



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-second session

SUMMARY RECORD OF 1857th MEETING

Held at the Palais Wilson, Geneva, on Monday, 25 February 2008, at 3 p.m.

Chairperson: Ms. DAH

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Fourteenth and fifteenth periodic reports of Belgium

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE
CONVENTION (agenda item 7) (*continued*)

*Fourteenth and fifteenth periodic reports of Belgium (CERD/C/BEL/15;
HRI/CORE/1/Add.1/Rev.1; written replies from the State party, unofficial
document circulated at the meeting, French only)*

1. *At the invitation of the Chairperson, the Belgian delegation took places at the Committee table.*

2. Mr. OUVRY (Belgium) said that Belgium unreservedly supported the Committee on the Elimination of Racial Discrimination and, every two years, sponsored the United Nations General Assembly resolution on the Committee. Belgian diplomacy was also very involved in the work of the Durban World Conference against Racism and regularly represented the European Union in follow-up meetings to that Conference. The Constitution and institutional organization of the Federal Belgian State had changed a great deal in the past 20 years. Since the most recent elections, in May 2007, the country had been in a difficult political situation and had an interim Government, conducting negotiations on a possible revision of its institutions. The crisis was, however, political rather than societal; the controversy was heated but discussions were being held without violence in the framework of democratic institutions.

3. In answer to the first question, Mr. Ouvry said that information on the composition of the population was not available, given the situation of Belgian legislation and practice. A debate on the need to compile demographic statistics was currently under way and progress was slowly being made towards the collection of data in order to evaluate specific policies, in particular with regard to employment. That practice was not yet widespread, however, and figures were not available.

4. Mr. SANT'ANGELO (Belgium) explained, with regard to the second question, on the conformity of the definition of racial discrimination with that of the Convention, that Belgium had incorporated that definition into its domestic law, modifying it in order to retain *dolus specialis*, or specific intent to commit the infraction. That being said, direct discrimination was justifiable only in respect of labour relations, when a determinant occupational requirement existed because of the nature of the job or the conditions for engaging in it.

5. As for the third question, concerning the Centre for Equal Opportunity and the Struggle against Racism, the Centre's area of competence had been expanded in 2003 and again in 2007 to include non-racial discrimination, in order to take into account two European Union guidelines. Moreover, although Belgium did not yet have a human rights commission, preparations to put one in place were already at an advanced stage. There was, however, a National Commission on the Rights of the Child, created in 2007, and a platform for dialogue and an Institute for the Equality of Women and Men, which had been established in 2002. Lastly, an Inter-ministerial Commission on Humanitarian Law was responsible for coordinating national measures to implement the Geneva Conventions.

6. In reply to question 4, he said that Belgium had a federal action plan against racism and had reviewed the implementation of that plan. With regard to the "barometer of tolerance", following a study by two Belgian universities, the Centre had hired a full-time consultant in January 2008 to oversee the practical implementation of that instrument.

7. Mr. VILLAN (Belgium), referring to the policy on Travellers in the Walloon region, said that there had been a regional mediation centre for Travellers since 2001. Its aims included raising awareness of the issue among the population, local governments and the Travellers themselves. Its role thus involved guidance, awareness-raising and dissemination of information.

8. Mr. MAENHAUT (Belgium) said, with regard to the Flemish community, that the authorities were aware of the vulnerability of the Travellers and were planning to establish social assistance units for them in all five regions. Informal follow-up committees, in which the Travellers themselves participated, were monitoring the implementation of the assistance policy for Travellers. The committees were preparing a strategy to set up new settlement areas for that community.

9. With regard to de facto segregation in education (sixth question), he said that the decree on equality of opportunity in education, adopted in 2002, had enshrined the right to enrol in school. The decree was linked to financial reform in the schools, which had recently been completed, providing supplementary financing to schools on the basis of a number of social indicators. The right to education had been defined on the basis of priorities aimed at promoting access to education for disadvantaged groups. In Brussels, the situation was special, since two linguistic regimes existed in the schools; most of the population was French-speaking, and therefore priority was given to pupils from Dutch-speaking families in Dutch-speaking schools. The overall purpose of the reforms was to promote social integration and limit segregation which had become prevalent in Belgian schools.

10. Ms. MONCAREY (Belgium), speaking on the same question, said that the French community had a similar decree, known as the “Arena decree” or “registration decree”, aimed at counteracting “ghetto schools”. The French community had also established a positive discrimination mechanism which granted additional resources to schools in disadvantaged areas on the basis of sociological and economic criteria. Schools which practised such positive discrimination served a large number of foreign students.

11. Mr. HOEFMANS (Belgium), in reply to question 7, said that the Constitutional Court’s decree had not modified the basic provisions of the law against discrimination, such as the prohibition of direct or indirect discrimination or the provisions relating to evidence, but the decree had removed certain provisions, such as the provision concerning the initial list of motives, the provision providing sanctions against public officials and, in order to preserve the exchange of ideas and freedom of expression, a provision prohibiting dissemination or display of discriminatory messages in public. The court had also removed the article on the announcement of the intent to discriminate.

12. Mr. SANT’ANGELO (Belgium), referring to the law against racism that entered into force in June 2007, said that the notions of incitement and discrimination committed by a civil servant still figured in that law. It also incorporated issues linked to failure to respect a decision on termination and the question of *motif abject*, or racist intent, under Belgian law. Where, under ordinary law, an offence had been committed with racist intent, the offence could be prosecuted separately and be subject to an aggravated penalty. The law also defined specific infractions relating to racism: the spread of ideas based on claims of racial superiority or hatred and membership in a group or association that advocated discrimination or segregation manifestly and repeatedly, whether in the supply of goods and services or in labour relations.

13. With regard to the question of overly lengthy court proceedings, he explained that the new legislation did not contain specific provisions to counteract that shortcoming, which unfortunately affected all types of proceedings.

14. It should be noted, with respect to question 9, that after the entry into force of the 2007 laws, new appeals had been filed, in particular by one political party, basically questioning the provision on the dissemination of ideas based on racial superiority or hatred, and invoking the right to freedom of speech. Appeals had also been filed by trade unions, arguing that the function of trade union representatives had not been taken into account in the anti-discrimination laws.

15. Mr. HOEFMANS (Belgium) said, with regard to question 10 on the reservation to article 4, that it was not a reservation but an interpretative declaration. Belgium was currently studying the question of withdrawing that declaration but it should be noted that it had been introduced on a recommendation by the Council of Europe and its content corresponded to declarations of the same type made by other members of the European Union.

16. As for question 11, although there was no legislation prohibiting or expressly targeting racist or discriminatory organizations, a draft law on the topic had been submitted in March 2007 and could be considered by the new deputies if they chose to do so. Other legal provisions, however, could target such organizations, in particular a provision of article 22 of the Anti-Racism Act, which penalized any person taking part in a racist group or organization. Moreover, a 1999 law stipulated that a legal person could be declared criminally responsible for such infractions.

17. Concerning question 12, on the appeal filed against a Flemish political party before the Council of State, he explained that there was currently only one appeal based on the 1989 law, which was directed against the Vlaams Belang party and that appeal dated back to May 2007, not the end of 2005. It had been suspended twice but was again being pursued.

18. Mr. SANT'ANGELO (Belgium), speaking on the same question, said that the purpose of the Centre for Equal Opportunity and the Struggle against Racism was to monitor all tracts and speeches of that party, which was carrying out widespread propaganda against Muslims, to the point that the Centre had filed suits against local officials for their anti-Muslim speeches or tracts. That was part of the Centre's activities aimed at monitoring extremist parties.

19. Mr. OUVRY (Belgium), replying to question 13, said that the Court of Cassation had confirmed, in its decision of 4 October 2006, the judgement rendered by the Brussels Court of Appeals. The sentence handed down by the court – 250 hours – was currently being served.

20. Mr. HOEFMANS (Belgium), referring to question 14, explained that articles 10 and 11 of the Belgian Constitution applied only to Belgians but the Constitution was not the basis for protection against racial discrimination; that basis was the anti-racism and anti-discrimination laws of 10 May 2007, which applied to all, whether or not they were Belgian nationals.

21. Mr. DE VULDER (Belgium), in reply to question 15, on the widespread practice in Belgium of detaining asylum-seekers, including unaccompanied children, said that the latter were no longer kept in closed detention centres, since the entry into force of the law of 12 January 2007 on asylum-seekers and other non-nationals. Unaccompanied foreign children were admitted to observation and orientation centres run by the Ministry of Social Integration for a maximum of 15 days, with one possibility of

extension, for five days, under exceptional circumstances. Since the creation of the Guardian Service on 1 May 2004, any unaccompanied foreign child was represented in all administrative and judicial proceedings by a certified, trained Guardian, who was responsible for the child's well-being and ensuring that competent authorities took the child's interests into account. Foreign children were sent back to their family of origin only if support measures existed in their countries of origin; in practice, unaccompanied foreign children were never sent back unless Belgium had assurances that they would be taken care of. Unaccompanied foreign children already present in Belgium were not detained in closed centres.

22. On the other hand, asylum-seekers over 18 years of age or children accompanied by their parents could be detained. Foreigners ordered to leave the territory could return to their home country on their own initiative or with the assistance of non-governmental organizations, the International Organization for Migration (IOM) or the International Committee of the Red Cross. If families in an irregular situation did not leave Belgium of their own accord, they could be detained in a closed centre pending deportation. In principle, asylum-seekers who were the subject of proceedings were not detained in a closed centre except for reasons of public order, national security or the Dublin process. The Minister of the Interior, in order to humanize closed centres, had taken steps aimed at families with children. Thus, the necessary budgetary resources had been obtained to recruit specialized staff to reinforce the medical and teaching corps in closed centres and to hire psychologists, social workers, teachers and paramedical personnel. The Minister of the Interior hoped to establish a specific centre for families with children awaiting deportation in order to provide a structure adapted to the needs of families. At the same time, the Minister was studying alternatives to deportation.

23. With regard to question 16 on the list of issues, concerning the use of force by the police, he said that it was generally subject to three basic principles, namely, legality, appropriateness and proportionality.

24. Mr. OUVRY (Belgium) said that the members of the Belgian delegation would reply briefly to the Rapporteur's questions in their oral responses. In any case, Belgium's written replies would prevail.

25. Mr. BOURDOUX (Belgium), in reply to question 16, explained that the use of force by the police was subject to many controls and that the Minister of the Interior had ordered the Police Inspector General's Office to monitor the issue closely. The unannounced checks at airport facilities had revealed nothing abnormal. The judicial proceedings resulting from allegations of police brutality were ongoing but it was difficult to gain access to them until they had been concluded.

26. Mr. VILLAN (Belgium) said, with regard to the civic integration programme (question 17), that in the Walloon region, the integration policy was organized on a voluntary basis and the region subsidized facilities to help new arrivals learn French and provided literacy courses for those who needed them. A 1996 decree had instituted regional integration centres in large cities for consultation, support and observation at the subregional level.

27. Mr. MAENHAUT (Belgium) said that the Flemish civic integration policy provided new arrivals with courses in primary and secondary civic education. The primary stage, which was obligatory and subject to a fine for non-compliance by all persons who enjoyed permanent resident status in Flanders, was intended to help them learn enough Dutch to become integrated in the country. The policy had not been specifically evaluated but according to available figures, in 2006, out of 28,325

new arrivals in the Flemish region, 7,628 civic integration contracts had been concluded.

28. Mr. DE VULDER (Belgium), replying to question 18 as to why foreign youth were treated more severely than others by children's courts, said that the situation was not intentional but rather the result of an unconscious attitude that led to a vicious circle of perceptions in which decisions taken upstream were mutually reinforcing. The authorities granted considerable importance to awareness-raising and the training of judges and police in order to break that vicious circle.

29. Ms. NADI (Belgium) said, in response to question 19, that, at the federal level, two projects were under way to eliminate racial discrimination against Belgians of foreign origin, members of ethnic minorities and Travellers: a programme to make companies aware of diversity was being carried out by the Centre for Equal Opportunity and the Struggle against Racism, in collaboration with a network of enterprises, *Business and Society Belgium*; and an "equality and diversity label" project, launched in May 2005, was aimed at promoting diversity in businesses and fighting discrimination in the job market.

30. Mr. VILLAN (Belgium) said that regional integration centres had taken several initiatives in the Walloon region, consisting of promoting meetings between employers, immigration associations, trade union organizations and regional centres in order to study racial discrimination practices in the workplace and to find lasting ways of eliminating such practices.

31. Mr. MAENHAUT (Belgium) explained that, in the Flemish region, the world of business and employers' associations was mobilizing to promote integration, improve training and stimulate diversity in business.

32. Moreover, to facilitate immigrants' access to health care, particularly for the prevention of AIDS, the Flemish health administration, in cooperation with the Tropical Medicine Institute, had set up an AIDS prevention programme, in view of the African origin of many immigrants.

33. In reply to question 20, as to whether Belgium had taken steps to alleviate the difficulties encountered by immigrants with regard to recognition of their foreign diplomas, he explained that an information programme was being carried out in the Walloon region for immigrants, through widely distributed brochures on the certification of foreign diplomas. A website had also been completely restructured to meet the information needs of immigrants. Information seminars had been held in 2007 on the recognition of foreign diplomas in the health profession and on the authentication of Asian diplomas.

34. Ms. MONCAREY added that the French community had set up a non-discriminatory procedure for establishing the equivalency of foreign diplomas, published an information brochure and created a website on the applicable procedures.

35. Mr. VILLAN (Belgium), responding to question 21, on measures to ensure equality of economic, social and cultural rights of Roma and Travellers in the Walloon region, said that many measures of support and socio-professional integration had been taken by mediation centres for such persons. A travelling school project was also being studied.

36. With regard to educational difficulties faced by Roma children, he acknowledged that such children received less schooling than the rest of the population, owing to their nomadic existence. There were no statistics on illiteracy

among such groups but the authorities recognized the need for a literacy survey. It was estimated that 25,000 to 30,000 Roma lived in Belgium.

37. Mr. HOEFMANS (Belgium), in reply to question 24, requesting updated information from the State party on trafficking of children and youth in Belgium, said that the Act of 10 August 2005 had strengthened provisions against human slavery and trafficking; it penalized, in particular, the recruitment, transport, transfer, sheltering or accommodation of persons for purposes of sexual or economic exploitation. The Belgian model was characterized by a multidisciplinary approach to trafficking, being both comprehensive – including preventive and punitive measures and assistance to victims – and integrated, targeting all the actors concerned. A number of campaigns specifically addressed to the prevention of sexual exploitation had been carried out.

38. An order from the Ministry of Justice, aimed at elaborating a coordinated and coherent policy on pursuit and prosecution of offenders in that category, had entered into force on 1 February 2007. The order applied particularly to victims, who could be granted a specific residence permit in Belgium under certain conditions. Under the integrated approach, an interdepartmental unit for the coordination of efforts to combat trafficking in and smuggling of human beings had been in operation since 1995. The unit had been revitalized by the royal decree of 16 May 2004 on combating the smuggling of and trafficking in human beings. A centre for information and research on human trafficking had also been created by the same royal decree, under the supervision of the ministers of justice and the interior. The decree also set out the role of the Centre for Equal Opportunity and the Struggle against Racism, one of whose responsibilities was the coordination and follow-up of the policy against trafficking in and smuggling of human beings.

39. As for the status of the Convention in the State party's domestic law, he explained that the provisions and spirit of the Convention had been incorporated into Belgian law. The Anti-Racism Act of 1981 implemented the obligations set forth in the Convention and, on various points, went further than the Convention itself, for example with regard to definitions. The law had been reinforced by amendments that had been introduced in the framework of the transposition of European legislation into Belgian law, in particular Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons, irrespective of racial or ethnic origin. It should be noted that article 2 of the new Anti-Racism Act of 10 May 2007, amending the Anti-Racism Act of 1981, was expressly intended to satisfy the obligations imposed by the Convention.

40. Mr. SANT'ANGELO (Belgium), replying to question 26, on the increasing number of complaints of racist offences, said that the rise in the number of complaints did not in itself mean that the number of racist acts had actually increased; it might also be due to a better system for recording complaints and a stricter or more effective enforcement policy. The upturn might also be the result of growing attention given to the problem of racism and the fact that victims were more willing to file a complaint.

41. Mr. DE VULDER (Belgium), speaking on question 27 of the list of issues, concerning measures to prevent and combat acts of racial discrimination committed by the police, said that a new Code of Ethics had entered into force in May 2006 that specifically dealt with the principles of anti-discrimination and anti-racism for all police in the performance of their duties. The Federal Police had a specialized unit on equality and diversity which permanently monitored the implementation and follow-up of the police force's diversity action plan. In addition, a database entitled

“Mosaic” had been created for diversity management, and many relevant publications available on the Internet and Intranet were disseminated to the police.

42. Mr. SANT'ANGELO (Belgium) said that the Inspector General's Office had recorded 19 complaints of racism and xenophobia against police officers in 2006 and 2007 but that such complaints had not been filed by the Centre for Equal Opportunity and the Struggle against Racism but rather directly by complainants or the courts.

43. Mr. BOURDOUX (Belgium) explained that the existing problems between French-speaking and Dutch-speaking communities were related to the current political crisis in Belgium. It should be noted that interpersonal relations between those communities were usually excellent and the institutional crisis involving the communities was the subject of political negotiations at the highest level.

44. Mr. SANT'ANGELO (Belgium) said that Belgium was carrying out active campaigns against racist, xenophobic, anti-Semitic and anti-Muslim acts by focusing on the media, which were important means of raising awareness and combating racism and xenophobia but which were also capable of reinforcing prejudices and stereotypes. Since July 2006, the Centre was coordinating a study on how the media dealt with immigrants. The results of that study would be disseminated to all the actors concerned.

45. Mr. KJAERUM (Rapporteur for Belgium), welcoming the quality and thoroughness of Belgium's report, noted with satisfaction that, on the whole, the report had been prepared in accordance with the Committee's guidelines (CERD/C/70/Rev.5). He also welcomed the presentation of a parallel report by the League of Human Rights and asked whether civil society had been invited to participate in the preparation of the report. Lastly, he noted with satisfaction that the State party was currently considering the possibility of withdrawing its interpretative declaration concerning article 4 of the Convention.

46. As the events following the elections in the summer of 2007 had shown, linguistic and cultural diversity in Belgium, a country composed of three communities – French, Flemish and Dutch-speaking – was both an asset and a source of considerable difficulties. He noted with satisfaction, however, that according to the delegation's oral presentation, steps had been taken to forge a Belgian identity, rather than two separate identities, Walloon and Flemish. He asked whether other comparable initiatives had been launched.

47. According to the report by the League of Human Rights, a decree had been adopted in Flanders reserving access to low-income housing to those who either spoke Dutch or were learning it. In addition, in the Flemish commune of Zaventem, outside of Brussels, a regulation subjecting the sale of communal land to similar linguistic conditions had also been adopted. Given that a complaint had been filed against that regulation and had been rejected by the governor of the province, and that the European Commission had decided to study the decree and regulation in question in order to determine if they were in conformity with European Union legislation, he asked the Belgian delegation to indicate what stage the European Commission's work had reached and whether other restrictions based on linguistic criteria were in the process of being adopted. He wondered what was being done to support minority languages and dialects, including German, Walloon, Picard, Champenois and Lorrain, as well as Yiddish, and asked why Belgium was a party to neither the European Charter for Regional or Minority Languages nor the Framework Convention for the Protection of National Minorities of the Council of Europe.

48. In addition, he noted with concern that Vlaams Blok, the nationalist Flemish party that had been dissolved in 2004 after being found guilty of inciting racial hatred, had been reconstituted under a new name, “Vlaams Belang” (Flemish Interest), and had received nearly 12 per cent of the votes in the summer 2007 elections. According to a report published in 2004 by State Security, Vlaams Belang was following the exact same political line as its predecessor. He therefore asked the Belgian delegation whether steps had been taken to ban Vlaams Belang. Moreover, in view of a complaint against that party filed in May 2006 and the fact that, after several suspensions, the enquiry had been reopened in November 2007, he wondered how long it would be before the competent court handed down its decision in that case. Was there any way of speeding up the proceedings, which had been going on since 2006? Besides the funds allocated by the federal State, did Vlaams Belang receive financial support from regional or local authorities? Lastly, had the parliaments of the French community, the Walloon region and the Brussels-capital region and the Flemish parliament already exercised their right to withdraw subsidies from parties convicted by the courts of racist activities?

49. With regard to the two bills referred to in the report (CERD/C/BEL/15, paras. 25 and 26) on the automatic suspension of certain civil and political rights in the event of a conviction for racism, xenophobia, negationism or anti-Semitism, he asked what stage Parliament had reached in consideration of those bills. Lastly, he asked the Belgian delegation whether studies had been done to determine why so many voters, especially in Flanders, had voted for parties that professed racist and discriminatory ideas. That trend, which had been observed in the past two elections, did not seem to be merely temporary.

50. Welcoming the adoption in 2004 of the federal action plan against racist, anti-Semitic and xenophobic violence, he wished to know the results of the evaluation efforts being carried out through the barometer of tolerance and wondered what new initiatives the State party intended to take on the basis of the outcome of the evaluation. In addition, he asked what steps Belgian authorities had taken to follow up the recommendations of the Working Group of Experts on People of African Descent in its report on its visit to Belgium in June 2005 (E/CN.4/2006/19/Add.1).

51. Welcoming the adoption in May 2007 of the Anti-Racism Act amending the Act of 30 July 1981, which criminalized certain acts inspired by racism and xenophobia, and the information provided on that topic in the written replies distributed at the meeting, he pointed out that the new definition of racial discrimination was restrictive in nature, in that such discrimination must be intentional in order to constitute an offence. He wondered if evidence of the intentional nature of discrimination must be furnished not only in a criminal proceeding but also in a civil action, in particular, a suit for compensation.

52. Given that extremist parties, such as Vlaams Belang, had filed an appeal with the Constitutional Court challenging the validity of the provisions of the new law criminalizing incitement to racial hatred, he asked the Belgian delegation what impact a favourable decision for the appellants would have on the fight against racial discrimination in the State party, what stage the consideration of the appeal had reached and when the Constitutional Court might hand down its decision.

53. He also asked about the status of proposals put forward by Mr. Leterme concerning the Government’s intention to review laws on discrimination and set up, in collaboration with federal and regional authorities, a new anti-discrimination centre for dealing with complaints in the framework of out-of-court settlements. He

also wondered what amendments had been proposed and why the new centre would not be allowed to bring cases before the courts.

54. Referring to the concluding observations of the Committee on the eleventh to thirteenth reports of the State party (CERD/C/60/CO/2), in particular recommendations concerning several racist incidents in which members of the police force had been implicated (*ibid.*, para. 16) and the information provided on that topic in the report (CERD/C/BEL/15, paras. 295-323), he asked what follow-up had been given to the suggestion by the Standing Police Committee on Police Oversight (Standing Committee P) that training on diversity and multiculturalism should be offered to police and whether steps taken to recruit more minority candidates to the police forces had been successful. In that regard, statistics on the composition of Belgian police forces, including at higher ranks, would be desirable.

55. With regard to the judicial system, it appeared, from a study carried out in 2005 by the National Institute of Forensics and Criminology, that foreign youth were still being treated more harshly than those born in Belgium. That seemed to be the case, based on both written and oral responses, for adults as well. He asked what the State party intended to do to remedy the situation and drew the delegation's attention to the Committee's General Recommendation XXXI concerning racial discrimination in the criminal justice system (HRI/GEN/1/Rev.8).

56. It was also regrettable that Belgium had not provided sufficiently detailed information on the trend towards community segregation, in particular in the large cities, and on steps taken by the authorities to prevent such segregation. He therefore invited the delegation to refer to Committee General Recommendation XIX on article 3 of the Convention and asked whether measures had been taken to remove the obstacles preventing persons belonging to ethnic minorities from having access to private housing. Having read in the report (para. 257) that social housing associations had asked to be allowed to allocate less housing to ethnocultural minorities, in order to prevent them from being overrepresented in some neighbourhoods, and that Belgian locals had therefore left the area, he asked who was authorized to take such decisions and whether permission to allocate less housing had been given to those associations. Lastly, he wondered what measures Belgium had taken to combat *de facto* segregation in the suburbs.

57. Noting that, between 1993 and 2003, the number of convictions for racist acts had increased from 2 to 28, he asked whether the increase was due to a rise in the number of racist incidents or to the fact that victims had become more aware of their rights. He would also like to know how long the proceedings generally took and what the normal sentence was. In addition, according to Belgium's report (para. 266), during the period 2000-2003 about 3,200 complaints of racism had been filed. Of that total, 2,200 had been dismissed and 82 had been brought to trial. What had happened to the approximately 900 complaints that did not appear in those statistics?

58. In addition, with regard to asylum-seekers, he asked how long it took to consider the admissibility of requests for asylum, and whether asylum-seekers whose application had been approved were entitled to work. He also wished to know whether the Walloon region and the Brussels-capital region had adopted integration policies comparable to the one in Flanders and whether asylum-seekers benefited from those policies.

59. Drawing attention to the *Riad and Idiab v. Belgium* case, judged by the European Court of Human Rights, in which two Palestinians without visas had been refused entry into Belgium and detained for more than 10 days in the transit zone of the Brussels airport, he noted that the European Court had concluded that the State

party had violated articles 3 and 5 of the European Convention on Human Rights. He asked the delegation to specify cases in which the airport transit zone was used for detention purposes and what steps were being taken to prevent cases of that type from recurring.

60. Referring to the statement in the report that new anti-trafficking provisions had been adopted (paras. 155 and 156), he asked what the new penalties were and if the provisions had already been implemented. He also wished to know what the State party was doing to ensure that all victims of trafficking were treated equally and that the competent staff received adequate and uniform training in that regard.

61. In addition, he asked for information on the results of the initiatives launched by the Walloon Region Travellers' Mediation Centre to resolve specific problems of Travellers and Roma in Wallonia. Noting from the oral replies that the bill on the Flemish housing code, which provided for recognition of the caravan as a separate form of housing, had been adopted, he asked about the impact of the new law and about the status of caravans in Brussels and Wallonia.

62. Given that foreign residents from countries other than European Union member States were entitled to vote in communal elections, provided that they made a prior declaration promising to respect the Constitution, the laws of the Belgian people and the European Convention on Human Rights (para. 174 of the report), he wondered about the reason for that declaration and asked what penalties could be imposed on foreigners who did not fulfil commitments in that regard, and why non-nationals could not stand for communal elections. Lastly, it would be useful to see statistics on the number of foreigners exercising their right to vote.

63. Mr. PROSPER asked the delegation for its views on the principal obstacles to the implementation in Belgium of international norms on the elimination of racial discrimination and in what areas such implementation could be improved.

64. Mr. SICILIANOS requested additional information on the Anti-Racism Act (the law amending the Act of 30 July 1981 penalizing certain acts based on racism or xenophobia), given that the law had been adopted after the submission of the report under consideration and that its purpose was clearly to translate the provisions of the Convention into domestic law. It would be desirable for Belgium to communicate the text of the law to the Committee, since the information provided in the written replies implied that the law was wider in scope than the Convention in some respects, while in others it was more restrictive.

65. He drew the delegation's attention to the fact that the Committee was working towards elaborating a general recommendation on positive measures, in which the common but inappropriate term "positive discrimination", used by the delegation in response to question 6 on the list of issues, would be banned. The term would be replaced by "positive measure" because it actually referred to a differentiation based on a reasonable intention, rather than a discriminatory action.

66. Mr. LINDGREN ALVES asked whether foreigners or persons of foreign origin receiving the assistance described in paragraph 64 of the report under the heading "local social development initiatives" were aware of the benefit of adapting to the usage and customs of the host society if they did not wish to become public scapegoats.

67. He asked about the status of the projects set in motion in the framework of the Equal-Vitar development partnership mentioned in paragraph 69 of the report and, in particular, those projects targeting Africa or the community of origin of African participants, or to be carried out in Belgium or from Belgium.

68. In addition, he wished to know whether, in the case of the opportunity offered to newly arrived immigrant children to learn Dutch (para. 107 of the report), young Walloons were required to learn the language and whether, in general, children from linguistic communities in Belgium were required to learn the language of other linguistic communities, which would help unite the country.

69. Lastly, he wondered if Belgium had recognized the independence of Kosovo and if that issue might have planted the idea of secession among the various linguistic communities or regions of the country.

70. Mr. AVTONOMOV, referring to paragraph 23 of the report of the Working Group of Experts on People of African Descent (E/CN.4/2006/19/Add.1), asked what measures had been taken to end the ghettoization of some Belgian schools, which were 100 per cent composed of pupils of foreign origin and a disadvantaged background.

71. Citing paragraph 21 of the concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/BEL/CO/3) formulated after consideration of the third periodic report submitted by Belgium to that Committee, he asked what Belgium intended to do to ensure that undocumented migrant workers and their families had access to health care that was not limited to urgent care. He also asked why a higher proportion of immigrant pupils than local Belgian pupils were placed in public institutions.

72. Referring to paragraph 86 of the report, concerning the reception of foreigners and the granting of refugee status, he wondered why competent authorities preferred to tolerate Roma (Kosovars) on their territory, despite their being illegal residents, rather than regularizing their status and thereby giving them the right to receive welfare assistance and to seek work instead of becoming delinquents.

73. Mr. DE GOUTTES, citing paragraphs 48 to 51 of the report, asked about the status of the initiatives taken by the Ministry of Social Integration and Interculturalism in order to encourage intercultural dialogue and promote the acceptance of the different religious and cultural minorities making up the country.

74. He also asked for information on the activities implemented by the Centre for Equal Opportunity and the Struggle against Racism and additional data on the procedure by which the Centre received complaints to be referred to judicial authorities.

75. He wished to know the date on which the Constitutional Court would hand down its decision on the complaint against the Vlaams Belang party with regard to a provision of the new "Anti-Racism Act" relating to the dissemination of ideas based on racial discrimination, which the party was contesting on the basis of freedom of speech, and he also asked for the name of the non-governmental organization that had become a party to the complaint, a situation which seemed quite unusual. He also wondered if there was any plan to resume the proceedings against that party aimed at suspending its public financing and whether the proceedings were likely to succeed. He asked what follow-up had been given to the actions taken against those who had made anti-Muslim statements and whether the chairman of the Belgian National Front party, Mr. Féret, had begun to serve his community service sentence.

76. As for housing discrimination in the Flemish region, he wondered to what extent the decision to allow only those who spoke or were learning Dutch to have access to social housing was compatible with the Anti-Racism Act of 2007.

77. Lastly, pointing out the concentration of Muslim pupils in schools that permitted the wearing of the Islamic headscarf, he asked what measures Belgium

intended to take to settle that issue, which currently fell under the competence of the regions.

78. Mr. PETER, referring to paragraph 27 of the report, which dealt with the possibility of public funding being withdrawn from political parties which clearly demonstrated hostility to rights and freedoms guaranteed by the European Convention on Human Rights, wondered whether it would be good to extend that possibility to other international instruments to which Belgium was a party. He also wished to know if the Travellers and Gypsies were involved in the elaboration of the programmes described in paragraph 89 of the report.

79. He asked why Belgium was not a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid nor to the International Convention against Apartheid in Sports.

80. Lastly, referring to several cases in which the police had resorted to excessive force to expel failed asylum-seekers to Africa, including the Hawa Diallo case, he asked if human rights education was part of police training programmes.

81. Mr. DIACONU, noting with regret that Belgium had not ratified the framework convention on the protection of national minorities, asked if the State party intended to revisit its position on the question. He also wished to know what groups were given the status of minorities and whether a distinction was drawn between Gypsies and Roma, which were mentioned interchangeably in the report.

82. Mr. KEMAL said that the European Observatory of Racism and Xenophobia had noted that discrimination in Belgium was most severe in employment, where 37 per cent of persons interviewed said they had been victims of discrimination in the workplace. Noting that Belgium had a near-zero population growth, he asked about the demographic policy with regard to accepting foreign labour; it was his view that it would be in the interest of both the Government and of minorities to stress the contribution immigrants might make to the country's economic growth. There would be no better way to counteract racist propaganda.

The meeting rose at 6 p.m.