



## International Covenant on Civil and Political Rights

Distr.: General  
13 April 2010  
English  
Original: French

---

### Human Rights Committee

#### Ninety-eighth session

New York, 8–26 March 2010

### List of issues to be taken up in connection with the consideration of the fifth periodic report of Belgium (CCPR/C/BEL/5)

#### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please indicate what measures have been taken by the State party in order to fully implement the decision taken by the Human Rights Committee on 22 October 2008 in the case of Nabil Sayadi and Patricia Vinck.
2. Please indicate whether the State party intends to withdraw its reservations to articles 10, paragraphs 2 (a) and 3; 14, paragraphs 1 *in fine* and 5; 19; 21; and 22 of the Covenant and its declarations concerning articles 20 and 23, paragraph 2, of the Covenant in the near future.
3. Please indicate whether the international functions exercised by subnational entities are such as to have a bearing on the application of article 50 of the Covenant and, if so, to what extent.
4. Please indicate: (a) in accordance with what procedures and by what means does the State party intend to ensure coordination of the different human rights structures and policies established at the federal, regional and community levels; and (b) whether or not the State party plans to establish an independent national human rights institution in the near future in accordance with the Paris Principles (General Assembly resolution 48/134).

#### Principle of non-discrimination, minority rights and equality between men and women (arts. 2, para. 1; 3; 23, para. 4; 24, para. 2; 26; and 27)

5. Please provide precise, detailed examples of the enforcement of the new anti-discrimination legislation (p. 25). Please describe the status of the following draft decrees and ordinances: (a) in the Walloon region, the draft decree concerning equal treatment and action to investigate complaints (p. 23); (b) in the Brussels-Capital region, the enabling act for the ordinance of 4 September 2008, whose aim is to promote diversity (p. 24); and (c) at the level of the French Community of Belgium, the draft decree to combat discrimination (p. 24).

6. Please describe the results of the Plan of Action for Diversity adopted in 2006 by the Ministry of the Brussels-Capital region (p. 24) and of the 2005–2007 Plan of Action of the federal Ministry of the Civil Service to promote diversity among staff at the different levels within the Belgian federal administration (p. 25).
7. Please describe the mechanisms introduced by the State party to promote effective implementation of legislation and policies on gender equality (p. 27) and to evaluate women's participation in different areas of public affairs.
8. Please provide information on the case law of the courts relating to personal law provisions in respect of foreigners living in Belgium that discriminate, or appear to discriminate, against women (p. 30).
9. Please indicate what measures have been taken by the State party to ensure that access to certain community services is not conditional, in some Dutch-speaking communes, upon a requirement to speak Dutch or a commitment to learn that language.

### **Right to life (art. 6)**

10. Please indicate whether, pursuant to the Act on International Mutual Legal Assistance in Criminal Matters of 9 December 2004, as amended by article 2 of the Act of 23 December 2005, the State party has received and accepted requests for legal assistance and, if so, from which countries. Please indicate whether any safeguards have been provided and respected and by what means the State party is able to ascertain that the persons handed over have not been sentenced to death or, if they have been, that they will not be executed (p. 37).

### **Prohibition of torture and of other cruel, inhuman or degrading treatment or punishment, security of person and treatment of prisoners (arts. 3, 7, 9 and 10)**

11. Please indicate what efforts the State party has made to: (a) effectively combat arbitrary arrest, ill-treatment, such as racist insults, at the hands of the police, refusal to follow up complaints, physical abuse and other inhuman or degrading treatment, in particular in the Bruxelles/Ixelles (5339) and Bruxelles Midi (5341) police districts; (b) adopt appropriate measures to ensure that police officers guilty of acts of violence, including acts associated with discrimination, do not receive overly lenient sentences (annex I); and (c) alter the composition of Standing Committee P, in particular that of its investigative services, so as to ensure its effective independence and objectivity (pp. 44–53).
12. Please provide information on: (a) the results of the National Action Plan against Conjugal Violence (2004–2007) (pp. 30–32) and (b) the steps taken or planned to increase the number of shelters for women victims of domestic violence and their children who find themselves in emergency situations, particularly in the Brussels region. Please indicate whether the State party plans to launch a comprehensive, coordinated strategy to combat all forms of violence against women.
13. Please indicate how many perpetrators of domestic violence have been prosecuted, how many convictions and sentences have been handed down, and what compensation has been awarded to victims. Please indicate whether the State party intends to amend its Criminal Code to classify sexual violence as a specific violent crime rather than as an offence against morality.

14. Please indicate whether, under the Dupont Act, prisoners are entitled to lodge complaints about their conditions of detention, including any disciplinary measures to which they are subject. If so, please indicate how many complaints have been lodged by prisoners and what action has been taken in response to them, including, in particular, any penalties imposed upon those responsible. Please also indicate when the provisions of the Dupont Act, which allows prisoners to appeal to complaints boards established within the Supervisory Councils, will come into force (p. 78).

15. Pending implementation of the Master Plan for 2008–2012 (pp. 81–82), please indicate what measures have been taken by the State party to improve conditions of detention in jails and prisons in Belgium (especially the prisons in Antwerp and Forest) and, in particular, to reduce overcrowding, to improve hygiene, to separate prisoners serving under different prison regimes, to avert the risk of violence among prisoners, to facilitate access to health care and improve its quality and to ensure that more trained staff are present.

16. Please provide information on the transfer of a number of prisoners to the Netherlands to serve their sentences there and on the possible impact which their transfer could have on Covenant rights.

17. Please indicate what steps the State party has taken to develop educational measures that could serve as alternatives to custodial sentences for minors and what steps it has taken to improve conditions in secure centres for juvenile offenders, in particular the one at Everberg.

### **Prohibition of slavery and servitude (art. 8)**

18. Please indicate: (a) the results of the different national security plans (2004–2007, 2008–2011), particularly in terms of their impact on people-smuggling and trafficking in human beings (p. 63); (b) whether the State party intends to amend the provisions of the Act of 15 September 2006 in order to abolish the provision on cooperation with judicial authorities which entitles a victim of aggravated forms of people-smuggling to benefit from the same conditions of residence and financial assistance as a victim of trafficking (p. 67); (c) whether the State party plans to allocate additional financial, human and material resources in order to combat trafficking in human beings and people-smuggling (p. 69); (d) what efforts the State party has made to cooperate with countries of origin or of transit in order to prosecute persons responsible for trafficking in human beings (p. 70) and what the results of those efforts have been.

### **Protection against arbitrary arrest and security of person (arts. 2, 9 and 10)**

19. Please indicate: (a) whether or not, under the Act on the Principles of Prison Administration of 12 January 2005 (arts. 87–98) and of the Police Functions Act of 5 August 1992 (art. 33, quinquies), access to a doctor is guaranteed within the first hours of detention and thereafter (pp. 71–72); (b) whether the State party makes provision for the services of a doctor to be free of charge if prisoners consult another doctor of their choice while being held in administrative detention (p. 72); and (c) whether the State party intends to amend the law in order to guarantee access to a lawyer starting from the first hours of detention.

20. Please indicate whether the State party intends to give suspensive effect to appeals challenging the lawfulness of proceedings and the conditions of detention under which foreigners subject to expulsion or deportation are held. Does the State party intend to

extend the deadline, which is currently five days, for such an appeal before the Aliens Litigation Council?

### **Expulsion of foreigners (arts. 2 and 13)**

21. Please indicate what measures have been taken by the State to reinforce its monitoring of deportation operations and to ensure that persons who are victims of ill-treatment during deportation have access to an effective remedy and compensation. If such measures exist, please indicate how many complaints have been lodged, what proceedings have been instituted, and what convictions and penalties have been handed down.

### **Right to a fair trial (arts. 2, 14 and 26)**

22. Please indicate whether the State party intends to amend article 38 of the Act of 1965 in order to ensure that juvenile offenders are no longer tried as adults by abolishing the practice whereby a juvenile court can relinquish jurisdiction over minors above the age of 16. Please also indicate whether article 606 of the Code of Criminal Investigation (under which juveniles over whom jurisdiction has been relinquished and who have been convicted are no longer to be held with adults) has come into effect, whether it is being enforced and whether the secure federal centres of Tongres and Saint Hubert, which are intended to hold juveniles over whom jurisdiction has been relinquished, are now in operation.

### **Prohibition of propaganda in favour of war and of incitement to national, racial or religious hatred (arts. 2 and 20, para. 2)**

23. According to the information available to the Committee, there have been 68 anti-Semitic incidents in the State party in 2007, 73 in 2008 and 69 in the first half of 2009. Please indicate whether the State party has taken any steps to conduct investigations and to prosecute and punish those responsible. Please also provide further information on the mandate, composition, actions, resources and achievements of the watchdog unit of the Centre for Equal Opportunity and Action to Combat Racism, which includes, inter alia, authorities and members of associations representing the Belgian Jewish communities. Please provide information on manifestations of discrimination and intolerance and on any incitement to racial hatred affecting the numerous Muslims in Belgium.

24. Please provide information on: (a) the results of the 2004 Federal Action Plan to Combat Racism, Anti-Semitism, Xenophobia and Violence, in particular with regard to the dissemination of hatred via the Internet (p. 127); (b) whether the State party intends to reconsider the bill concerning the prohibition of racist, negationist and neo-Nazi organizations and to adopt the new bill intended to prohibit neo-Nazi assemblies, which was submitted to the Chamber of Representatives on 8 May 2008 (p. 126); and (c) the outcome of the legal proceedings undertaken before the Council of State concerning the prohibition of the *Vlaams Belang* party (p. 127).

### **Protection of the family (arts. 2 and 23)**

25. Please describe the results of the “Marriage, there and back” forced-marriage prevention tool developed in 2006 by a family planning centre of the French Community (p. 34). Please also indicate how many proceedings have been instituted and how many convictions have been handed down on the basis of article 391 sexies of the Criminal Code,

which prohibits forced marriage (pp. 33 and 135). Does the State party intend to adopt any other measures to effectively combat forced marriage?

**Rights of the child (arts. 7 and 24)**

26. Please describe the results of the different measures taken by the State party in order to combat sexual and all other forms of violence against children, in particular the results of the French Community's YAPAKA Programme, the Flemish Strategic Plan for the Prevention and Elimination of Violence, Moral Harassment and Sexual Harassment in Schools and the Plan to Combat Child Abuse (pp. 139–140). Please also describe the results of Child Focus, which collaborates with the State party in preventing and combating violence against children (p. 140).

**Dissemination of information regarding the Covenant and the Optional Protocol (art. 2)**

27. Please indicate what steps the State party has taken to disseminate information in all the regions and communities about the presentation of its fifth periodic report (CCPR/C/BEL/5), the consideration by the Committee of that report and the Committee's concluding observations on the fourth periodic report (CCPR/CO/81/BEL). Please also provide information about any steps that have been taken to more fully inform judges, public officials, police and law enforcement officers, legal advisers, lawyers and the public at large about the Covenant and its Optional Protocol.

---