



# International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General  
29 April 2021

Original: English

---

## Committee on the Elimination of Racial Discrimination 103rd session

### Summary record of the 2815th meeting

Held via videoconference on Wednesday, 21 April 2021, at 4 p.m. Central European Summer Time

*Chair:* Ms. Li

## Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

*Combined twentieth to twenty-second periodic reports of Belgium (continued)*

---

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



*The meeting was called to order at 4 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** *(continued)*

*Combined twentieth to twenty-second periodic reports of Belgium (continued)*  
([CERD/C/BEL/20-22](#) and [CERD/C/BEL/Q/20-22](#))

1. *At the invitation of the Chair, the delegation of Belgium joined the meeting.*
2. **Mr. Diaby** (Country Rapporteur) said that it would be useful to know what steps the State party had taken to ensure that foreign nationals in irregular situations were able to recover wages owed to them. He would also be interested to find out how the State party ensured that migrants, regardless of their status, had access to emergency health services and reproductive health care. Noting that the Act of 15 December 1980 on the entry, residence, settlement and expulsion of foreign nationals provided for migrants who entered or stayed in Belgium illegally to be fined or imprisoned, he asked whether the Government planned to decriminalize irregular stay in the country and thus allow undocumented migrants to assert their rights. The Committee would be grateful for information on measures taken to ensure that foreign nationals who requested international protection were detained only as a last resort. Had the State party established a system for the collection of data on the prison population, including information on prisoners' national and ethnic origins?
3. The Committee would appreciate information on the implementation and impact of the National Action Plan to Combat Trafficking and Smuggling in Human Beings for 2015–2019 and on the development and adoption of a new action plan. It would be useful to know what training and resources were provided to professionals who dealt with trafficking, including police officers, medical practitioners, members of the judiciary and other specialists. Information on the number of people convicted of trafficking in persons and people smuggling would also be welcome.
4. He invited the delegation to describe what had been done to remove stereotypes of people of African descent and other minorities from school textbooks and curricula. The Committee would like to know whether education in Belgium recognized any connection between the State party's colonial past and the persistence of such stereotypes and whether the State party had conducted any campaigns to raise awareness of the Convention.
5. The State party had not yet designated a competent body to receive complaints of linguistic discrimination. Some French-speakers who lived in the Flemish Region claimed to be the victims of a linguistic assimilation process, and it would be interesting to hear how their situation was addressed. Lastly, he asked what contribution civil society had made to the drafting of the periodic report and whether any organizations working on racial discrimination issues had attended the meeting that had been held for its preparation.
6. **Ms. Stavrinaki** (Country Task Force) said that she wished to know what special measures the State party had taken to assist women from minority groups who, according to the results of the 2017 study on discriminatory attitudes in the housing sector, were vulnerable to discrimination in access to housing. In particular, the Committee would find it useful to know whether the State party planned to strengthen the relevant government inspection services.
7. Given the negative impact of the coronavirus disease (COVID-19) pandemic on migrants, refugees and asylum seekers, she asked what steps the State party had taken to protect minorities and to evaluate the socioeconomic impact upon them, taking into account the fact that they were often subject to intersectional discrimination. How was the State party ensuring that everyone, including persons of foreign origin, benefited equally from the social and economic measures implemented in response to the pandemic? What steps had it taken to ensure that minorities, particularly women, children and persons with disabilities, were included in the pandemic response and the vaccination campaign?

*The meeting was suspended at 4.15 p.m. and resumed at 4.20 p.m.*

8. **The Chair**, observing that Mr. Guissé was temporarily unable to connect to the meeting, invited Mr. Diaby to ask questions on his behalf.

9. **Mr. Diaby** said that the Committee would welcome further details on the implementation and assessment of the National Roma Integration Strategy, including specific measures taken on behalf of Roma and Travellers. The delegation might provide information on how the State party protected the economic, social and cultural rights of those minorities, including in the context of the pandemic, and it could clarify whether there were sufficient sites for the reception of Travellers.

10. Noting that the Working Group of Experts on People of African Descent, in its report on its visit to Belgium in 2019 ([A/HRC/42/59/Add.1](#)), had expressed concern at the absence of data disaggregated on the basis of ethnicity or race, he asked what had been done to increase the visibility of persons of African descent and the recognition of the difficulties they faced. In the light of research suggesting that the unemployment rate of Belgians of African descent was four times higher than the national average, he wondered what steps the State party had taken or envisaged to promote equal access to the labour market for people of African descent.

11. **Ms. Giovanis** (Belgium) said that a law adopted in 2013 established sanctions against employers who hired undocumented foreign nationals in Belgium. Under that law, workers in irregular situations were to receive remuneration equivalent to that of other workers. If such workers sought to recover wages that were owed to them, the labour law inspectorate would carry out an investigation promptly, since it was likely that the worker in question would be required to leave the country. Workers who had not received their wages were advised to write, or to go in person, to the social welfare offices. The labour law inspectorate defended the rights of workers and regularly cooperated with associations such as the *Organisatie voor Clandestiene Arbeidsmigranten* (Organization for Undocumented Migrant Workers). However, it was difficult to verify workers' claims, as often they were no longer employed and could not prove that they had performed the work in question. Moreover, the labour law inspectorate was bound by the Act of 15 December 1980. Thus, in practice, it must work with the police in cases involving undocumented workers. Since 1 October 2016, employers had been required to pay workers by bank transfer. Cash payments were permitted only if no other payment method was available.

12. **Ms. Duhén** (Belgium) said that the State-funded public social service centres covered the cost of emergency medical care for foreign nationals who were in irregular situations or who did not have health insurance. The coverage included hospitalization, consultations – including with general practitioners and specialists such as gynaecologists and physiotherapists – and the cost of medicines.

13. **Ms. Leclercq** (Belgium) said that, in respect of access to justice, there was nothing to prevent persons in irregular situations from filing criminal complaints or instituting civil proceedings. Although the Code of Criminal Procedure required parties to be domiciled in Belgium, they could use the address of a lawyer's office as an elected domicile. Victims of intentional acts of violence were entitled to apply for compensation from the State regardless of their nationality or residence status. The State provided free legal counsel to persons deemed to have insufficient means, which was presumed to include migrants. To benefit from free legal assistance, foreign nationals were asked to make a sworn statement attesting to lack of income.

14. The prison administration published figures on overall prison capacity and the characteristics of the prison population, including the legal status, sex and nationality of detainees and the regimes that applied to them. It did not publish figures on the national or ethnic origin of prisoners because those concepts were too ill-defined to be used as the basis for data collection. The federal Government was discussing the definition of the term "person of foreign origin". Once a definition was adopted, the concept might be used to refine the figures on the prison population. All detainees had the same rights regardless of their national or ethnic origin, and their specific needs were evaluated and addressed on a case-by-case basis.

15. **Mr. François** (Belgium) said that, in respect of the decriminalization of illegal stay in the country, the Belgian courts abided by the judgment of the European Court of Justice in the case of *Hassen El Dridi, alias Soufi Karim*. The Court had found that a sentence of imprisonment should not be imposed on illegally staying foreign nationals on the sole ground

that they remained on a State's territory. Consequently, the Federal Public Prosecutor's Office did not prosecute foreign nationals for illegal stay unless they were also charged with other offences.

16. **Ms. Kormoss** (Belgium) said that applicants for international protection were only detained as a measure of last resort. Belgium applied the European regulations on asylum, specifically Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast) and the Dublin III Regulation. Detention of applicants for international protection was limited to 2 months, but it could be prolonged to 6 months if required for the protection of national security or public order. In cases covered by the Dublin III Regulation, applicants could be detained for up to 6 weeks for the purpose of determining the European Union member State responsible for the asylum application, and up to another 6 weeks for the purpose of transferring them to the member State in question.

17. **Ms. Leclercq** (Belgium) said that the National Action Plan to Combat Trafficking and Smuggling in Human Beings that had been adopted for the period from 2015 to 2019 had been extended until 2020 in order to ensure the continuity of activities during the period of negotiation on the formation of a federal Government. Such activities included the preparation of information booklets for partners, the organization with the federated entities of training on the assistance and protection of young people and participation in the international Blue Heart Campaign against Human Trafficking. The Interdepartmental Unit for Coordinating Measures to Combat Trafficking in Human Beings continued to track the implementation of the National Action Plan and to publicize progress.

18. The new federal Government had clearly expressed its intention to step up the fight against people smuggling and trafficking in persons. Political discussions had been held on a new national action plan for the period 2021–2025, an initial draft of which had been submitted to the Interdepartmental Unit. The new plan was scheduled for adoption by May 2021. The Government had increased the budget allocated to specialized reception centres for victims.

19. As for training in how to respond to human trafficking, the focus was on the provision of information to victims, for example with the use of multilingual brochures, and on informing officials of the procedure to follow when alleged victims of trafficking were identified. In 2020, the authorities had overhauled and updated relevant police procedures and had drawn attention to some procedures that had previously been identified as problematic. A new training programme would begin in 2021. Judges received training in issues related to trafficking every two years. There had been no training for the judiciary in 2020, but training had been conducted via videoconference in February 2021 for non-specialized and trainee judges. Specific training for judges specialized in cases involving child victims of trafficking was scheduled for May 2021. Belgium remained a partner in the international Blue Heart Campaign, and the goal for 2021 was to extend activities related to the campaign to additional towns in the country. Lastly, the leaflet informing the banking sector about transactions with possible links to trafficking had been updated and distributed to all Belgian banks.

20. **Mr. Peeters** (Belgium) said that civics and coexistence were among the key competencies in the new learning objectives for students in Flemish schools. Specific attention was paid to the concepts of democracy, human rights and the prevention of all forms of discrimination. In-service training for teachers in human rights education was funded through an annual budget and was provided by a number of non-governmental organizations (NGOs).

21. **Ms. Ouahdi** (Belgium) said that the Equal Opportunities Department of the French Community worked closely with the Education Administration to ensure that textbooks remained free of stereotypes and discriminatory content. Since 2016, three vast anti-racism campaigns had been conducted on French-language television channels and radio stations, online, in cinemas and on billboards. The latest campaign, launched in March 2021, aimed to show that racism was harmful to society as a whole and led to injustice, suffering and conflict. The campaign was mainly conducted through digital means and primarily targeted 15- to 35-year-olds.

22. **Ms. Claus** (Belgium) said that other campaigns had been conducted since 2016 to combat racism and promote the acceptance of diversity. For example, the agency responsible for the recruitment of federal civil servants had organized a campaign in 2016 showcasing the contribution of foreign-born civil servants. In 2019, a broad awareness-raising campaign to denounce stereotypes had been rolled out through videos screened in large public transport stations and on social media. Two campaigns, one on discrimination in employment and the other on stereotypes, had been conducted in the Flemish Region in 2017 and 2018. Lastly, campaigns on racism, prejudice and stereotypes had been launched in the German-speaking Community and the Brussels-Capital Region. More details on all those campaigns would subsequently be provided in writing.

23. **Mr. Peeters** (Belgium) said that the current institutional organization and language legislation in Belgium was the result of a historical compromise. Several mechanisms had been built into the State's structure to protect linguistic groups, such as the requirement to obtain special majorities in parliamentary procedures or to ensure equal representation in the highest courts of law and in the federal, regional and capital administrations. The balance among the different linguistic groups, upheld by the Council of State and the Court of Cassation, could not be put in jeopardy. The European Court of Human Rights had, in its judgment in the case of *Grosaru v. Romania*, implied that the language groups in Belgium should not necessarily be considered as minorities.

24. Regarding Travellers and Roma, the government of the Flemish Region intended to create additional designated areas, both at residential and transit sites, to accommodate Travellers. It granted full subsidies, for example to municipalities, public social welfare centres and companies, for the construction, expansion, renovation or acquisition of such sites.

25. **Ms. Claus** (Belgium) said that 65 major organizations active in fighting racism and defending human rights, including the Coalition for a National Anti-Racism Plan, had been involved in the drafting of the report and preparation for the constructive dialogue, as had labour unions.

26. **Mr. De Roep** (Belgium) said that the Brussels-Capital Region had taken a number of measures to ensure discrimination-free access to housing, including for women from African and other non-European Union countries. It had carried out awareness-raising measures and training for public servants and real-estate agents and had taken steps to empower housing inspectors to detect discriminatory practices and impose penalties where appropriate.

27. **Ms. Claus** (Belgium) said that an interfederal task force involving various federal and regional ministers and community authorities had been established to monitor the impact of the pandemic on vulnerable groups, including women, children and persons with disabilities, and to identify and respond to emerging needs. Task forces had been set up in each region to address the needs of vulnerable families and other urgent social problems. A new strategy for the integration of Roma, to be developed jointly by the federal Government, the governments of the federated entities and civil society, would be submitted to the European Commission in September 2021. Covering the period until 2030, the strategy would contain specific measures in the areas of housing and education, among others, and would focus on promoting the empowerment of Roma women, youth and older persons, Roma with disabilities and Roma members of the lesbian, gay, bisexual, transgender, intersex and queer community.

28. **Mr. François** (Belgium), recalling that Circular No. COL 13/2013, which covered the identification and prosecution of discrimination and hate crimes, would be amended to introduce categories of racism, said that persons of African descent and Roma would benefit from the more precise data that the amendment would make possible and the resulting targeted responses. In certain cases, discrimination in the field of employment fell within the remit of the prosecution service, as it was covered by the Code of Labour Offences. Once the relevant amendment had been adopted, greater protection against reprisals would be provided for persons who defended or supported victims of offences and others on whose behalf claims were filed. Also, in line with the Act of 15 January 2018 on the prerogatives of labour inspectors, the Walloon Region was considering allowing inspectors to pose as clients or job applicants to test compliance with the law. Labour inspectors and labour court judges

received regular training in discrimination matters and had ample opportunities to exchange experiences. Lastly, in keeping with European law, criminal complaints against racist or xenophobic acts could be filed not only by victims, but also directly by the prosecution service.

29. **Mr. De Roep** (Belgium) said that the public social service centres in Brussels and Molenbeek had set up units to handle Roma issues, including those related to housing, and that some non-profit organizations were active in cultural mediation and provided assistance to homeless persons.

30. **Ms. Kormoss** (Belgium) said that access to closed facilities for illegal migrants was governed by a royal decree of 2002. Visits by individuals required the prior approval of the facility's director. They were generally approved for at least an hour and could be refused only if there was no legitimate reason for the visit, if there were credible indications that the order, security or proper functioning of the facility would be at risk or if there were reasons to believe the physical or emotional well-being of the resident in question would be jeopardized. The closed facilities could be visited for example by representatives of the Office of the United Nations High Commissioner for Refugees, the Children's Rights Commissioner, the Federal Migration Centre, the National Human Rights Commission and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Individuals and organizations not enumerated in the royal decree could be authorized to visit closed facilities at the discretion of the Director-General of the Immigration Office.

31. **Ms. Giovanis** (Belgium) said that, although responsibility for equal opportunity policy had largely shifted from the federal to the regional level with the State reform of 2014, it was still a concern of the federal Government, which was taking measures to support the optimal functioning of the labour market. The measures taken in that field had been designed to have the strongest effect on the groups with the weakest positions in the labour market. For instance, the taxation system had been modified to reduce labour costs for low-wage categories, which had thus experienced the biggest boost in job creation. The introduction of more flexible forms of work had also had the greatest impact on low-wage workers. A new edition of the socioeconomic monitoring report, published in 2020, had focused on the origins of workers and their repercussions in the labour market. Progress had been made in assessing foreign workers' qualification levels and in taking into account their fields of study.

32. **Mr. Peeters** (Belgium) said that the Flemish Region had adopted an action plan to combat discrimination in employment, including through a broad awareness campaign conducted in 2017–2018. A budget of €3.2 million had been allocated in support of voluntary measures taken by means of a sectoral agreement, and monitoring of discrimination in the labour market had been stepped up. The Flemish Region's Employment Bureau had launched the Integration through Work programme for non-Dutch-speaking job seekers of foreign origin. Participants received on-the-job training as a path to quicker, more effective integration into the labour market. The programme had been very successful and had therefore been made permanent. Another programme aimed to encourage all stakeholders in the labour market to focus on people's skills and talents and to eliminate the effects of prejudice, thereby indirectly contributing to the fight against discrimination. The various measures had proven effective, as unemployment had declined, particularly among people born outside the European Union.

33. **Mr. De Roep** (Belgium) said that a study conducted in 2019 by the unemployment agency of the Brussels-Capital Region on the national origin and career paths of job seekers had confirmed that it was more difficult for persons of foreign origin than for others to find employment. Consequently, the agency had strengthened its anti-discrimination desk so that it could provide services for job seekers and it was considering ways of providing more effective oversight.

34. **Mr. Guissé** (Country Task Force) said that, given that racism affected all aspects of life, the Committee would like to know what policies, strategies and tangible measures were in place or envisioned to address the complexity of systemic racism in Belgium and to promote better representation in society of groups protected by the Convention.

35. **Mr. Amir** said that it was vital to ensure access to vaccines to control the COVID-19 pandemic in Africa, where the resources required to combat the disease were lacking.

36. **Ms. Shepherd** said that she would like to know whether the health care available to persons in irregular situations in Belgium included treatment for COVID-19 and whether the data available on the use of health services by such persons might be affected by their reluctance to come forward to seek treatment. Given that the State party did not collect data on ethnic origin, she wondered how it was able to formulate effective policies to address the problems faced by specific ethnic groups. The State party had hopefully considered ways to evaluate the impact of the measures that were being taken at the federal and regional levels to combat racial discrimination. Lastly, she would like to hear more about the steps taken to decolonize public spaces, for example by taking down statues of King Leopold II.

37. **Ms. Claus** (Belgium) said that the strategic and operational objectives set out in the national action plan against racism would reflect an intersectional approach. The studies conducted under the plan for policymaking purposes would focus on areas where there was a lack of data, and some would deal specifically with intersectional discrimination. As part of the preparation of the national action plan, a technical working group had been set up to discuss ways to increase the representation of foreign nationals in both the public and private sectors.

38. **Ms. Duhén** (Belgium) said that public social service centres provided urgent medical care, including consultations, examinations and treatment, for persons who had no health insurance.

39. **Ms. Claus** (Belgium) said that the Improving Equality Data Collection in Belgium project would help the authorities to identify gaps in data. The project would conclude in June 2021 and its recommendations would be implemented as soon as possible. In the area of criminal justice, steps were being taken to improve the quality of data on hate crimes and hate speech.

40. **Mr. Peeters** (Belgium) said that, in the Flemish Region, guidance for local authorities on the decolonization of public spaces had been produced by the agency responsible for civic integration, based on input from academic experts.

41. **Mr. De Roep** (Belgium) said that, in the Brussels-Capital Region, a working group on the same subject had been set up in November 2020. The Leopold II tunnel had been renamed following a vote in which the public had been invited to choose from 15 names of famous women.

42. **Ms. Rochez** (Belgium) said that the issue of ethnic profiling was covered in the training provided to law enforcement officers, including instructions for the detection of suspicious behaviour, and in the training provided to airport officials. A multidisciplinary working group, composed of representatives of the ministries responsible for policing, the integrated police force and NGOs was currently preparing an action plan against racism. An action plan to combat ethnic profiling, as well as guidelines on conducting identity checks in an efficient and objective manner, were also being developed. The remedies available to victims of ethnic profiling by police officers were the same as those available to victims of police violence.

43. In order to promote diversity within the police force, training had been provided to police officers on topics such as human rights and anti-discrimination legislation, and an awareness-raising campaign on the issue of diversity was currently under way. Respect for diversity was emphasized in the Police Service Code of Ethics and also in the new procedure for recruitment to the integrated police force.

44. **Mr. Diaby** said that he would like to hear about the types of discrimination that would be dealt with by the Federal Institute for the Protection and Promotion of Human Rights. He would also like to know how linguistic minorities, including French speakers living in the Dutch-speaking and German-speaking regions, were protected against discrimination. The Committee appreciated the State party's efforts to implement the Convention and wished to thank the delegation for the constructive dialogue.

45. **Mr. Pecsteen de Buytswerve** (Belgium) said that the Committee's questions and concluding observations would be taken into account in the preparation of the national action plan against racism. Belgium was committed to ensuring the proper functioning of the treaty body system and was grateful to the Committee members for continuing to fulfil their mandate despite the challenges that they faced while working remotely. The Government of Belgium regretted that the Committee had not allowed it to opt for the simplified reporting procedure. It remained convinced that the treaty bodies would benefit from the adoption of a predictable reporting cycle and further harmonization of their working methods. In view of the growing backlog of reports submitted by States parties, the Committee might consider setting some of those reports aside and drawing up a new reporting calendar, focusing on States parties that had not yet submitted their initial reports. The treaty bodies should be prepared to continue conducting some of their work online once the pandemic subsided. Belgium stood ready to support them, including by promoting the fair compensation of treaty body members who were performing their duties online.

46. **The Chair**, noting the points raised by the head of delegation, said that she wished to thank the State party for its willingness to participate in an online review. It could submit additional information in writing within 24 hours following the dialogue.

*The meeting rose at 5.55 p.m.*