last accessed 29 September 2021]

²⁰⁴ Belgium, Public Prosecutor (ministère public), circular n ° 15/2020 from the college of attorneys general on appeal courts ([circulaire n° 15/2020 du collège des procureurs généraux près les cours d'appel](#)), 26 June 2020. See also Sarah Schlitz, Federal action plan to combat gender and intra-family violence following the 2nd wave of COVID-19 ([Plan d'action fédéral de lutte contre les violences de genre et intrafamiliales à la suite de la 2ème vague COVID-19](#)) [last accessed 24 November 2021]

²⁰⁵ Belgium, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, [Aperçu des mesures COVID-19, en soutien aux situations de pauvreté et de précarité](#), 20 July 2021; see the compiled chart of numbers at: Fédération Wallonie-Bruxelles, [Violence conjugale et intrafamiliale](#) [last accessed 29 September 2021]

²⁰⁶ Belgium, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, [Aperçu des mesures COVID-19, en soutien aux situations de pauvreté et de précarité](#), 20 July 2021; see the compiled chart of numbers at: Fédération Wallonie-Bruxelles, [Violence conjugale et intrafamiliale](#) [last accessed 29 September 2021]

²⁰⁷ Belgium, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, [Aperçu des mesures COVID-19, en soutien aux situations de pauvreté et de précarité](#), 20 July 2021; see the compiled chart of numbers at: Fédération Wallonie-Bruxelles, [Violence conjugale et intrafamiliale](#) [last accessed 29 September 2021]

6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	No developments identified.
Policy developments	No developments identified.
Other measures or initiatives	In October 2021, the LA Child project published its Guidelines for Adapted Legal Aid for Children in Conflict with the Law. ²⁰⁸ The guidelines highlight best practices and make recommendations. Regarding Belgium, among others, the report welcomed the fact that children in Belgium have a right to free legal assistance and that there is a specialised service (service droits des jeunes) financed by the State. It was also welcomed that in Belgium the criminal code does not allow a child to renounce his/her right to a lawyer and that lawyers representing children must be registered in a list of lawyers for young people, reserved for specialised lawyers. Furthermore, the continued training lawyers working with children have to undergo is also seen as a best practice.

Chapter 7. Access to justice

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

In 2021, several legislative developments have been identified and will be presented successively.

a) Adaptations of criminal procedural laws to the COVID-19 pandemic

The bulk of the measures impacting criminal procedures were adopted in 2020, nevertheless due to the evolution of the health situation, many of them were prolonged until 2021. New measures have been adopted in the course of 2021, but they have had a more limited impact on criminal procedures.

²⁰⁸ Belgium, Defence for Children International (Belgium), Guidelines for Adapted Legal Aid for Children in Conflict with the Law ([Lignes Directrices pour une Aide Juridique Adaptée aux Enfants en Conflit avec la Loi](#)) [last accessed 10 November 2021]

The national legislator (Chamber of Representatives) has adopted in late December 2020 a law confirming and extending the application in time of some exceptional measures in the course of a pandemic, including those adapting criminal procedural law to the health situation.²⁰⁹

These measures were initially enacted in spring 2020 at the occasion of the first lockdown and can be found in the Royal Decree No. 3 of 9 April 2020 laying down various provisions relating to criminal procedure and the enforcement of penalties and measures to combat the spread of the coronavirus COVID-19.²¹⁰ This text was adopted on the basis of the Laws of 27 March 2020 empowering the King to take measures to combat the spread of the coronavirus COVID-19 (I)²¹¹ and (II).²¹² Two other Royal decrees had extended the temporal scope of the first one,²¹³ and in result the special measures adopted were applicable from 18 March 2020 to 17 June 2020. The Law of 20 December 2020 extended the application of some special measures, as demonstrated by selected examples.

- Pursuant to Article 3 of the Royal Decree, the limitation period for initiating public action and for the execution of sentences was suspended for the period of implementation of the text plus one month.

²⁰⁹ Belgium, Law of 20 December 2020 laying down various temporary and structural measures relating to justice to combat the spread of the coronavirus Covid-19 ([Loi portant des dispositions diverses temporaires et structurelles en matière de justice dans le cadre de la lutte contre la propagation du coronavirus COVID-19](#)), Published in the Belgian Official Gazette on 24 December 2020 [Last accessed on 5 October 2021].

²¹⁰ Belgium, Royal Decree No. 3 of 9 April 2020 laying down various provisions relating to criminal procedure and the enforcement of penalties and measures to combat the spread of the coronavirus COVID-19 ([Arrêté royal n° 3 portant des dispositions diverses relatives à la procédure pénale et à l'exécution des peines et des mesures prévues dans le cadre de la lutte contre la propagation du coronavirus COVID-19](#)), Published in the Belgian Official Gazette on 9 April 2020 [Last accessed on 22 September 2020].

²¹¹ Belgium, Law of 27 March 2020 empowering the King to take measures to combat the spread of the coronavirus COVID-19 (I) ([Loi habilitant le Roi à prendre des mesures de lutte contre la propagation du coronavirus COVID-19 \(I\)](#)), Published in the Belgian Official Gazette on 30 March 2020 [Last accessed on 22 September 2020].

²¹² Belgium, Law of 27 March 2020 empowering the King to take measures to combat the spread of the coronavirus COVID-19 (II) ([Loi habilitant le Roi à prendre des mesures de lutte contre la propagation du coronavirus COVID-19 \(II\)](#)), Published in the Belgian Official Gazette on 30 March 2020, art. 2 and 5 [Last accessed on 22 September 2020].

²¹³ Belgium, Royal Decree of 28 April 2020 extending the measures taken by Royal Decree No. 3 of 9 April 2020 on various provisions relating to criminal procedure and the enforcement of penalties and measures to combat the spread of the coronavirus COVID-19 ([Arrêté Royal du 28 avril 2020 prolongeant les mesures prises par l'Arrêté Royal n°3 du 9 avril 2020 portant des dispositions diverses relatives à la procédure pénale et à l'exécution des peines et des mesures prévues dans le cadre de la lutte contre la propagation du coronavirus COVID-19](#)), Published in the Belgian Official Gazette on 28 April 2020 [Last accessed on 22 September 2020]; Belgium, Royal Decree of 13 May 2020 extending the measures taken by Royal Decree No. 3 of 9 April 2020 on various provisions relating to criminal procedure and the enforcement of penalties and measures to combat the spread of the coronavirus COVID-19 ([Arrêté royal du 13 mai 2020 prolongeant les mesures prises par l'Arrêté royal n° 3 du 9 avril 2020 portant des dispositions diverses relatives à la procédure pénale et à l'exécution des peines et des mesures prévues dans le cadre de la lutte contre la propagation du coronavirus COVID-19](#)), Published in the Belgian Official Gazette on 13 May 2020. [Last accessed on 22 September 2020].

- Under the Law of 17 May 2006, a victim who does not act as a civil party²¹⁴ has the possibility to be informed or heard when a decision is taken regarding the execution of an imprisonment sentence. Indeed, when the judge tasked with the enforcement of the sentence (*juge d'application des peines* or sentence enforcement judge) needs to receive complementary information from the applicant (the victim), he/she may schedule a hearing in order to statute on the direct and legitimate interest of the victim.²¹⁵ Pursuant to article 4 of the Royal Decree No. 3, only the applicant's attorney may be present to this hearing, unless a duly motivated decision provides for the hearing of the applicant.
- In other situations covered by the Law of 17 May 2006, Royal Decree No 3 provides that the judge or the tribunal tasked with the enforcement of the sentence hears only the attorneys of the convicted person and, when necessary, the victim, and the public prosecutor, unless a duly motivated decision provides the contrary.²¹⁶ The application of this measure was extended until 31 March 2021²¹⁷ and finally until 30 June 2021²¹⁸.

Royal Decree No. 3, and later the Law of 20 December 2020²¹⁹, include a series of provisions aiming at reducing prison overcrowding and limiting the health risks associated with persons leaving and returning to prison. The texts provide for a special ground "Coronavirus COVID-19" which suspends the execution of the imprisonment sentences. Such temporary suspension is conditional, notably upon the necessity to ensure the protection of the victims and prevent his/her harassment. Moreover, the victim must be informed within maximum 24 hours of the decision to interrupt the execution of the sentence and of the general conditions linked to it.²²⁰ The victim must also be informed in case the decision to suspend the execution of the sentence is revoked, or if during such suspension,

²¹⁴ Belgium, art. 2, 1st al., 6^o, c) to e) of the Law of 17 May 2006 on the external legal status of persons convicted to the punishment of deprivation of liberty and on the rights granted to the victim in the modalities of the execution of the sentence ([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](#)), Published in the Belgian Official Gazette on 15 June 2006 [Last accessed on 22 September 2020].

²¹⁵ Belgium, Law of 17 May 2006, art. 3, paragraph 3.

²¹⁶ Belgium, Royal Decree No. 3, art. 5.

²¹⁷ Belgium, Law of 20 December 2020, art. 45.

²¹⁸ Belgium, Royal Decree of 29 March 2021 prolonging some measures taken by the Laws of 20 December 2020 laying down various temporary and structural measures relating to justice to combat the spread of the coronavirus Covid-19 (...) ([Arrêté royal prolongeant certaines mesures prises par les lois du 20 décembre 2020 portant des dispositions diverses temporaires et structurelles en matière de justice dans le cadre de la lutte contre la propagation du coronavirus COVID-19, du 30 avril 2020 portant des dispositions diverses en matière de justice et de notariat dans le cadre de la lutte contre la propagation du coronavirus COVID-19 et du 20 mai 2020 portant des dispositions diverses en matière de justice dans le cadre de la lutte contre la propagation du coronavirus COVID-19](#)) Published in the Belgian Official Gazette on 31 March 2021 [Last accessed on 4 October 2021].

²¹⁹ Belgium, Law of 20 December 2020, art. 59 to 69.

²²⁰ Belgium, Royal Decree No. 3, art. 10, and Law of 20 December 2020, art. 61 § 1.

the convicted person seriously endangered the physical or psychological integrity of third parties.²²¹ The application of these measures was extended until 31 March 2021,²²² 30 June 2021²²³ and 30 September 2021.²²⁴ They have since then been the object of specific provisions included in the law of 23 December 2021²²⁵ extending the application of such regime until 1st June 2022. Specific guarantees are foreseen to respect the rights of the victim. The victim should be informed as quickly as possible, and in any case within 24 hours, about the release and the conditions attached to it. These conditions may include the obligation for the released person not to harass the victims and to immediately leave the scene when encountering a victim.

The law of 23 December 2021²²⁶ has also provided for specific measures relating to legal aid. It extended the deadlines for providing supporting documents, and it gives the possibility for the competent offices in charge of receiving and evaluating requests (*bureaux d'aide juridique*) to set aside and prolong the 15-days deadline normally applicable, for as long as it can be considered that the applicant or beneficiary has not been able to produce the supporting documents within the prescribed period, due to the COVID-related crisis. The limit for such extension is June 15, 2022.

As some of the exceptional measures adopted in response to the pandemic remain applicable, new controversies arose, notably relating to the powers of police to

²²¹ Belgium, Royal decree No. 3, art. 12 and 13, and Law of 20 December 2020, art. 61 § 4.

²²² Belgium, Law of 20 December 2020, art. 69.

²²³ Belgium, Royal Decree of 29 March 2021 prolonging some measures taken by the Laws of 20 December 2020 laying down various temporary and structural measures relating to justice to combat the spread of the coronavirus Covid-19 (...) ([*Arrêté royal prolongeant certaines mesures prises par les lois du 20 décembre 2020 portant des dispositions diverses temporaires et structurelles en matière de justice dans le cadre de la lutte contre la propagation du coronavirus COVID-19, du 30 avril 2020 portant des dispositions diverses en matière de justice et de notariat dans le cadre de la lutte contre la propagation du coronavirus COVID-19 et du 20 mai 2020 portant des dispositions diverses en matière de justice dans le cadre de la lutte contre la propagation du coronavirus COVID-19*](#)) Published in the Belgian Official Gazette on 31 March 2021 [Last accessed on 4 October 2021].

²²⁴ Belgium, Royal Decree of 24 June 2021 prolonging some measures taken by the Laws of 20 December 2020 laying down various temporary and structural measures relating to justice to combat the spread of the coronavirus Covid-19 (...) ([*Arrêté royal prolongeant certaines mesures prises par les lois du 20 décembre 2020 portant des dispositions diverses temporaires et structurelles en matière de justice dans le cadre de la lutte contre la propagation du coronavirus COVID-19, du 30 avril 2020 portant des dispositions diverses en matière de justice et de notariat dans le cadre de la lutte contre la propagation du coronavirus COVID-19 et du 20 mai 2020 portant des dispositions diverses en matière de justice dans le cadre de la lutte contre la propagation du coronavirus COVID-19*](#)) Published in the Belgian Official Gazette on 30 June 2021 [Last accessed on 4 October 2021].

²²⁵ Belgium, Law of 23 December 2021 introducing the public prosecution office on road safety and including various provisions on judiciary organisation and justice ([*Loi du 23 décembre 2021 introduisant le parquet de la sécurité routière et portant des dispositions diverses en matière d'organisation judiciaire et de justice*](#)), Published in the Belgian Official Gazette on 30 December 2021 [Last accessed on 5 January 2022].

²²⁶ Ibid.

control the respect of measures in private homes.²²⁷ The College of General Prosecutors adopted on 15 December 2020 new national directives concerning the criminal policy towards lockdown parties, rules on the use of drones and house visits in case of violations of the sanitary rules.²²⁸ Since then, the Belgian legislator has had the opportunity to adopt the “Pandemic Law” destined to provide a legal framework more stable to such situation. The text has been adopted on 14 August 2021²²⁹, and refers in particular to measures of administrative police to be taken a situation of epidemic emergency (*mesures de police administrative lors d'une situation d'urgence épidémique*), among which measures that may impact criminal proceedings and procedures (such as the conditions in which public may attend hearings, personal protection measures, etc.). Late October 2021, the government activated the framework provided for by the Pandemic Law, and adopted a Royal Decree²³⁰, already amended once on 27 November 2021.²³¹ The measures have had so far a limited impact on the functioning of the judicial system, except for the obligation to wear a mask in the buildings. However, several prisons have been identified as clusters and the Central Supervisory Council of the prison administration has called for the adoption of measures useful for drastically limiting entry and encouraging exits from prison.²³² The situation in prisons remains complicated, and several strikes of the penitentiary staff have notably impacted the possibility for prisoners to meet their lawyers,²³³ and two prisons

²²⁷ See for instance The Brussels Times, [Several injured after police raid on lockdown party ends in violence](#), article published on Monday, 21 December 2020. [Last accessed on 5 January 2020].

²²⁸ Belgium, College of General Prosecutors, Circular n°06/2020, revised version of 15 December 2020 ([Circulaire n°06/2020, version révisée du 15 décembre 2020](#)). [Last accessed on 5 January 2020].

²²⁹ Belgium, Law of 14 August 2021 on measures of administrative police in case of a situation of epidemic emergency ([Loi du 14 août 2021 relative mesures de police administrative lors d'une situation d'urgence épidémique](#)), Published in the Belgian Official Gazette on 20 August 2021 [Last accessed on 30 November 2021].

²³⁰ Belgium, Royal Decree of 28 October 2021 providing for measures of administrative police necessary to prevent or limit the consequences for public health of the declared situation of epidemic emergency relating to the coronavirus Covid-19 pandemic ([Arrêté royal portant les mesures de police administrative nécessaires en vue de prévenir ou de limiter les conséquences pour la santé publique de la situation d'urgence épidémique déclarée concernant la pandémie de coronavirus COVID-19](#)). Published in the Belgian Official Gazette on 29 October 2021 [Last accessed on 30 November 2021].

²³¹ Belgium, Royal Decree of 27 November 2021 modifying the Royal Decree of 28 October 2021 providing for measures of administrative police necessary to prevent or limit the consequences for public health of the declared situation of epidemic emergency relating to the coronavirus Covid-19 pandemic ([Arrêté royal modifiant l'arrêté royal du 28 octobre 2021 portant les mesures de police administrative nécessaires en vue de prévenir ou de limiter les conséquences pour la santé publique de la situation d'urgence épidémique déclarée concernant la pandémie](#)). Published in the Belgian Official Gazette on 27 November 2021. [Last accessed on 30 November 2021].

²³² Belgium, Opinion of the Central Supervisory Council of the prison administration on the overpopulation of prisons in the context of the 4th wave of Covid-19 ([avis du Conseil Central de Surveillance Pénitentiaire face à la surpopulation des prisons dans le contexte de la 4ème vague de covid-19](#)), 25 November 2021. [Last accessed on 30 November 2021].

²³³ Belgium, Belgian section of the International Prison Observatory, [“Le droit d'accès à l'avocat, une utopie pour les détenus en temps de Covid-19 et de grèves”](#), Press release published on 26 November 2021 [Last accessed on 5 January 2022].

offering a semi-open imprisonment regime have been placed under lockdown mid-December due to an increasing number of covid cases.²³⁴

b) Legislative developments

There have been few legislative developments relevant in the field of victims' protection. The Belgian legislator continues its work to modernise criminal procedural laws. As mentioned in the previous report, the federal legislator adopted the Law of 31 July 2020 on urgent provisions in justice matters,²³⁵ a broad instrument mixing measures adapting the procedures to the context of the pandemic, but also measures pursuing the long term objective of improving the functioning of the criminal justice system.

As a reminder, the law of 31 July 2020 modified the rules concerning the contribution by the victims to the Budgetary Fund covering the expenses linked to the provision of secondary legal aid (*Fond budgétaire relatif à l'aide juridique de deuxième ligne*),²³⁶ and it also modified the modalities of hearings before the Commission for financial assistance to victims of intentional acts of violence and to occasional rescuers (*Commission pour l'aide financière aux victimes d'actes intentionnels de violence et aux sauveteurs occasionnels*). Measures to facilitate and organise the use of videoconference in criminal matters, in particular concerning the enforcement of penalties and in the execution of internment measures, albeit initially included in the proposal, were left out.²³⁷

The discussions are ongoing relating to the proposal made before the Chamber of Representatives to reform the Code of Criminal Procedure (*Code d'instruction criminelle*) in order to provide for the audiovisual recording of specific auditions. Under the law currently applicable, it is mandatory to record the interview of minors or vulnerable adults, victims or witnesses of certain offences of sexual character, such as rape, prostitution of minor, etc²³⁸. A proposal submitted in 2019

²³⁴ Belgium, Belgian section of the International Prison Observatory, "Lockdown dans les prisons de Marneffe et Saint-Hubert", press release published on 16 December 2021 [Last accessed on 5 January 2022].

²³⁵ Belgium, Law of 31 July 2020 on urgent provisions in justice matters ([Loi du 31 juillet 2020 portant dispositions urgentes en matière de justice](#)), Published in the Belgian Official Gazette on 7 August 2020. [Last accessed on 23 September 2020].

²³⁶ Belgium, Secondary legal aid is defined as the aid granted to a natural person for "detailed legal advice or legal assistance within the framework of proceedings" (Belgium, Judicial Code, Art. 508/1, 2°). This type of legal aid corresponds to financial assistance through which victims can benefit from the assistance of lawyer for free or for a reduced fee. This service is conditional, and depends on the income of each victim concerned. The contribution to the Fund is of an amount of 20 €.

²³⁷ Belgium, House of Representatives, Legislative proposal laying down various provisions in justice matters, particularly in the context of the fight against the spread of coronavirus ([Proposition de loi portant des dispositions diverses en matière de justice, notamment dans le cadre de la lutte contre la propagation du coronavirus](#)), Doc. 55 1295/001, p. 82 – 91 [Last accessed on 3 October 2020].

²³⁸ Offences are defined in articles 371/1 à 377, 377quater, 379, 380, §§ 4 et 5, et 409 of the Belgian Criminal Code.

aims at expanding the recording of such auditions for all adults, victims or witnesses in such cases.²³⁹ On 4 May 2021, the Superior Council of Justice (*Conseil supérieur de la justice*) has issued its Opinion about the proposal, in which it marked its approval for the extension of the recording of auditions to all victims and witnesses of sexual offences, but criticised the legislative amendment proposed : the Council considered that legal clarity would recommend to amend Article 92 of the Code of Criminal Procedure (on mandatory recording for minors and vulnerable adults), rather than Article 112ter §1 of the same text (optional recording)²⁴⁰. Additionally, the Opinion pinpointed the need to accompany such reform with substantial investments in technical infrastructures, in police stations but also in courts.

As for the recourse of videoconference in the course of criminal proceedings, the matter remains unresolved. A first attempt to legislate on this subject was made with the adoption of the Law of 29 January 2016²⁴¹ which was annulled by the Constitutional Court in 2018.²⁴² The proposal presented in 2020 contained provisions relating to the possibility to have recourse to videoconference for trials that may have to be held when despite the execution of a previous sentence, the victim faces a safety risk. The drafters deemed necessary to make it explicit.²⁴³ However, these provisions were taken out. A second attempt took place in autumn 2020 with the presentation of a draft legislative proposal, notably criticised by the Council of State due to the risk of insufficient data protection, and the provisions on videoconference were withdrawn from the final version of the legislative proposal.²⁴⁴ The text indicated that the use of video-conference would be the object of a thorough debate at a later stage, but as of October 2021 no significant legislative development took place. National courts, especially the Constitutional

²³⁹ Belgium, Chamber of Representatives, Legislative proposal modifying the Code of Criminal Procedure relating to the audiovisual recording of auditions ([Proposition de loi modifiant le Code d'instruction criminelle en ce qui concerne l'enregistrement audiovisuel des auditions](#)), Doc. 55 0348/001 [Last accessed on 5 October 2021].

²⁴⁰ Belgium, Superior Council of Justice, Opinion on the legislative proposal modifying the Code of Criminal Procedure relating to the audiovisual recording of auditions ([Avis - Proposition de loi modifiant le Code d'instruction criminelle en ce qui concerne l'enregistrement audiovisuel des auditions](#)) [Last accessed on 5 October 2021].

²⁴¹ Belgium, Law of 29 January 2016 on the use of videoconferencing for the appearance of defendants in preventive detention ([Loi du 29 janvier 2016 relative à l'utilisation de la vidéoconférence pour la comparution d'inculpés en détention préventive](#)), Published in the Belgian Official Gazette 19 February 2016 [Last accessed on 3 October 2020]

²⁴² Belgium, Constitutional Court, [Judgment No. 76/2018 of 21 June 2018](#).

²⁴³ Belgium, House of Representatives, Legislative proposal laying down various provisions in justice matters, particularly in the context of the fight against the spread of coronavirus ([Proposition de loi portant des dispositions diverses en matière de justice, notamment dans le cadre de la lutte contre la propagation du coronavirus](#)), Doc. 55 1295/001, p. 91.

²⁴⁴ Belgium, House of Representatives, Legislative proposal laying down various temporary and structural provisions in justice matters in the context of the fight against the spread of coronavirus ([Projet de loi portant des dispositions diverses temporaires et structurelles en matière de justice dans le cadre de la lutte contre la propagation du coronavirus COVID-19](#)), Doc. 55 1668/001, p. 5.

Court, in a judgment of 25 February 2021²⁴⁵, the essential character of the appearance of an interned person during the control of the deprivation of liberty, even in the event of a viral pandemic, videoconferencing being mentioned as a possible alternative in such exceptional circumstances. The government has published in October 2021 its orientations for the coming months in the field of Justice, including a reference to the preparation of a new legal framework on the topic, in concertation with courts and tribunals, as well as with bar associations.²⁴⁶

On a more general note, a legislative proposal presented in May 2020 proposing a major reform of Belgian criminal procedural law through the adoption of a unique Code of Criminal Procedure²⁴⁷ has not known significant developments in 2021. Several aspects are relevant for the protection of victims' rights, namely the harmonisation of the rules applicable regarding the opening of public action, their access to the file, or the adjustment of their right to the severity of the offence; as well as their possibility to challenge before a court a decision to dismiss the case taken by a public prosecutor (*classement sans suite*). Since the publication of the opinions from the Data Protection Authority and the Organ of Control of Police Information, no parliamentary debate has been scheduled.

Lastly, regarding the financial assistance to victims of acts of intentional violence, the debates have focussed on the duration of the procedure to obtain such assistance. The Commission for financial assistance to victims of acts of intentional violence is structured in 7 Chambers : three are flemish-speaking, three french-speaking and one bilingual. For several years, there has been an important structural delay in the functioning of the flemish-speaking chambers of the Commission. As a result the duration of the procedure is on average on 28 months, with 800 files concerned. This contrasts with the realistic estimated duration of such procedure, which is, according to the Minister of Justice, between 12 to 18 months. This delay has been further aggravated with the Covid-19 pandemic (temporary impossibility to hold hearings) and the absence due to sickness of some collaborators. As a remedy, additional funds have been made available to equip the Commission with a software making the treatment of files more efficient, the recruitment of temporary agents and the envisaged creation of an additional dutch-speaking chamber²⁴⁸.

²⁴⁵ Belgium, Constitutional Court, Judgment n° 32/2021 of 25 February 2021. On this point, see J. Funck, « La vidéoconférence en matière pénale : approche critique, pratique et prospective », *Journal des Tribunaux.*, 2021/14, p. 257-264.

²⁴⁶ Belgium, House of Representatives, Note of general policy for justice (*Note de politique générale Justice*), 29 October 2021, p. 19. [Last accessed on 30 November 2021].

²⁴⁷ Belgium, House of Representatives, Legislative proposal containing the Code of Criminal Procedure ([Proposition de loi contenant le Code de procédure pénale](#)), 11 May 2020, Doc. No. 55 1239/001, 729 pages.

²⁴⁸ Belgium, Chamber of Representatives, Written question and answer n° 55 – 392, Commission for financial assistance to victims of intentional acts of violence – duration of the examination of a

c) Victims of terrorism

2020 had marked an important deadline for the victims of terrorism willing to introduce a request for financial assistance, especially for the victims of the 2016 Brussels attacks. 18 March 2020 was indeed the closing date to present a request before the Commission for financial assistance to victims of intentional acts of violence and to occasional rescuers.²⁴⁹ At the occasion of written questions addressed to the government, statistics regarding the number of request made and treated were provided. It was reported that the Commission had, as of May 2021, received 1.572 requests relating to the terrorist attacks perpetrated in Belgium and those committed abroad but involving Belgian nationals. In 694 decisions, financial assistance was awarded, whereas in 143 decisions, the request was discarded and 862 files were pending. The government pinpointed that 5.957.907,22 euros of financial assistance were awarded, including more than 2 millions as advances to victims of terrorist attacks. The written answer also indicated that insurance companies had already paid 50 millions euros at the end of 2020, and had made a reserve of 70 million euros for victims²⁵⁰.

The developments in the field of support to victims of terrorism offer a contrasted picture. First, the Minister for Justice has announced in March 2021 the decision of the government to abandon the project of creating a Guarantee Fund to compensate victims of terrorist attacks. This type of fund exists in other EU member States and aims at offering the possibility to victims to obtain compensation, even in situations in which they would be unable to access care or obtain compensation for their damages (e.g. an attack committed in a public space, in contrast with the attacks committed in March 2016 in Brussels' metro and airport covered by private insurance). The creation of this Fund was a recommendation of the investigative parliamentary commission carried out after serious dysfunctioning in the assistance provided to the victims of the March 2016 attacks. The decision of the government was criticised, as the compensation awarded by the Commission for financial assistance to victims of intentional acts of violence and to occasional rescuers is not an adequate substitute : the compensation awarded cannot exceed 125.000 euros, is subject to strict

request for assistance ([Commission pour l'aide financière aux victimes d'actes intentionnels de violence. - Durée de l'examen d'une demande d'aide](#)). Published in the Journal of written questions and answers (*Bulletin des questions et réponses écrites*) p. 126 on 27 May 2021 [last accessed on 10 October 2021].

²⁴⁹ Belgium, FPS Justice, "Pour certaines victimes d'actes de terrorisme, la date limite pour les demandes d'aide financière approche", 21 January 2020. Available on [the website of the FPS Justice](#). [Last accessed on 23 September 2020].

²⁵⁰ Belgium, Chamber of Representatives, Written question and answer n° 55 -77, The assistance of victims of attacks ([L'accompagnement des victimes des attentats](#)). Published in the Journal of written questions and answers (*Bulletin des questions et réponses écrites*) p. 126 on 27 May 2021 [last accessed on 10 October 2021].

conditions and does to aim to compensate the individual damage suffered by a victim²⁵¹.

Secondly, a controversy has arisen after the decision of the Ministry to grant a subsidy of 300.000 euros to V-Europe, one of the two main victims' associations in order to launch a new initiative of victims' coaches. According to the minister's website, these coaches are tasked to reach out to victims, and assist them through the provision of administrative and psychological support. They are themselves supported by a back office, facilitating contacts with official governmental contact points.²⁵² However, members of the Chamber of Representatives have repeatedly questioned the decision to grant this subsidy to this specific association, the lack of consultation of the other main victims' association Life4Brussels and the absence of publication of the Royal Decree detailing the conditions of such award, as well the precise role of the coaches to be appointed²⁵³. The association Life4Brussels has also published in September 2021 an open letter in the press²⁵⁴ to criticise the lack of transparency surrounding this initiative, despite the 2021 budget providing for the payment of the subsidy²⁵⁵.

Lastly, in the previous report, the revival of the debate on the reform of the jurisdiction of the Belgian Assize Court (criminal court) concerning terrorism crimes²⁵⁶ had been addressed. In May 2020, two members of the House of Representatives tabled a proposal to revise article 150 of the Constitution with a

²⁵¹ RTBF, Victims of terrorist attacks: the compensation fund won't be created, other options are envisaged (*Victimes d'attentats terroriste: le fonds d'indemnisation ne verra pas le jour, d'autres options sont envisagées*), RTBF website, 19 March 2021 [last accessed on 10 October 2021].

²⁵² Belgium, Minister for Justice, A new departure for justice (*Un nouveau départ pour la justice*), 16 June 2021. Available on the [website of the Minister](#) (Team Justice) [last accessed on 10 October 2021].

²⁵³ Belgium, Chamber of Representatives, Justice Committee, Minutes of the meeting of 23 June 2021 (morning), Point 06. Interpellations and joined question of Nabil Boukili, Sophie Rohonyi and Koen Geens to Vincent van Quickenborne, Minister of Justice on the assistance to the victims of the 22 March 2016 attacks. Available on the [website of the Chamber](#) [last accessed on 10 October 2021].

²⁵⁴ Newspaper *La Libre*, The needs of the victims of 22 March are being denied for too long (*Les besoins des victimes du 22 mars sont niés depuis bien trop longtemps*), 15 September 2021. Available on the [journal's website](#) [Last accessed on 10 October 2021].

²⁵⁵ Belgium, Law of 27 June 2021 concerning the third adjustment of the General Budget on Expenses for the budgetary year 2021 (*Loi du 27 juin 2021 contenant le troisième ajustement du Budget général des dépenses pour l'année budgétaire 2021*). Published in the Belgian Official Gazette on 9 July 2021 [Last accessed on 10 October 2021].

²⁵⁶ Belgium, This provision has been amended a first time in 1999 to exclude from the jurisdiction of Assize Courts the press offences inspired by racism or xenophobia which are prosecuted before correctional tribunals composed of magistrates only. This revision was at the time motivated with the intention to facilitate the prosecution of hate crimes, and discussions are ongoing regarding the possibility to revise the text to exclude all hate crimes from the jurisdiction of assizes courts (see e.g. Belgium, UNIA, Recommendation to revise Article 150 of the Constitution ([Recommandation pour une révision de l'article 150 de la Constitution](#)), 2015).

view to abolishing the jury for crime of terrorism.²⁵⁷ If adopted, this proposal would lead to excluding crimes of terrorism from the jurisdiction of the assize courts. The authors of the proposal consider that the complexity of terrorist affairs and the length of the procedure requires the settlement of an *ad-hoc* criminal procedure entirely in the hands of professional judges. The proposal has been rejected in December 2020 first by the Justice Commission, and later by the plenary formation of the Chamber of Representatives²⁵⁸.

7.2 Measures addressing violence against women

In 2021, different studies and social phenomena have showed that violence against women is pervasive in Belgium. Different legislative modifications have been announced, and several policies have been put in place. These will be set out below.

a) Focus on victims of sexual violence (including in times of Covid)

For the first time, a research project mapped out the importance and impact of sexual violence in Belgium, in the UN-MENAMAIS (Understanding the Mechanisms, Nature, Magnitude and Impact of Sexual Violence in Belgium) project, led by researchers from UGent, ULiège and the National Institute for Criminalistics and Criminology (*Institut National de Criminalistique et de Criminologie*) (INCC).²⁵⁹ The study was conducted between 2017 and 2021, and covered over 5000 persons (of all genders) living in Belgium. The study showed that on average 64% of people aged between 16 and 69 years old experienced sexual violence during their life. In women, this number rises to 81%. 42% of women said to have been subject to physical sexual violence, and 19% of women indicate to have been raped.²⁶⁰

Access to justice

²⁵⁷ Belgium, House of Representatives, Revision of the Constitution, Proposition to revise article 150 of the Constitution with a view to abolishing the jury for crimes of terrorism ([Proposition de révision de l'article 150 de la Constitution en vue d'abolir le jury pour les crimes de terrorisme](#)), tabled by Mss Kristien Van Vaerenbergh and Sophie De Wit, 27 May 2020, DOC 55 1287/001.

²⁵⁸ Belgium, Chamber of Representatives, Summary of the procedure ([Fiche complète](#)) [Last accessed on 10 October 2021].

²⁵⁹ Keynaert, I., Vandeviver, C., Vander Beken, T., Lemonne, A., Bertrand, R., Nisen, L., Belgian Science Policy Office (BELSPO), (2021), [Understanding the Mechanisms, Nature, Magnitude and Impact of Sexual Violence in Belgium \(UN-MENAMAIS\)](#), Brussels, Belgian Science Policy Office. A [summary](#) can be found on the webpage of the Université de Liège.

²⁶⁰ Keynaert, I., Vandeviver, C., Vander Beken, T., Lemonne, A., Bertrand, R., Nisen, L., Belgian Science Policy Office (BELSPO), (2021), [Understanding the Mechanisms, Nature, Magnitude and Impact of Sexual Violence in Belgium \(UN-MENAMAIS\)](#), Brussels, Belgian Science Policy Office, p. 48.

Only 7% of the respondents have sought formal help, turning to health care professionals, and 4% reported the incident to the police.²⁶¹ The report pointed a major barrier for the victims to file a complaint, which is the mutual lack of cooperation and understanding between the different disciplinary frameworks (police, medical, judicial, psycho-social, etc.).²⁶²

The Covid-19 pandemic and the subsequent lockdowns have further negatively impacted access to justice, especially for women victims of sexual violence. In February 2021, the results of a research study were published, for which the authors quantitatively analysed the data regarding the admission of victims to the three Centres specialised in the reception of victims of sexual violence (*Centres de prise en charge des violences sexuelles*) (CPVS) between November 2017 and October 2020.²⁶³ The data covered 3036 victims, of which 91% are women and 66% are victims of rape. The data showed that during the first lockdown (March and April 2020), there was a decrease of more than 50% in the number of admissions, compared to the same periods in 2018 and 2019 (average admission rate before lockdown: 84 victims per month against 38 victims during lockdown). However, during lockdown the number of victims that reported sexual violence to the CPVS after 72h decreased to 18%, compared to 29% beforehand. After lockdown, that number re-increased to 32%, and the average admission rate increased to 93 victims per month. The study shows that, regardless of the situation (before, during or after lockdown), the risk of prolonging the reporting delay (beyond 72h) is higher when the perpetrator is known to the victim; when the perpetrator is a family member of the victim; when the victim is younger than 12; when the victim is not originary from an EU Member State; or when the victim does not hold a valid residence permit. The study further evidenced that lockdown was a barrier to consultation for the most fragile victims in society, and for those that are victim of multiple rapes.

Statistics

²⁶¹ Keynaert, I., Vandeviver, C., Vander Beken, T., Lemonne, A., Bertrand, R., Nisen, L., Belgian Science Policy Office (BELSPO), (2021), [Understanding the Mechanisms, Nature, Magnitude and Impact of Sexual Violence in Belgium \(UN-MENAMAIS\)](#), Brussels, Belgian Science Policy Office, p. 40.

²⁶² Keynaert, I., Vandeviver, C., Vander Beken, T., Lemonne, A., Bertrand, R., Nisen, L., Belgian Science Policy Office (BELSPO), (2021), [Understanding the Mechanisms, Nature, Magnitude and Impact of Sexual Violence in Belgium \(UN-MENAMAIS\)](#), Brussels, Belgian Science Policy Office, pp. 88-92.

²⁶³ Roux, M., Rousseau, C., Gilles, C., Baert, S., Keyngaert, I., B y, V., Rozenberg, S., Acad mie de Recherche et d'enseignement sup rieur (ARES), (2021), Evaluation of the impact of the sanitary crisis, in light of Covid-19, on the reporting delay of victims of sexual violence in a Centre for the reception of victims of sexual violence (*Evaluation de l'impact de la crise sanitaire, li e au Covid19, sur le d lai de pr sentation des victimes de violences sexuelles au sein d'un Centre de Prise en charge des Violences Sexuelles (CPVS)*), Brussels. A [summary](#) (in French) is available on the webpage of ARES, as well as an [oral presentation of the findings](#) (in French) in the framework of a webinar organised by ARES on "Gender and Covid-19", and a [powerpoint presentation](#) (in French).

At the occasion of International Women's Day, 8 March 2021, different institutions and NGO's (Amnesty International, *SOS Viol* and *Université des femmes*) have rung the alarm bell on the absence of the criteria of gender in the official statistics relating to crime (collected by the police), as well as insufficient statistics relating to gender-related crime.²⁶⁴ Firstly, while there are statistics on which cases have been closed and which cases were followed up with criminal proceedings, there are no statistics on the type of convictions. This makes it difficult to quantify the impunity which is known to reign in matters of rape.²⁶⁵ Secondly, there are only official statistics on the gender of perpetrators of crime, but not on the victims of crime, despite being a requirement of the Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), at Art. 11. This is left to NGO's, however they do not always have the human and financial means to collect such data.²⁶⁶

On that same day, Amnesty International handed over 50.000 signatures to the Prime Minister of their petition launched in 2020 to demand from the Belgian authorities to better combat sexual violence.²⁶⁷ During the meeting, according to Amnesty International, the Prime Minister affirmed sufficient funds would be put into place to open new CPVS, and that judicial proceedings would be enhanced regarding the collection of evidence.

This issue was also raised by the Belgian Human Rights body (*Ligue des droits humains*) (LDH) in their alternative report presented to UNCAT ahead of the 4th periodic report of Belgium.²⁶⁸ The alternative report furthermore underlined an institutional failure to take into account the gender dimension in asylum and migration policies, showing a "lack of procedures for the detection, management and follow-up of cases of gender-based violence within the reception centers", as well as the lack of knowledge on the part of the professionals, the lack of training, and other structural difficulties.²⁶⁹ This leads to "no real prevention of violence and adequate support for victims".

²⁶⁴ Bouquet, J. (2021), 'Statistic data on violence against women : Belgium falling behind ?' ([Données statistiques sur les violences envers les femmes: la Belgique à la traîne ?](#)), RTBF, 8 March 2021.

²⁶⁵ Bouquet, J. (2021), 'Statistic data on violence against women : Belgium falling behind ?' ([Données statistiques sur les violences envers les femmes: la Belgique à la traîne ?](#)), RTBF, 8 March 2021.

²⁶⁶ Bouquet, J. (2021), 'Statistic data on violence against women : Belgium falling behind ?' ([Données statistiques sur les violences envers les femmes: la Belgique à la traîne ?](#)), RTBF, 8 March 2021.

²⁶⁷ Bouquet, J. (2021), 'Statistic data on violence against women : Belgium falling behind ?' ([Données statistiques sur les violences envers les femmes: la Belgique à la traîne ?](#)), RTBF, 8 March 2021.

²⁶⁸ Ligue des droits humains (2021), [Alternative Report presented to the UN Committee against Torture ahead of the consideration of the 4th Periodic Report of Belgium](#), Brussels, Ligue des droits humains, p. 51, para. 147.

²⁶⁹ Ligue des droits humains (2021), [Alternative Report presented to the UN Committee against Torture ahead of the consideration of the 4th Periodic Report of Belgium](#), Brussels, Ligue des droits humains, p. 50, para. 146.

At a more local level, the Brussels Capital-Region also recognised in its global plan for security and prevention (*Plan global de sécurité et de prévention*) that while street harassment against girls is feebly represented in police statistics, it is a major social issue, with 98% of women having been victim of sexism in the public space.²⁷⁰

b) Legislative and policy developments

Given the federal nature of the Belgian institutional system and the division of competences between the federal government, the Regions (*Régions*) and Communities (*Communautés*), different developments take place at different levels.

The Chamber of Representatives (hereafter the Chamber) adopted a resolution on domestic violence, particularly towards women and children, on 22 April 2021.²⁷¹ In it, the Chamber asked the Government, where needed in collaboration with the Regions and Communities, to consider domestic violence to be a priority and to recognise that it disproportionately affects women (and children), and has an intersectional character. The Resolution urged the Government to take measures that sensibilise and inform on domestic violence, allow for better data collection, reinforce support mechanisms for victims of domestic violence (hotlines, reception of victims, justice and accountability) that provide training to professionals (especially the police) that handle victims of domestic violence, and that. It also asked the Government, in light of the pandemic, to allow for victims of physical domestic violence to file a complaint online.²⁷² This resolution echoed partially policy objectives included in the government agreement of September 2020,²⁷³ and prior initiatives.

2021-2025 National Action Plan for the fight against gendered violence

The 2021-2025 National Action Plan for the fight against gender-based violence (GBV) (*Plan d'action national contre la violence liée au genre*) was adopted by all the different governments in Belgium in November 2021.²⁷⁴ The Action Plan sets

²⁷⁰ Belgium, Region Bruxelles-Capite (2021), Global security and prevention plan, ([Plan global de sécurité et de prévention 2021-2024](#)), p. 19.

²⁷¹ Belgium, Chambre des Représentants de Belgique (2021), 'Resolution on Domestic Violence and particularly against Women and Children' ([Résolution sur la violence intrafamiliale en particulier à l'égard des femmes et des enfants](#)), 22 April 2021.

²⁷² Belgium, Chambre des Représentants de Belgique (2021), 'Resolution on Domestic Violence and particularly against Women and Children' ([Résolution sur la violence intrafamiliale en particulier à l'égard des femmes et des enfants](#)), 22 April 2021, para. 23.

²⁷³ Belgium, House of Representatives, Note on Political Orientation on gender equality, equal opportunities and diversity ([Exposé d'orientation politique Égalité des genres, Égalité des chances et Diversité](#)), Doc. 55 1610/022, 6 November 2020, p. 5 and 9.

²⁷⁴ Belgium, Secretary of State for Gender Equality, Equal Opportunities and Diversity (2021), 'The 2021-2025 National Action Plan for the Fight against Gender-based Violence has been Adopted this 26 November 2021!' ([Le Plan d'Action National de Lutte contre les violences basées sur le genre 2021-2025 a été adopté ce vendredi 26 novembre 2021 !](#)), press release, 27 November 2021.

out to use the Istanbul Convention as a “compass”, drawing lessons from the previous GREVIO report of 2019 on the implementation of the Convention in Belgium.²⁷⁵ The Action Plan aims to pursue an intersectional approach to GBV,²⁷⁶ specifically regarding the protection of LGBTQIA+ women, disabled women, sex-workers and women with precarious or irregular residence permits.²⁷⁷

The Action Plan promotes a mainstreaming methodology: the actions must be articulated with existing policies and structures, but it also aims to create new ones where necessary.²⁷⁸

The Action Plan revolves around 7 strategic axes: 1) adopting a conceptual reference framework on GBV; 2) implementing an integrated policy and working closely with civil society; 3) prevention of GBV by sensibilisation campaigns; 4) protecting and accompanying victims of GBV; 5) having a victim-oriented approach in criminal matters and adapt criminal law and policy to better integrate GBV; 6) integrating GBV considerations in migration and asylum policies; 6) acting on the international field against GBV.

Axis 4 (key actions 83-121)²⁷⁹ sets out several specific objectives: reinforcing general support mechanisms; reinforcing specific support services and having a sufficient and adequate number of shelters; instauring continuous hotlines for victims; supporting the financial autonomy of single mothers victims of (domestic) violence; supporting victims of sexual violence; protecting children from and supporting children witnessing GBV; and promoting reportings of cases of GBV, including by professionals.

Axis 5 (key actions 122-160)²⁸⁰ sets out the following specific objectives, specifically targeted at police and the judiciary: rapid and appropriate police and judicial responses to violence; monitoring and managing risks of violence; better application of the possibility to issue emergency restraining orders, prohibiting perpetrators to access their homes; protecting the rights and interests of victims.

²⁷⁵ Belgium, 2021-2025 National Action Plan for the Fight against Gender-based Violence ([Plan d'Action national de lutte contre les violences basées sur le genre 2021-2025](#)), 26 November 2021, p. 6.

²⁷⁶ It is to be noted that intersectional discrimination is not recognized in Belgian antidiscrimination legislation.

²⁷⁷ Belgium, 2021-2025 National Action Plan for the Fight against Gender-based Violence ([Plan d'Action national de lutte contre les violences basées sur le genre 2021-2025](#)), 26 November 2021, p. 13.

²⁷⁸ Belgium, 2021-2025 National Action Plan for the Fight against Gender-based Violence ([Plan d'Action national de lutte contre les violences basées sur le genre 2021-2025](#)), 26 November 2021, p. 15-16.

²⁷⁹ Belgium, 2021-2025 National Action Plan for the Fight against Gender-based Violence ([Plan d'Action national de lutte contre les violences basées sur le genre 2021-2025](#)), 26 November 2021, p. 74-98.

²⁸⁰ Belgium, 2021-2025 National Action Plan for the Fight against Gender-based Violence ([Plan d'Action national de lutte contre les violences basées sur le genre 2021-2025](#)), 26 November 2021, p. 99-117.

Among these 76 key actions, some notable ones can be pinpointed: ensuring post-traumatic therapy for victims of domestic violence; the implementation of the European emergency hotline 116 for victims of GBV; examining the possibility on including feminicide in the Criminal Code; and hiring criminologists within the public prosecutor's office to handle cases of GBV.

Finally, the Action Plan puts in place a new governance and oversight mechanisms, leaving an important place to civil society. A multidisciplinary expertise Centre will be in charge of overseeing and evaluating the implementation of the Action Plan, as well as collecting data and carry out research in order to further contribute to the implementation of the Istanbul Convention.²⁸¹

Reform of the legal criminal framework

The Minister of Justice announced the imminent reform of sexual criminal law (*droit pénal sexuel*), in order to modernise the dispositions governing GBV in the Criminal Code. The Justice Commission of the Chamber started analysing the legislative project in September 2021, after its approval by the Council of State (*Conseil d'Etat*).²⁸² The reform will introduce a new chapter relating to sexual crimes (*crimes sexuels*) entitled "offences violating sexual integrity or the right to sexual autodetermination and morality" (*Les infractions portant atteinte à l'intégrité sexuelle ou au droit à l'autodétermination sexuelle et aux bonnes mœurs*).²⁸³ The project aims to profoundly change the conception of GBV, with at its heart the notion of consent (and specifically of withdrawal of consent) that will be integrated into the conception of rape. Should the reform be adopted, rape would include situations where a sexual partner removes a condom during intercourse without the consent of their partner, as well as incest. Furthermore, the project wants to be able to respond to new realities such as "revenge porn" and sexual extortion via social media.²⁸⁴ Finally, the text would create a legal framework for sex work, which would be decriminalised and sex workers would benefit from a legal status.²⁸⁵ However, while in the 2020 government agreement it was mentioned that the reform of the criminal code would include the new

²⁸¹ 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, p. 132-137.

²⁸² Strada Lex (2021), 'In-depth reform of the Criminal code in matters of sexual criminal law' ([Grande réforme du Code pénal en matière de droit pénal sexuel](#)), 24 September 2021.

²⁸³ Belgium, Chancellery of the Prime Minister (*SPF Chancellerie du Premier Ministre*) (2021), 'Modifications of the Criminal code in matters of sexual criminal law – second reading', ([Modifications du Code pénal en ce qui concerne le droit pénal sexuel - Deuxième lecture](#)), press release, 16 July 2021.

²⁸⁴ Strada Lex (2021), 'In-depth reform of the Criminal code in matters of sexual criminal law' ([Grande réforme du Code pénal en matière de droit pénal sexuel](#)), 24 September 2021.

²⁸⁵ Strada Lex (2021), 'In-depth reform of the Criminal code in matters of sexual criminal law' ([Grande réforme du Code pénal en matière de droit pénal sexuel](#)), 24 September 2021.

criminal offence of femicide,²⁸⁶ subsequent reportings on the update of the criminal code do not seem to include such reform. Furthermore, several feminist associations have criticised the project, in terms of both its form and content. They consider that they have not been heard in the elaboration of the project and it therefore does not sufficiently reflect social needs.²⁸⁷ They notably underlined that the prevention of fake accusations was mentioned in the explanatory statement of the project, in order to justify maintaining the existent burden of proof. However, given the feeble numbers such fake accusations represent, this seems, in their view, disproportionate and does not allow for a legislation that fully protects victims.²⁸⁸

Codes of conduct for medical staff

The Institute for the Equality between Women and Men (*Institut pour l'égalité des femmes et des hommes*) (IEFH) and the medical association (*Ordre des médecins*), elaborated under the Secretary of State for Gender Equality and the Health Minister three codes of good conduct for medical personnel/staff in case of domestic violence,²⁸⁹ sexual violence,²⁹⁰ and female genital mutilation²⁹¹. In essence, these codes of conduct should allow doctors and medical personnel to better take charge when presented with any of these three situations, whether it is in detecting traces of violence or coercion, medical assistance, or follow-up with and referral to competent or specialised authorities, including the police.

Similarly, the International Centre for Reproductive Health, subsidised by the Flemish Minister for Justice offers three online courses surrounding sexual violence for three target audiences: judicial assistants in victim reception, lawyers and first-responders, and medical personnel.²⁹² The objective of these courses is to contribute to a better understanding of the scope, specific vulnerabilities and the impact of sexual violence on a victim and their environment, as well as to improve the competence of these professionals to assist victims of sexual violence in a victim-oriented manner.

²⁸⁶ Belgium, House of Representatives, Note on Political Orientation on gender equality, equal opportunities and diversity ([Exposé d'orientation politique Égalité des genres, Égalité des chances et Diversité](#)), Doc. 55 1610/022, 6 November 2020, p. 5 and 9.

²⁸⁷ Conseil des femmes francophones de Belgique asbl (2021), 'Reform of the Sexual Criminal Code : our analysis' ([Réforme du Code pénal sexuel : notre analyse](#)), press release, 7 July 2021.

²⁸⁸ Conseil des femmes francophones de Belgique asbl (2021), 'Reform of the Sexual Criminal Code : our analysis' ([Réforme du Code pénal sexuel : notre analyse](#)), press release, 7 July 2021.

²⁸⁹ Institut pour l'égalité des femmes et des hommes (2021), *Handbook on reporting guidelines for domestic violence*, ([Manuel relatif au code de signalement des violences conjugales](#)), Institut pour l'égalité des femmes et des hommes.

²⁹⁰ Institut pour l'égalité des femmes et des hommes (2021), *Handbook on reporting guidelines for sexual violence*, ([Manuel relatif au code de signalement des violences sexuelles](#)), Brussels, Institut pour l'égalité des femmes et des hommes.

²⁹¹ 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.

²⁹² See more on [ICHR's project page](#).

Media treatment of women

Finally, violence against women also occurs in the media sphere. The French-speaking Community (*la Communauté française*) adopted a Decree relating to audiovisual media and streaming services (*Décret relatif aux services de médias audiovisuels et aux services de partage de vidéos*).²⁹³ This Decree includes a Chapter related to women's rights and equality and non-discrimination. Article 2.4-1.,1° precludes for media services to edit any programme or show any commercial that would promote or incite discrimination based on sex characteristics and gender, such as pregnancy, maternity, gender identity, or containing incitement to violence against women or domestic violence. The Decree creates an authorisation and control office (*college d'autorisation et de contrôle*) of which one of the roles is to carry out a periodic analysis including specific recommendations and good practices concerning the fight against sexist stereotyping in the media, and the way violence against women is framed (Art. 9.1.2-3. - §1, 15°). To our knowledge, similar legislation does not exist in Flanders

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

8.1 CRPD policy & legal developments

The constitutional amendment of 17 March 2021²⁹⁴ inserted article 22ter in the Belgian constitution, stating that every person with a disability has the right to full inclusion in society, including the right to reasonable accommodation. Unia, Belgium's equality body in charge of monitoring the implementation of the CRPD at the national level, welcomes this development and the choice of words, which corresponds to the terms used in the Convention. However, it also notes that persons with a disability continue to face difficulties and discrimination in everyday life.²⁹⁵

²⁹³ Belgium, Communauté française (2021), Decree relating to audiovisual media services and streaming services (*Décret relatif aux services de médias audiovisuels et aux services de partage de vidéos*), 4 February 2021.

²⁹⁴ Belgium, [Révision de la Constitution visant à insérer au titre II de la Constitution un article 22ter garantissant aux personnes en situation de handicap le droit à une pleine inclusion dans la société](#). Published in the Official Belgian Gazette on 30 March 2021.

²⁹⁵ Belgium, Unia, [Le droit à l'inclusion des personnes en situation de handicap désormais dans la Constitution](#), 1 April 2021 [last accessed 28 September 2021].

In April 2021, the Federal Institute for the protection and promotion of Human Rights adopted an opinion on the proposal to revise Article 23 of the Constitution to include the right to mobility.²⁹⁶ In its opinion, the Institute recognises that the right to mobility is already inferred from a variety of other rights contained in national and international law. It notes, however, that an important limitation of the recognition of the right to mobility as inferred from other human rights is that the right to mobility is guaranteed only to the extent that it contributes to the exercise of these rights. This may have the consequence that certain categories of the population, however vulnerable, are excluded from the benefit of this right because they do not belong to a category of persons protected by a particular convention, or because the use they intend to make of mobility does not correspond to a recognised right. The Institute thus concludes that the explicit recognition of a right to mobility in the Constitution would make it possible to strengthen its enforceability and give it greater visibility, also noting that the consecration of this right would also be in accordance with the right to mobility recognised by international law for people with disabilities. It warns, however, that the wording must be crafted carefully to ensure, among others, that the right is defined in a way that is compatible with other human rights and precise enough to ensure it can be put into practice.

On 4 February 2021, the French community adopted the Decree on Audiovisual Media Services and Video Sharing Services,²⁹⁷ which, among others, aims to transpose Directive (EU) 2019/882 on the accessibility requirements for products and services.

In 2021, the Federal Handicap Plan 2021-2024 was launched by the Belgian Minister for People with Disabilities.²⁹⁸ The goal of the plan is to progressively suppress all barriers people with disabilities encounter in daily life so they can live fully in an autonomous manner. The measures to be taken by the government in the plan's period include improvement of healthcare services provided to people with disabilities; changes to the social security system to improve benefits to people with disabilities; update the 1987 law on the recognition of people with disabilities and the allowance procedure they need to follow to obtain government benefits; improve physical accessibility to public services and buildings of the federal administration; multiple measures to (better) integrate people with disabilities in the job market; increasing the employment rate of people with disabilities in the federal administration to 3%; improve digital accessibility; improve accessibility to railways; and ensuring people with disabilities can participate in federal elections. When consulted about the plan (before its

²⁹⁶ Belgium, Federal Institute for the protection and promotion of Human Rights, [Opinion n° 2/2021](#), 30 April 2021 [last accessed 28 September 2021].

²⁹⁷ Belgium, [Décret relatif aux services de médias audiovisuels et aux services de partage de vidéos](#). Published in the Official Belgian Gazette on 26 March 2021.

²⁹⁸ Belgium, [Plan d'action fédéral handicap 2021-2024](#) [last accessed 7 October 2021]

publication), the Superior National Council for People with Disabilities welcomed the initiative but noted that some of the proposals were limited to vague commitments (e.g. improve, analyse), which lacked planning and procedures for their concretisation.²⁹⁹

The mandate of the Flemish Disability Advisory Council, a body created by a time limited project, was extended for a year, until 31 December 2021.³⁰⁰ One of the objectives of this extension is to lay the foundation for structural recognition of the Flemish Disability Advisory Council. The Decree requires, among other measures, that broadcasters ensure that urgent messages in the interest of the general public are transmitted in a way that is accessible for people with sensory impairments as well as continually and progressively make programs more accessible to people with sensory impairments. A similar Decree was adopted by the Flemish community on in march 2021.³⁰¹

Unia, in its statistics report 2020,³⁰² published in 2021, reported that in 2020 it opened 519 new cases on discrimination against people with disabilities (which represents 20,5% of the total number of new cases). These cases relate mainly to the areas of employment, education and access to good and services. The main disabilities concerned are physical disabilities (37%), followed by visual sensory disturbances (9.1%) or autism spectrum disorders (7.3%).

8.2 CRPD monitoring at national level.

On 3 February 2021, the European Committee of Social Rights published its decision on claim n° 141/2017,³⁰³ finding that children with intellectual disabilities do not enjoy an effective right to inclusive education in the French Community in Belgium, which constitutes a violation of the European Social Charter. According to Unia, Belgium's equality body in charge of monitoring the implementation of the CRPD at the national level, this decision also points to a violation of the CRPD.³⁰⁴

²⁹⁹ Belgium, Superior National Council for People with Disabilities, [Avis 2021/25](#) [last accessed 7 October 2021]

³⁰⁰ Belgium, Flemish Disability Advisory Council, [NOOZO voor een jaar verlengd](#), 11 January 2021 [last accessed 7 October 2021]

³⁰¹ Belgium, [Decreet tot wijziging van het decreet van 27 maart 2009 betreffende radio-omroep en televisie, wat betreft de gedeeltelijke omzetting van richtlijn \(EU\) 2018/1808 van het Europees Parlement en de Raad van 14 november 2018 tot wijziging van Richtlijn 2010/](#). Published in the Official Belgian Gazette on 29 April 2021.

³⁰² Belgium, Unia, [Rapport chiffres 2020](#), 2021 [last accessed 7 October 2021]

³⁰³ Belgium, European Committee of Social Rights, [Claim n° 141/2017](#), 9 September 2020, published on 3 February 2021.

³⁰⁴ Belgium, Unia, [Handicap intellectuel et inclusion scolaire : la Belgique à nouveau condamnée par le Comité européen des Droits sociaux](#), 3 February 2021 [last accessed 28 September 2021].

In July, after the Flemish Parliament abolished the mandatory voting at municipal elections, Unia expressed concern that a great number of persons with disabilities may abstain from future elections, considering that they already face many challenges to voting such as inaccessible polling stations, insufficient number of designated parking spaces, poorly accessible public transport etc. Unia thus calls on the Flemish authorities to ensure accessibility for the municipal elections of 2024 as well as to raise awareness among vulnerable groups and those around them, providing information in understandable language and offering the possibility of voting in advance (by mail or digitally) or organising mobile polling stations.³⁰⁵

In September, Unia published recommendations regarding prioritisation of healthcare services in hospitals for persons with disabilities in times of pandemic.³⁰⁶ In its recommendations, Unia noted that the prioritisation criteria applied in healthcare during the COVID-19 pandemic respects the principles of equal access to emergencies and intensive care. However, Unia noted that, in practice, ignorance and prejudice against people with disabilities can lead to misinterpretation of the medical criteria. This can lead to discriminatory behavior in access to emergency rooms and intensive care. Unia also noted that the obligations imposed by anti-discrimination legislation and the UN Convention are ignored or not fully respected. For example, Unia mentioned the case of a person with Down's syndrome who was showing symptoms of Covid but could not be hospitalised because s/he was screaming and struggling as s/he could not be accompanied. The ban on accompaniment by a loved one or a professional and the ban on visits resulted in people who need to be accompanied for various reasons (such as anxieties, misunderstandings, lack of autonomy, need for help with gestures) not being able to or not wanting to be hospitalised. Unia thus called healthcare workers and authorities responsible for healthcare to respect the principle of non-discrimination associated with medical and ethical principles; to anticipate the implementation of such principle outside times of crisis; and to raise awareness and train healthcare workers on a demedicalised approach to disability.

In October 2021, Unia called on the regional authorities to remove the age limit that currently applies to qualify for individual benefits given to those who are in a situation of handicap.³⁰⁷ At the moment, only those whose handicap is identified before the age of 65 can receive benefits, which Unia considers to be discriminatory.

³⁰⁵ Belgium, Unia, [Suppression de l'obligation de vote : chaque voix compte !](#), 22 July 2021 [last accessed 28 September 2021]

³⁰⁶ Belgium, Unia, [Recommandation n° 291 du 22 septembre 2021 - Recommandation concernant la priorisation dans les hôpitaux en temps de pandémie pour les personnes en situation de handicap](#) [last accessed 15 November 2021]

³⁰⁷ Belgium, Unia, Individual integration assistance: a discriminatory mechanism ([Les aides individuelles à l'intégration : un dispositif discriminatoire](#)), 11 October 2021 [last accessed 29 November 2021].

Lastly, in December 2021, Unia published its parallel report to the Committee on the rights of persons with disabilities.³⁰⁸ Among others, the report notes the need to change the image of disability in Belgium, which is often linked to physical disabilities, despite the fact that this does not reflect the majority of those living with a disability in Belgium. Unia also called on Belgian legislators to bring Belgian legislation in line with the UN Convention and recommended making the necessary budgets to strengthen inclusion support services, personal assistance and inclusive housing, with a concrete action plan and timetable.

³⁰⁸ Belgium, Unia, [Parallel report to the Committee on the rights of persons with disabilities \(CRPD\) \(2021\)](#), 3 December 2021 [last accessed 10 January 2021]

Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;">EQUALITY AND NON-DISCRIMINATION</p> <p style="text-align: center;">Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, 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 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	#DonneMoi1Minute
Title (EN)	#GiveMe1Minute
Organisation (original language)	Unia (entre interfédéral pour l'égalité des chances)
Organisation (EN)	Unia (Interfederal Centre for Equal Opportunities)
Government / Civil society	Independent Public Institution
Funding body	While funding for this project 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 URL, (incl. where available)	Unia, #DonneMoi1Minute 2021 – Réalise un film contre l'homophobie ; previous editions: Concours #DonneMoi1Minute (2019) : Réalise une campagne contre le racisme ; Concours #DonneMoi1Minute (2018) : Filme tes idées contre le racisme ! ; #DonneMoi1Minute [last accessed 7 October 2021]

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The contest started in 2017 and it still exists.
Type of initiative	Film contest
Main target group	Young people
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Since 2017, Unia organises an yearly film contest in which children from secondary schools in Belgium create a one minute movie raising awareness about discrimination and convincing people to fight against it. In previous editions, the contest focused on racism while the 2021 edition focuses on homophobia. A professional jury selects six videos as the winners and offers 1500 euros to the schools that made them to develop projects about respect for fundamental rights at school.
Highlight any element of the actions that is transferable (max. 500 chars)	This sort of context can be used to target different forms of discrimination and can also be used by universities.
Give reasons why you consider the practice as sustainable (as	The contest is in its 4 th edition. The current edition, unlike its past ones, is focusing on homophobia instead of racism. Future contests could focus on different forms of discrimination such as islamophobia or xenophobia.

opposed to 'one off activities')	
Give reasons why you consider the practice as having concrete measurable impact	While the impacts may be hard to measure, this initiative helps raise awareness of discrimination in schools and helps the winning schools fund projects on non-discrimination.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The same initiative could be used in schools in any Member State.
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	N/A

practice provides for review and assessment.	
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Thematic area	<p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
Title (original language)	Come Together
Title (EN)	Come Together
Organisation (original language)	Koninklijke Belgische Voetbalbond / Union Royale Belge des Sociétés de Football-Association; Association des Club Francophones de Football; Voetbal Vlaanderen
Organisation (EN)	Royal Belgian Football Association (RBFA); Association of Francophone Footballclubs; Football Flanders
Government / Civil society	Federal Government Government of the French Community of Belgium (Federation Wallonia-Brussels) Flemish Government
Funding body	Come Together Royal Belgian FA (rbfa.be) (FR) Come Together Royal Belgian FA (rbfa.be) (NL) Come Together Royal Belgian FA (rbfa.be) (EN)

Reference (incl. URL, where available)	March 2021 (start date)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Action plan against racism and discrimination in the football sport in Belgium.
Type of initiative	The campaign targets the entire football community – including players, fans and video referees – in Belgium. It brings the national team ('Red Devils'), professional and amateur football clubs together.
Main target group	The action plan is to be implemented on all levels: national, regional and local.
Indicate level of implementation: Local/Regional/National	Federal Government Government of the French Community of Belgium (Federation Wallonia-Brussels) Flemish Government

<p>Brief description (max. 1000 chars)</p>	<p>The goal of the action plan is to eradicate racism and discrimination in the football community in Belgium. The plan was conceived together with various stakeholders, including the government. Football is a reflection of our society and should play a leading role in anti-racism and anti-discrimination campaigns. The action plan encompasses all the projects which the RBFA undertakes to combat racism, discrimination, homophobia and other forms of inequality. Key elements of the plan include an accessible hotline, the appointment of an inclusion manager, a diversity board and a National Chamber for Discrimination and Racism.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>One of the most innovative and transferable elements in the plan is that referees are henceforth provided with a new incident form, which includes a case for incidents concerning racism and discrimination. Referees have to report any incident that is reported to them, even if they did not see or hear this incident (Articles B11.234 and B11.235).</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The impact of the campaign is sustainable because it introduced new and enduring institutions in order to combat racism and discrimination. These institutions include notably the introduction of a National Chamber for Discrimination and Racism. The Chamber – which consists currently of (only) 2 female and 4 male Members - can impose sanctions on clubs, players, coaches and club managers. The sanctions include such as a stadium ban or the obligation for clubs to play behind closed doors or on neutral ground. The decisions of the Chamber are subject to an appeal to the Belgian Court of Arbitration for Sport.</p>

<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Every year, the organisations will report upon the progress made to the media. The action plan furthermore sets out that a university will be approached in order to measure its impact every two years. In addition, collaborations with various universities will take place in order to ensure that students write thesis projects on the action plan. The plan will certainly be followed with great scrutiny in traditional news media and social media. It is interesting to point out that racist remarks made by fans during football matches have sparked renewed media interest in December 2021. During a press conference after a football match, a well known Belgian football trainer of Congolese descent said he was 'disgusted' by racist remarks heard during the match between his team and a West-Flemish team. A famous football player for the Belgian Red Devils who is also of Congolese descent supported the trainer's remarks by questioning the effectiveness of the RBFA's response to racism. 'Enough is enough', the football player said in an Instagram post. The RBFA is currently investigating the incidents. The matter may be transferred to the National Chamber for Discrimination and Racism.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Sports play an important role in social and cultural life in all 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 action plan is an example of cooperation on a national, regional and local level because it has been adopted with the support of both linguistic football associations of Belgium (the French- and Flemish-speaking associations). It is funded and supported by different government bodies in Belgium. The action plan was conceived after deliberation with several stakeholders. More precisely, 20 people, notably (former) football players, referees, managers and representatives of the Youth Council (<i>Jeugdraad</i>) worked alongside the football associations (RBFA, Voetbal Vlaanderen and ACFF) in order to create a plan to tackle racism and discrimination (Sporza (2021), 'Voetbalbond pakt uit met nieuw actieplan tegen racisme en discriminatie', 2 March 2021).</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>In May 2021, it was announced that 14 new members of the Diversity Board had been installed (RBFA (2021), 'Ontdek ons RFBA Diversity Board', 5 May 2021). (Only 4 out of 14 members were women.) The Diversity Board is to convene 4 times per year to implement and if necessary modify the action plan.</p>

Thematic area	<p style="text-align: center;">ROMA EQUALITY AND INCLUSION</p> <p>Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</p>
Title (original language)	Buurtstewards
Title (EN)	Neighborhood Stewards
Organisation (original language)	
Organisation (EN)	various
Government / Civil society	various
Funding body	Flemish Government
Reference (incl. URL, where available)	<p>https://www.stedenbeleid.vlaanderen.be/Buurtstewards;</p> <p>https://integratiebeleid.vlaanderen.be/projectoproepen</p> <p>The 10/9/2021 decision of the Flemish Government is available at:</p> <p>https://beslissingenvlaamseregering.vlaanderen.be/?dateOption=select&endDate=2021-09-10T21%3A59%3A59.000Z&startDate=2021-09-09T22%3A00%3A00.000Z</p>

<p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p>	<p>2012-2021 In September 2021, the Flemish Government decided to re-fund the Buurtstewards project (started in 2012) for another year (2022), after some lobbying from the concerned cities (Antwerp, Ghent, Sint-Niklaas). According to UNIA (email exchange with the author, 29/11/2021), this is an <i>ad hoc</i> decision, being unclear what the long term plans concerning the project are.</p>
<p>Type of initiative</p>	<p>Bridging the gap between majority and (Roma) minority populations</p>
<p>Main target group</p>	<p>Roma</p>
<p>Indicate level of implementation: Local/Regional/National</p>	<p>Local</p>
<p>Brief description (max. 1000 chars)</p>	<p>The neighborhood stewards are deployed in the central cities where there is a strong presence of Roma, especially Ghent, Sint-Niklaas, Antwerp and Brussels. The neighborhood stewards form the bridge between the Roma population, the city services and social services, and have the specific task to improve the social integration of Roma families.. The annual subsidy for neighborhood stewards amounts to 300,000 euros to the city of Ghent, 100,000 euros to the city of Sint-Niklaas, 200,000 euros to the city of Antwerp and 200,000 euros to the Flemish Community Commission (VGC, Brussels).</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The neighborhood stewards work closely with a number of schools with a large Roma population. The kind of support they offer to the school teams in their daily work, as well as their mediation between families, pupils and school staff are highly transferable elements that could be extended to other contexts and educational systems too.</p>

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The neighborhood stewards projects have been implemented in four different cities in Belgium since 2012 and renewed already twice due to the persistent needs for mediation with Roma population groups at the local level and the positive results the action has reached so far.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Both local NGOs and institutional bodies have identified the capability of the neighborhood stewards to bridge the gap to education and other facilities through an adherent (outreaching) method. The position of trust also enables them to react quickly to possible social problems.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Bridging the gap between majority and (Roma) minority populations is a compelling necessity in most of the cities and countries where Roma people experience high levels of marginalization and inferiorization. The role of the 'mediator' can be very promising whether certain key conditions are respected – such as a previous assessment of the needs at the local level, etc.</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 neighborhood stewards projects are mostly implemented by local NGOs working at the grassroots and in close cooperation with local institutional bodies.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The neighborhood stewards projects are regularly evaluated. A previous evaluation (2016) is available on the Flemish Government dedicated webpage: https://www.stedenbeleid.vlaanderen.be/sites/default/files/atoms/files/Buurtstewards_evaluatierapport_2016.pdf. The final evaluation of the ongoing projects is not yet available.</p>

Thematic area	<p style="text-align: center;">INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p style="text-align: center;">Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
Title (original language)	Digital Minds – #SmartNation
Title (EN)	Digital Minds – #SmartNation
Organisation (original language)	Secrétaire d'État à la Digitalisation
Organisation (EN)	Secretary of State for Digitalisation
Government / Civil society	The initiative is led by the government but brings together 22 actors from different fields such as the academic world, the world of entrepreneurs and investors,...
Funding body	Not specified
Reference (incl. URL, where available)	Digital Minds – #SmartNation (in English, see Agoria helps federal government to become a 'Smart Nation')

<p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p>	<p>The first meeting of Digital Minds - #SmartNation was held on 30 June 2021. The initiative is ongoing and will follow the implementation of the resilience plan.</p>
<p>Type of initiative</p>	<p>Expert advice</p>
<p>Main target group</p>	<p>Public and private actors involved in digitalisation efforts stemming from the recovery and resilience plan</p>
<p>Indicate level of implementation: Local/Regional/National</p>	<p>National.</p>
<p>Brief description (max. 1000 chars)</p>	<p>The program Digital Minds - #SmartNations was launched in 2021. Through this initiative, members of different sectors will be responsible for analysing and optimising the impact of the recovery plan and the structuring projects developed in Belgium in the digital field. Their role will be to advise public and private actors on the best way to implement recovery projects in order to maximise their positive impacts for society. This strategy aims to obtain the best possible efficiency within the framework of the significant investments made by the recovery and resilience plan.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>While the goal of this initiative is to advise on the implementation of digitalisation efforts in the context of the recovery and resilience plan, similar initiatives gathering a group of experts to advise government action could be used in all large-scale government plans.</p>

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>While this specific initiative has one specific aim, the idea of Ministers of State engaging expert groups to provide advice on the implementation of government measures to ensure greater effectiveness can become a sustainable practice.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>While it is difficult to measure the concrete impacts of these measures, it is possible to document the process (e.g. advice given and justification for it, as well as a reply to whether or not it has been followed and why) and evaluate its added value during and after implementation of the government initiatives concerned.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Governments in all Member States could benefit from expert advice when implementing government programmes and specifically their own recovery and resilience plans.</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 practice consists of stakeholders evaluating and giving advice on the implementation of government digitalisation measures in the context of the recovery and resilience plan.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice related to the topics addressed in the chapter.
Title (original language)	Dans la peau de...
Title (EN)	In the skin of...
Organisation (original language)	Défense des Enfants International (DEI) - Belgique
Organisation (EN)	Defence for Children International - Belgium
Government / Civil society	Civil Society
Funding body	Fédération Wallonie Bruxelles
Reference (incl. URL, where available)	Défense des Enfants International (DEI) – Belgique, Dans la peau de... [last accessed 7 October 2021]

<p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p>	<p>The project started in 2020 and is still ongoing.</p>
<p>Type of initiative</p>	<p>Learning workshops</p>
<p>Main target group</p>	<p>Children</p>
<p>Indicate level of implementation: Local/Regional/National</p>	<p>Regional (French speaking Belgium)</p>
<p>Brief description (max. 1000 chars)</p>	<p>Defence for Children International organises workshops in French speaking secondary schools to explain to children how the justice system in Belgium works and what their rights are if they are involved in judicial procedures themselves. The goal is to empower children, who often do not have much knowledge about the judicial system, allowing them to fully exercise their rights and not find themselves helpless in case they are involved in judicial procedures.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The format of this project (that is, through learning workshops organised in schools) facilitates access to the target population (children) and could be easily transferable to the Flemish and German speaking communities in the country.</p>

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>Thus far, workshops have taken place in 2020 and 2021 and the project is ongoing. As each year new children enter secondary schools the project can continue to reach more and more children each year.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Over 1000 children already attended the workshops. While it may not be possible to know how many of them may have been involved in judicial proceedings, it is possible to know that many children have participated and received information on the justice system and their rights in it.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The same type of initiative could be created in schools of other Member States adapting the content of the workshops to the national justice system.</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>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Thematic area	ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter.
Title (original language)	Si c'est pas oui, c'est non
Title (EN)	If it's not yes, it's no
Organisation (original language)	Université libre de Bruxelles
Organisation (EN)	Free University Brussels (ULB)
Government / Civil society	University
Funding body	Université libre de Bruxelles
Reference (incl. URL, where available)	https://www.ulb.be/fr/sante-et-bien-etre/si-cest-pas-oui-cest-non

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	September 2021
Type of initiative	Sensibilisation campaign, lowering barriers to access to justice
Main target group	Students
Indicate level of implementation: Local/Regional/National	Local (University-wide)
Brief description (max. 1000 chars)	<p>"If it's not yes, it's no" is a sensibilisation campaign around consent to sexual activities put in place by the Université libre de Bruxelles. This campaign came about in the wake of #MeToo, as well as different campaigns showing how pervasive sexual violence is on University campuses. The campaign aims to make the University a safe haven for all students, through different means: education on the notion of consent for the different student organisations active on campus, in order for them to organise safe activities: safe zones with experienced staff who can receive students experiencing difficulties; a dedicated and independent Centre for students to file official complaints of (sexual) harassment on campus, both by other students and staff, and an anonymous form which allows to collect data on harassment which, in turn, can be used for further campaigns.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>All elements are transferable.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>While a sensibilisation campaign is usually a one off activity, this one puts in place sustainable changes such as the safe zones, the independent Centre to file complaints, the instauration of a Consent Charter for student organisations, ... Furthermore, the ULB vowed to put into place an action plan against sexual and sexist violence. These measures are sustainable and can be carried over in the next years.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>ULB is the biggest French-speaking university in Belgium, in the heart of Brussels, and will be able to impact other universities to do the same. Furthermore, it has many international ties with European and third country Universities and will be able to exchange on these topics with them.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>All elements are transferable.</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>Students are actively involved, as they are the ones who must ensure a safe environment. Mostly student organisations will be piloting this project.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Anonymous forms, independent Centre.</p>

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	eDiv
Title (EN)	eDiv
Organisation (original language)	Unia (entre interfédéral pour l'égalité des chances)
Organisation (EN)	Unia (Interfederal Centre for Equal Opportunities)
Government / Civil society	Independent Public Institution
Funding body	While funding for eDiv 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)	eDiv

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	eDiv was created by Unia in 2017 and it still exists.
Type of initiative	Online tool for employers
Main target group	Employers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	eDiv is an online tool create by Unia to provide online training and guidelines for employers to learn about non-discrimination and implement inclusive policies at the workplace. The training is comprised of two modules: one on anti-discrimination law and one on persons with disabilities. The website also provides specific guidance on integrating and working with people with disabilities.
Highlight any element of the actions that is transferable (max. 500 chars)	This tool provides different material to assist employers in creating an inclusive work environment. Similar tools could be used for different fields such as education.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The guidance has existed for many years and continues to be updated (Unia announced a new version in 2021³⁰⁹).</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>While the impacts may be hard to measure, the tool provides concrete training and guidance to employers and human resources staff wishing to implement inclusive work policies and create an inclusive work environment.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Similar tools could be applied in any Member State.</p>

³⁰⁹ Unia, [eDiv : l'outil en ligne pour plus d'inclusion et de diversité au travail](#), 21 May 2021 [last accessed 7 October 2021]

<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>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Annex 2 – Case Law

<p>Thematic area</p>	<p>EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.</p>
<p>Decision date</p>	<p>14 October 2021</p>
<p>Reference details</p>	<p>Correctional Court Liège, 14 October 2021 (Corr.rb.Luik, 14-10-2021) https://www.unia.be/files/Documenten/Rechtspraak/2021_10_14_Trib_Li%C3%A8ge.pdf https://www.unia.be/nl/artikels/getuigen-spelen-doorslaggevende-rol-in-erkenning-homofob-motief</p>
<p>Key facts of the case (max. 500 chars)</p>	<p>A gay couple was violently attacked by a young man in November 2019 as they were leaving a wedding and heading to their car. The aggressor pushed one of the men to the ground and hit him on the head and body. The victim suffered a broken nose, a concussion and numerous bruises and contusions. Due to the heavy psychological impact, he was unable to work for months.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The victims did not understand why they were attacked, but an independent witness stated that the suspect had made homophobic remarks ("fat faggot", "dirty faggot") and then attacked them for no reason. The perpetrator claimed that he did not remember the facts properly because he was drunk and also denied the hate motive. The court, however, upheld the homophobic reason due to the witness statement.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>Witnesses are not only needed to prove the facts, but also to support the victim in taking the necessary legal steps with the judicial authorities. The report of the King Baudouin Foundation on the trajectory of victims of hate crimes also deals with this. Research has already shown that perpetrators of hate crimes feel encouraged to act when they feel that nobody will react because of the social context. It underlines the essential role of witnesses in this type of aggression.</p>

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The perpetrator was given a 12-month prison sentence with a three-year reprieve, subject to a number of conditions. Among other things, he must follow a training course in 'dealing with violence' at a specialised organisation. The victims received compensation of EUR 4,000.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Il convient de relever à cet égard les déclarations de S. L. , laquelle apparaît comme un témoin neutre, sans intérêt particulier, dès lors qu'elle ne connaissait pas les victimes avant la soirée du 16 au 17 novembre 2019 et qu'elle ne connaissait pas non plus B. D. . Elle a fait état de la tenue par ce dernier de propos à caractère homophobe adressés aux victimes avant la violente agression que ces derniers ont subie et qui n'avait pour origine aucun comportement ou propos de la part des victimes à l'égard de B. D. .</p> <p>La déclaration de S. L. est précise, circonstanciée et crédible. Elle a ainsi exposé notamment que, lorsque B. D. a utilisé les mots « PD » dans ses phrases, avant l'agression, M. D. lui avait gentiment dit que ce n'était pas le terme à utiliser mais qu'on disait « des homosexuels ». C'est ensuite que B. D. a insulté M. D. et D. R. avant de les rouer de coups, en faisant preuve d'un acharnement manifeste.”</p> <p>Translation: “It should be noted in this regard the statements of SL, who appears to be a neutral witness, with no particular interest, since she did not know the victims before the evening of 16 to 17 November 2019 and that she did not know BD either. She reported that the latter made statements of a homophobic nature addressed to the victims before the violent assault they suffered and which did not originate from any behavior or remarks on the part of the victims with regard to BD.</p> <p>SL's statement is precise, detailed and credible. She thus explained in particular that, when BD used the words "PD" in his sentences, before the assault, MD had kindly told him that this was not the term to use but that he should use "homosexuals". It was then that BD insulted MD and DR before beating them up, showing obvious fierceness.”</p>

Thematic area	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.
Decision date	27 January 2021
Reference details	Cour d'appel, Brussels, https://www.unia.be/nl/rechtspraak-alternatieven/rechtspraak/cour-dappel-de-bruxelles-27-janvier-2021
Key facts of the case (max. 500 chars)	<p>After a rally in support of undocumented migrants, six members of the far-right group 'Nation' violently assaulted a homeless man of Polish origin. There had been a political discussion between the group and the man.</p> <p>The perpetrators were convicted in 2016 by a Criminal Court ('tribunal correctionnel') in Brussels. P.C., one of the defendants appealed the verdict. He alleged that his offence of 'voluntary assault and battery' was not motivated by the reprehensible motive hate. [L.H., a second defendant contested his conviction for rebellion.]</p>
Main reasoning/argumentation (max. 500 chars)	<ol style="list-style-type: none"> 1. First of all, the Court of Appeal recalls that the application of the reprehensible motive hate, as stated in Article 405quater of the Criminal Code, does not require it to be demonstrated that the victim bears a protected criterion. It is sufficient that the offender assumes that this is the case. 2. The court then adds that the discriminatory motive must not be the perpetrator's exclusive, primary or determining motive.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Court of Appeal concluded that there was a reprehensible motive by combining the evidence of various sources. Thereto, the court analysed the statements of the various defendants and witnesses, examined the profile of the perpetrators and the group 'Nation', considered the seriousness of the attack as well as the context in which the attack had taken place.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The appeals court upheld the decision at first instance with the aggravating circumstance of a hate motive.</p> <p>The court reduced the sentence of the first defendant from 18 months imprisonment with a 5-year suspension to 10 months imprisonment with a 3-year suspension, taking into account the elapsed time. The fine of 1,200 euros was maintained.</p> <p>[The second defendant saw his initial prison sentence changed to 200 hours of community service. The fine was revoked.]</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“C'est à bon droit que le premier juge a considéré qu'il résultait incontestablement de l'ensemble des déclarations recueillies que le groupe, dont le prévenu P.C. faisait partie, a indubitablement perçu la victime S.W. comme une personne sans domicile fixe, d'origine étrangère mais surtout sympathisant des milieux qualifiés de gauchistes, soit autant d'éléments liés à l'état de fortune, à l'origine nationale ou à la nationalité, à l'origine sociale et aux convictions politiques, philosophiques ou syndicales visés à l'article 405 quater du Code pénal.”</p> <p>“The trial judge rightly considered that all of the group, to which the defendant P.C. belonged, undoubtedly perceived the victim S.W. as a homeless person of foreign origin. But above all, they considered him to have leftist sympathies of foreign origin but above all sympathetic to leftist ideas. That is to say, a number of elements in article 405quater Penal Code were present: the equity, national origin or nationality, social origin and political, philosophical and syndical opinions.’</p>

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	29 June 2021
Reference details	Council of Europe, European Committee of Social Rights, <i>Decision on Admissibility and on Immediate Measures</i> , European Roma Rights Centre (ERRC) v. Belgium, Complaint No. 195/2020. https://hudoc.esc.coe.int/fre/#{%22sort%22:[%22ESCPublicationDate%20Descending%22],[%22ESCDcIdentifier%22:[%22cc-195-2020-dadmissandimmed-en%22]}
Key facts of the case (max. 500 chars)	<p>On 27 April 2020, the ERRC brought a complaint vs Belgium before the European Committee of Social Rights of the Council of Europe. The ERRC stated that in the context of police operations carried out on 4 and 5 April 2020 targeting two Travellers' sites in the Couillet and Jumet areas of the municipality of Charleroi, families, including children, sick persons and a pregnant woman, had their caravans and property seized. The ERRC claimed that this situation has to be considered within the wider context of police operations conducted against Traveller communities across Belgium since 2019 and which were the object of a previous collective complaint introduced in 2019 (ERRC v. Belgium, Complaint No. 185/2019, decision on admissibility and immediate measures of 14 May 2020). In the present case, the ERRC alleged that the police operations on 4 and 5 April 2020 in Charleroi were carried out without taking into account considerations of proportionality and without offering an alternative solution for the families concerned, such as provision of alternative accommodation, access to water, sanitation, electricity, food and medical services, and exposed the affected families to hardships and health risks, including those associated with COVID-19. Considering that this operation amounted to ethnically targeted collective punishment, ERRC thus asked the Committee to indicate immediate measures to</p>

<p>Key facts of the case (max. 500 chars)</p>	<p>the Belgian Government with a view to avoiding serious, irreparable injury to the persons concerned. On 22 July 2020, the Belgian Government sent its observations on admissibility and request for immediate measures, where it clarified the reasons why none of the requested measures could be accepted. On 11 September 2020, ERRC replied to the observations of the Belgian Government by renewing its request for immediate measures and asking the Committee to make a decision as quickly as possible. On 12 May 2021, ERRC provided its responses to the Committee's questions to the parties (dated 1 April and 7 April 2021 respectively) concerning (i) the total number of persons who were affected by the loss of their homes/caravans as a result of the police operations, (ii) the general practice and protocol followed as regards Travellers who have lost their homes, particularly under the conditions of the COVID-19 pandemic, and (iii) the current housing situation for the persons who were affected by the loss of their homes/caravans as a result of the police operations. On 9 June 2021, the Belgian Government also sent its responses to the Committee's questions.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>On 29 June 2021, the European Committee of Social Rights declared the complaint admissible and decided that it was not necessary to indicate to the Government any immediate measures. In particular, the Committee noted the limited scope of the police operations in question as well as the fragmentary information at its disposal on the situation of the persons concerned. Having regard to the specific circumstances of the case, the Committee also affirmed that a considerable amount of time passed since the operations took place. As such, the risk of serious and irreparable injury could not be established.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>Not available</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>Not available</p>

Key quotation in original language and translated into English with reference details (max. 500 chars)	Not available
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Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
Decision date	25 February 2021
Reference details	Constitutional Court (Cour constitutionnelle), decision 23/2021 of 25 February 2021 https://juportal.be/content/ECLI:BE:GHCC:2021:ARR.20210225.1/FR?HiLi=eNpLtDKzqs60MrAutjKxUkpKLE5Vss60MgRyLayUUvLz8g6vTC0GCRIBVDq5BruCuMZQLISDCUSDi7+f3+GVrsEgIVOOENyMWgDhbyE5
Key facts of the case (max. 500 chars)	The French and German speaking bars, together with a group of NGOs, questioned changes made to the Aliens Act, including changes that allow the collection of migrants’ facial images.
Main reasoning/argumentation (max. 500 chars)	According to the applicants, the contested provisions cause serious injury to the private life of the foreigners concerned, in that they add facial images to the personal data already collected about these migrants, for unspecified reasons and without Union law (more specifically Regulation (EU) No 603/2013) providing an appropriate legal basis as it only provides for the collection of fingerprints. The applicants claim that the collection facial images, which constitutes biometric data according to the GDPR, must respect both the general principles laid down in Article 5 (1) and the conditions provided for in article 9 of the same regulation, which is not the case here.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Court deemed that the collection of biometric data, including facial images, was done exclusively for the purpose of identifying (or verifying the identity of) migrants; to assess whether s/he represents a danger to public order or national security; and to comply with obligations stemming from EU law. Thus, given the importance, in terms of public order and security, of managing asylum and the fight against illegal immigration, the need to identify the foreigners concerned, and that Article 13 (2) (e) of the Procedures Directive allows Member States to permit that competent authorities capture facial images of applicants for international protection, these purposes were deemed to constitute grounds of important public interest. Furthermore, the Court noted that the Migration Act determines the persons concerned by the disputed processing and the circumstances in which this can take place. It also empowers the King to set the retention period and provides that the processing of biometric data will be subjected to the control of the Data Protection Authority. The Court thus concluded that the contested provisions do not disregard the essence of the right to data protection and that they are accompanied by appropriate and specific measures for the protection of the fundamental rights and interests of the foreigners concerned.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The applicants' claim on this regard was rejected as unfounded.</p>

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Comme il est dit en B.10, les articles 30bis et 51/3 de la loi du 15 décembre 1980 déterminent les personnes concernées par le traitement litigieux et les circonstances dans lesquelles celui-ci peut avoir lieu. Ils habilent par ailleurs le Roi à fixer le délai de conservation des données biométriques et prévoient le contrôle de l'Autorité de protection des données. Il s'ensuit que les dispositions attaquées ne méconnaissent pas l'essence du droit à la protection des données et qu'elles sont assorties de mesures appropriées et spécifiques pour la sauvegarde des droits fondamentaux et des intérêts des étrangers concernés, au sens de l'article 9, paragraphe 2, point g), du RGPD.”</p> <p>Translation: “As stated in B.10, articles 30bis and 51/3 of the law of 15 December 1980 [Aliens Act] determine the persons concerned by the disputed processing [facial imaging] and the circumstances in which this can take place. They also empower the King to set the retention period and provide for the control of the Data Protection Authority. It follows that the contested provisions do not disregard the essence of the right to data protection and that they are accompanied by appropriate and specific measures for the protection of the fundamental rights and interests of the foreigners concerned, within the meaning of Article 9 (2) (g) of the GDPR.”</p> <p>Clarification: this part of the decision explicitly mentions Articles 9(2)(g) and 5(1) of the GDPR, which refer to the general ban on the processing of special categories of personal data and the principle of lawfulness, fairness and transparency of processing, respectively. No other fundamental right or interest is mentioned explicitly.</p>
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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	4 March 2021
Reference details	Constitutional Court, Arret n° 36/2021 du 4 mars 2021
Key facts of the case (max. 500 chars)	The case concerned, among others, a challenge against the requirement that persons requesting a licence to operate games of chance in places accessible to minors provides proof that s/he did not engage in criminal acts or acts against public order in the past five years.
Main reasoning/argumentation (max. 500 chars)	It was argued that the abovementioned requirement was not based on consent; was arbitrary since only certain licences require it and not all; and that it was a disproportionate interference with private life and the right to data protection.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Constitutional Court deemed that the requirement for only one specific licence was justified as the licence in question was for places that would be open to the public in general, including minors, instead for a place specifically dedicated to games of chance only accessible to adults. It also noted that those who apply for such licences must confirm that they know and accept the legal provisions related to it, including the history check. Lastly, it considered that the measure was proportionate to the legitimate goal of verifying that the person in question was fit to undertake the functions associated with the licence.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	This specific challenge is dismissed.

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Original quotation: "L'enquête d'antécédents qui sert à contrôler qu'il est satisfait à la condition que le demandeur de licence soit d'une conduite qui répond aux exigences de la fonction poursuit un but légitime et n'entraîne pas une ingérence disproportionnée dans le droit au respect de la vie privée, tel qu'il est garanti par les dispositions nationales et internationales précitées."</p> <p>Translation: The background investigation which serves to verify that the requirement that the licence applicant's conduct meets the requirements of the function pursues a legitimate aim and does not lead to a disproportionate interference with the right to respect for private life, as guaranteed by the aforementioned national and international provisions.</p>
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Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	11 February 2021
Reference details	ECLI:BE:GHCC:2021:ARR.20210211.3 Constitutional Court, arrêt n° 22/2021
Key facts of the case (max. 500 chars)	The case concerns a constitutional challenge against the Flemish community decree on juvenile delinquency, which is said to be unconstitutional and violate the rights of the child, as prescribed in international conventions.

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>Article 16 of the challenged decree required judges in juvenile justice to consider specific elements of the case in a particular order when making a decision on whether or not to implement measures against the child. This order prescribed that the gravity of the facts and the damage and consequences to the victims should be considered before aspects such as the personality and maturity of the child. According to the constitutional court, this meant that the decree did not ensure that the best interest of the child would be the primary consideration in juvenile justice. The requirement to consider the aspects in a specific order was thus removed from the decree.</p> <p>Article 37 of the decree, in turn, prescribed the circumstances in which children could be placed in closed institutions. The article prescribed a list of criteria that had to be met for that measure to be applied, which included the child being at least 16 years old at the time the facts were committed and having committed specific acts prescribed by the criminal code. The article, however, also provided that those who were under the age of 16 could be subjected to such measure under exceptional circumstances (which were not defined by the decree). Furthermore, it also prescribed that for a child who was at least twelve years old, but younger than fourteen at the time when he committed the acts, the only restriction in the application of the measure was that the committed offence, if it had been committed by an adult, would be punishable by a sentence of imprisonment of five to ten years or by a heavier penalty.</p> <p>According to the constitutional court, this meant that the conditions to place a minor who was under the age of 16 at the time of the act in a closed institution were less strict than the criteria to apply the measure to a minor aged at least 16 at the time of the act, which was against the original intent of the legislator. Furthermore, the court deemed that by leaving it to judges at the juvenile justice to determine when exceptional circumstances applied, without defining such circumstances, risked leading to arbitrary decisions in disrespect of the principle of legality. The exceptions foreseen for minors under the age of 16 at the time of the acts were thus removed from the law.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Constitutional Court based its decision on the fact that the best interest of the child should be a primary consideration in juvenile justice and of the principle of legality, which should allow minors to know when they may be placed in a closed institution.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>Annulment of part of articles 16 and 37 of the Flemish community decree on juvenile delinquency.</p>

Key quotation in original language and translated into English with reference details (max. 500 chars)

Quote 1: "En prévoyant, à l'article 16, § 1er, attaqué, que le juge de la jeunesse ou le tribunal de la jeunesse doit tenir compte des facteurs précités « selon l'ordre énuméré », en ne faisant apparaître qu'à la deuxième, ou respectivement, aux cinquième et sixième places la personnalité et le degré de maturité du suspect ou délinquant mineur ainsi que son environnement et sa sécurité, le décret attaqué ne garantit toutefois pas que l'intérêt de l'enfant primera toujours pour toute décision qui le concerne, conformément à l'article 22bis, alinéa 4, de la Constitution et à l'article 3, paragraphe 1, de la Convention relative aux droits de l'enfant.

B.16. À l'article 16, § 1er, du décret attaqué, il convient d'annuler les mots « , selon l'ordre énuméré »." Translation: By providing, in Article 16, § 1, under challenge [before the court], that the juvenile judge or the juvenile court must take into account the aforementioned factors "in the order listed", not showing until the second, or respectively, in the fifth and sixth places the personality and the degree of maturity of the suspect or juvenile delinquent as well as his environment and his security, the contested decree does not guarantee that the interests of the child will always prevail for any decision which concerns him, in accordance with article 22bis, paragraph 4, of the Constitution and article 3, paragraph 1, of the Convention on the Rights of the Child.

B.16. In Article 16, § 1, of the contested decree, the words "according to the order listed" should be deleted.

Quote 2: "Les conditions prévues pour imposer un encadrement en milieu fermé de longue durée sont donc moins strictes à l'égard des mineurs qui étaient âgés de moins de seize ans au moment où ils ont commis le délit de mineur qu'à l'égard des mineurs qui étaient âgés d'au moins seize ans au moment où ils ont commis le délit de mineur, ce qui est en contradiction avec l'intention du législateur décréteur."

Translation: The conditions laid down for imposing long-term closed supervision are therefore less strict with regard to minors who were under the age of sixteen at the time they committed the offence than with regard to minors who were at least sixteen years at the time when they committed the offence, which is in contradiction with the intention of the legislator of the decree.

Thematic area	ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	3 December 2021
Reference details	No official publication yet; several news articles (around a hundred press articles in Belgian French-speaking newspapers, especially in local ones (source Europresse)), including: https://www.rtf.be/info/regions/namur/detail_femicide-d-essesse-luc-nem-condamne-a-25-ans-de-prison-pour-le-meurtre-de-marielle-tournay?id=10890880 ; or https://www.sudinfo.be/id154047/article/2019-11-28/femicide-essesse-marielle-est-morte-sous-les-coups-de-luc-son-compagnon
Key facts of the case (max. 500 chars)	A man was on trial before the Namur Court of Assizes (<i>Cour d'assises</i>), for killing his female partner on 28 November 2019. The man had inflicted multiple fatal injuries, allegedly after finding a note of the victim that she sought to end their romantic relationship fraught with violence, substance abuse (for both of them) and psychological terror. The case has received attention as it has been considered as a textbook example of mechanisms at play in situations of domestic violence. The victim had previously reached out to the public authorities and the perpetrator had been previously convicted to preventive detention (one month in September 2018 for breaking her nose, another month in April 2019 for a broken arm, four months in June 2019 for recurring physical violence). Yet the perpetrator used mechanisms of psychological control (including blackmail) to maintain his hold on the victim. During the criminal proceedings following the murder, the man alleged that it had been physically attacked twice by the victim.
Main reasoning/argumentation (max. 500 chars)	The judgment is not yet published, but media reports are available. According to them, the general counsel had called for a 25-year prison sentence, asking jurors not to go below 20 years in prison, calling the perpetrator a "ticking time-bomb" and stressing the risk of recurrence. The defense tried to reason with the jury that this case should not be made an example for all domestic violence cases and had asked jurors to pronounce a maximum sentence of 15 years against his client.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Court found the perpetrator guilty of murder and sentenced him to 25 years in prison for the murder of his partner, committed in Assesse on November 28, 2019. In its judgment, the Court did not accept any mitigating circumstances, ruling that the murderer had everything in hand to lead a normal life and that he did not seize the opportunities which had been granted to him. The terribly violent nature of the facts, the contempt for respect for human life, the heavy context of violence and control towards and over the victim are underlined, as are the non-respect of the probative measures which had been granted to him and his borderline and antisocial personality.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The media dubbed this case the “femicide of Assesse” yet it does not follow from media reports that the judge or jury have made any references to violence against women specifically. The murder of the victim (and conviction of the perpetrator) came in the context of several other mediatised cases of lethal violence against women (see the list available on the website Stop Femicide reporting cases in Belgium). The case re-sparked the debate on the opportunity to include a specific offence for femicide in the Belgian Criminal Code, similar to the specific offences that already exist for parricide (article 395) and infanticide (article 396). This is defended by the Secretary of State for Equal Opportunities, who has made preventing femicides a priority of her mandate. The discussions echo furthermore a broader reform of the Criminal Code in relation of violence against women and sexual violence, whose adoption is foreseen for 2022.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>NA; judgment is not published yet.</p>

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	<i>No case law has been identified for this thematic area.</i>