



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

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Committee on the Elimination of Racial Discrimination

**Information received from Belgium on follow-up
to the concluding observations on its combined
twentieth to twenty-second periodic reports***

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* The present document is being issued without formal editing.



I. Introduction

The present document contains information on the implementation of the recommendations identified as priority recommendations in the concluding observations on the combined twentieth to twenty-second periodic reports of Belgium, which were adopted by the Committee on the Elimination of Racial Discrimination at its 2821st meeting and issued on 21 May 2021.

II. Additional information

A. Additional information relating to paragraphs 5 and 6 of the concluding observations (CERD/C/BEL/CO/20-22)

1. While Belgium is firmly committed to improving the systems that are in place, it believes that data collection should be carried out in accordance with the specific characteristics of each country's legal framework and culture. There is no single way to measure equality, nor is there one single way to combat inequality.
2. Under Belgian law, sensitive data, such as data on ethnic origin, may be processed, provided that additional safeguards are in place. The General Data Protection Regulation, which was adopted at the European level in April 2016, prohibits the processing of personal data that reveal racial or ethnic origin, among other things. The processing of such data is permitted on an exceptional basis, subject to certain conditions.
3. Belgium has several effective instruments for analysing discrimination and inequality.
4. Unia is the independent public institution that combats discrimination and defends equality of opportunity. As such, it publishes various statistical reports on discrimination and inequality. For example, a report entitled *Socio-economic Monitoring*, which is prepared in collaboration with the Federal Public Service for Employment, Labour and Social Dialogue, and a study entitled *Baromètre de la diversité* (Diversity Barometer) are published every two years. These two publications have the advantage of addressing the themes of inequality and structural discrimination in a broader way.
 - In *Socio-economic Monitoring*, data from the national register and social security institutions are used to build up a picture of the labour market situation of residents of Belgium on the basis of their national origin. Each new report is more detailed than the last. For example, information about level of education was added to the third report and an analysis of the data by city and by generation was added to the fourth report. The fifth report, which will be published this year, contains specific chapters on academic underachievement, student labour and posted workers.
 - *Baromètre de la diversité* is a study of the level of discrimination faced by certain groups on the basis of specific criteria, the level of tolerance towards these groups and the degree to which they participate in society. The study is focused on one of three areas – employment, housing or education – and is published every two years on average.
5. Both of these publications are recognized as good practices at the European level.
6. The federal Government also carried out a project in coordination with Unia, within the framework of the Rights, Equality and Citizenship Programme of the European Commission, in order to make progress in this area.
7. The overall aim of this project, which was launched in June 2020, was to improve the collection and use of data on equality in Belgium and to develop a centralized platform that would ensure data accessibility and transparency.
8. There were three stages to the project:

(a) Mapping the sources of data on equality in Belgium (more specifically, data relating to “racial” characteristics, religious or philosophical beliefs, sexual orientation and gender identity (transgender and intersex));

(b) Analysing the results of the mapping exercise in order to identify gaps and make recommendations on improving the use and collection of data on equality in Belgium;

(c) Centralizing the sources of equality data identified during the mapping exercise in a data hub and making them transparent and accessible. See <https://www.equalitydata.unia.be/fr/>.

9. The results of this project were presented at a conference on 18 June 2021. The final report contained several policy recommendations that were shared with relevant authorities at all levels (https://www.unia.be/files/Documenten/Publicaties_docs/Rapport_IEDCB-FR-1106.pdf). These authorities were informed of the recommendations and encouraged to follow up on them. Within the framework of these recommendations, minimum requirements for the proper use of self-identification in equality data were defined.

10. This project will be carried out again in 2022 and 2023, through a collaboration between several partners at the federal and federated entity levels, in order to incorporate other protected characteristics that were not initially included, such as disability, state of health and age.

B. Additional information relating to paragraphs 7 and 8 of the concluding observations

11. The Federal Parliament passed the Act providing for the establishment of the Federal Institute for the Protection and Promotion of Human Rights on 25 April 2019. The Act entered into force on 1 July 2019. The Board of Directors was appointed in July 2020 by the House of Representatives and the first members of staff began work in February 2021. Since then, the Institute has had a team of about 10 people.

12. The numerous opinions issued by the Institute on various subjects show that it is fully operational. By mid-April 2022, the Institute had already received eight requests from the legislature to issue an opinion on a law or a specific issue (in total, it had already issued 13 opinions, 8 on request and 5 on its own initiative). These opinions relate to topical issues, such as measures to combat the coronavirus disease (COVID-19), violent discipline and the right to mobility. In addition, representatives of the Institute were invited to attend the parliamentary debates on the issue of mandatory vaccination as a means of combating COVID-19. At the international level, the Institute has submitted observations to the Committee of Ministers of the Council of Europe on the execution of judgments relating to conditions of detention and is involved in the follow-up to periodic reporting on human rights issues to United Nations bodies.

13. The Act establishes that the Institute has residual jurisdiction over all human rights matters not already dealt with by other bodies. This means that, at the federal level, all human rights are covered.

14. The Institute also has general powers of consultation and advocacy that allow it to develop a global vision of human rights while respecting the different jurisdictions of each level of authority.

15. The next step is for Belgium to fulfil its international commitments to establish a national human rights institution with jurisdiction over the entire country. The Minister of Justice has laid the ground for negotiations on the subject to begin very soon. The form that the future institution will take has yet to be decided and must be discussed with the federated entities.

16. As regards the right of complaint, the Government Agreement of 30 September 2020 provides for the establishment of a complaint mechanism. This point will need to be addressed, but it is worth noting that complaints can already be submitted to several specialized bodies (such as Unia, Myria, the Central Council for the Supervision of Prisons, Committee P, Committee R, the Data Protection Authority, the ombudsmen and the Standing

Committee for Language Supervision) and that the Federal Institute for the Protection and Promotion of Human Rights is responsible for informing citizens about the ways in which they can assert their rights.

C. Additional information relating to paragraphs 13 and 14 (a) of the concluding observations

17. The legal framework and the regulations applicable to the police services confirm that any form of unjustified police violence, whether racially motivated or not, is unacceptable in Belgium.

18. Consequently, any behaviour that is inappropriate, unlawful or detrimental to rights and freedoms – and therefore any suspected racism or discrimination on the part of the police – is examined and dealt with through both disciplinary and criminal proceedings by the competent internal bodies (the internal oversight services of the police) and external authorities (the Inspectorate General of the Federal and Local Police, which is under the authority of the Minister of the Interior and the Minister of Justice; the Standing Committee for Police Monitoring, which reports to the Parliament; and the independent judicial authorities responsible by law for investigating and prosecuting criminal offences).

19. The police force takes every act of violence, racism or discrimination committed by police personnel seriously. The integrated police force continues to combat misconduct among police personnel, including by taking appropriate action against the personnel concerned.

20. The police services are also participating in and contributing constructively to the work of the multidisciplinary working group that is preparing the national action plan against racism. The working group is composed of representatives of the ministers who oversee the police services, the integrated police force and non-governmental organizations such as Unia, Ligue des droits humains and Amnesty International.

21. In the judicial sphere, Circular No. COL 10/2017 of the Belgian College of Prosecutors General, revised on 24 November 2020, sets out criminal justice policy guidelines on, among other things, cases in which the use of force by police officers resulted in death or serious bodily harm. For although police officers may need to use force while performing their duties, their use of force is strictly regulated.

22. In cases involving the use of force that fall within the scope of the Circular, an investigation is initiated because the Public Prosecutor's Office must verify whether the use of force and its consequences were justified. Circular No. COL 10/2017 sets out guidelines on the judicial procedure that should be followed in such situations with a view to identifying and, where necessary, punishing the persons responsible and establishing the truth in the most comprehensive and accurate way, without drawing hasty conclusions.

23. Some victims of racist violence (whoever the perpetrator may be) apply to the Commission for Financial Support for the Victims of Deliberate Acts of Violence and for Voluntary Rescuers. However, the data on this subject are incomplete and fragmentary, as the keyword "racism" is assigned to cases only when it is very clear that the perpetrator or perpetrators were motivated solely or primarily by racism. With the existing search method, it is not possible to comb through the content of the more than 25,000 decisions to grant support.

D. Additional information relating to paragraph 14 (b) of the concluding observations

24. The current system for the collection of data and the recording of complaints concerning racially motivated police violence cannot be used to identify the descent or national or ethnic origin of victims.

25. The police and all the partners concerned, including the Equal Opportunities Unit of the Federal Public Service for Justice, the judicial authorities and the Federal Public Service

for Home Affairs, are continuing to discuss how to improve this system while taking into account the applicable international, European and national legal framework. In addition, several studies are being carried out on matters such as recording and differentiating between hate crimes and registering the nationality of victims. Discussions are under way on the revision of Joint Circular No. COL 13/2013 of the Minister of Justice, the Minister of the Interior and the Belgian College of Prosecutors General, which sets out criminal justice policy guidelines on the investigation and prosecution of discrimination and hate crimes, including gender-based discrimination.
