



**International Convention for  
the Protection of All Persons  
from Enforced Disappearance**

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**Committee on Enforced Disappearances**

**Additional information submitted by Belgium under  
article 29 (4) of the Convention\***

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\* The present document is being issued without formal editing.



## **I. Introduction**

### **A. Preparation of the report**

1. Following the consideration of the report submitted by Belgium (CED/C/BEL/1 and CED/C/BEL/1/Corr.1) under article 29 (1) of the International Convention for the Protection of All Persons from Enforced Disappearance at its 100th and 101st meetings, held on 15 and 16 September 2014, the Committee on Enforced Disappearance adopted its concluding observations (CED/C/BEL/CO/1) at its 113th meeting, held on 24 September 2014.

2. On 8 January 2016, Belgium responded to the request to provide, within one year, information on the implementation of the recommendations set out in paragraphs 8, 12 and 30 of the concluding observations (CED/C/BEL/CO/1/Add.1). The Committee evaluated the implementation of those three recommendations in autumn 2016 (CED/C/11/2).

3. Pursuant to article 29 (4) of the Convention, in its concluding observations, the Committee requested the Belgian Government to submit, no later than 15 March 2021, specific and updated information on the implementation of all its recommendations and any new information on compliance with the obligations under the Convention. The present report is a response to that request.

4. In accordance with the requirements concerning the common core document set out in the harmonized guidelines on reporting under the international human rights treaties, Belgium submitted an updated version of its core document (HRI/CORE/BEL/2018) on 20 July 2018.

### **B. Promotion of the Convention**

5. Belgium considers the Convention to be an important tool in the fight against impunity and has supported the calls of the Committee and the Working Group on Enforced or Involuntary Disappearances for its ratification. Within the framework of the Human Rights Council, Belgium has called for the ratification of the Convention during interactive dialogues with the Working Group and has made recommendations for the ratification of the Convention during the universal periodic review process.<sup>1</sup>

## **II. Implementation of the recommendations contained in the Committee's concluding observations (CED/C/BEL/CO/1)**

### **A. Additional information with regard to paragraph 8 of the concluding observations**

6. Although all the country's parliamentary assemblies have adopted a law of approval of the Optional Protocol, ratification also requires that a national preventive mechanism reflecting the country's specific institutional arrangements be put in place.

7. Several possibilities for the establishment of such a mechanism have been suggested on the basis of a preliminary analysis of existing independent mechanisms and in the light of the criteria set forth in the Optional Protocol. The preferred option is to start from one or more existing bodies and to work out the details of cooperation with other bodies. To this end, a consultation process is under way with all concerned stakeholders (authorities of places of deprivation of liberty, existing independent mechanisms and non-governmental organizations) with a view to preparing recommendations for policymakers. The different governments will then have to decide on institutional arrangements for the establishment of an effective mechanism; this will allow the instruments of ratification to be deposited.

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<sup>1</sup> Including during the universal periodic reviews of the Bahamas, Barbados, Bhutan, Brunei, Cameroon, Canada, Djibouti, Laos and New Zealand.

## **B. Additional information with regard to paragraph 10 of the concluding observations**

8. Belgium already has sectoral bodies with specialized mandates for the protection and promotion of human rights, at both the federal level and the level of the federated entities. These bodies include Unia, an independent body for combating discrimination, which now enjoys category B status in accordance with the Paris Principles.

9. However, the Belgian State has undertaken to establish a national human rights institution that covers all fundamental rights throughout the country and complies with the Paris Principles, which could result in its being awarded category A status. Within this framework, it would also be possible for a federated entity to establish its own human rights institution.

10. The process was expedited in 2019 with the adoption of the Act establishing the Federal Institute for the Protection and Promotion of Human Rights.

11. The Federal Institute for the Protection and Promotion of Human Rights covers all human rights at the federal level, since:

- It is responsible for matters dealt with by the federal authorities (the Institute can, for example, address issues related to counter-terrorism, freedom of expression, economic and social rights, and businesses).
- It has residual jurisdiction, that is, jurisdiction over all matters not already dealt with by the existing independent human rights protection bodies, and it must exercise that jurisdiction in cooperation with those bodies, which together form the Human Rights Platform.

12. The Institute will also be able to cover more general themes that do not lend themselves to a purely sectoral approach.

13. The Act also allows for the eventual establishment of a national human rights institution by providing the necessary legal basis for the Institute to become an inter-federal body. It thus envisages the establishment of a coordinating council comprising one representative from each independent sectoral body for the protection and promotion of human rights. In order for this to happen, the federated entities must share the same vision. The federal authorities and the different federated entities will need to negotiate a cooperation agreement.

14. Lastly, the members of the Institute's supervisory board have been appointed, enabling the recruitment of staff, which is under way. In order for the Institute to function effectively, Parliament has allocated funding to it and a draft budget has been approved for 2021.

15. Although several steps are still needed to achieve the aim of a national human rights institution that is in conformity with the Paris Principles, the adoption of the Act establishing the Federal Institute for the Protection and Promotion of Human Rights has undoubtedly given impetus to this process.

## **C. Additional information with regard to paragraph 12 of the concluding observations**

16. Under the previous legislature, the Minister of Justice launched a consultative process on the amendment of the Criminal Code and the Code of Criminal Procedure, with the participation of two commissions of appointed experts drawn from academia and the judiciary. This process took several years and involved consultation with civil society and stakeholders in the field. It resulted in several bills that are currently being discussed in Parliament. The first bill proposes a new, more comprehensive, better structured, clearer, more precise and more coherent Criminal Code, with a reorganized scale of penalties ranging from level 1 to level 8. The bill was submitted in March 2019 but expired as a result of the parliamentary elections of May 2019; however, its content has been reintroduced through the bill on the establishment of a new Criminal Code, books 1 and 2 (No. 55K0417), which was

submitted to Parliament in September 2019. Several hearings have already been held on this bill, during which civil society actors were again given the opportunity to express their concerns. The second bill proposes a new Code of Criminal Procedure and was submitted to Parliament on 11 May 2020 (No. 55K1239).

17. The bill on the establishment of a new Criminal Code contributes to the implementation of the Convention. Of particular note are articles 87 to 89, which make enforced disappearance that does not constitute a crime against humanity a separate offence punishable by a level 6 penalty, a level 4 penalty in mitigating circumstances or a level 7 penalty where the offence is aggravated.

Art. 87. Enforced disappearance

Enforced disappearance consists in the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law.

This offence is punishable by a level 6 penalty.

Art. 88. Mitigating circumstances

Enforced disappearance is punishable by a level 4 penalty if, within five days of the deprivation of liberty, the person responsible for the enforced disappearance voluntarily returns the victim.

Art. 89. Aggravated enforced disappearance

Enforced disappearance is punishable by a level 7 penalty:

1. When the offence results in death;
2. When the person deprived of liberty is subjected to acts of torture;
3. When committed against a minor or a vulnerable person.

18. The statute of limitations applicable to these penalties is long, pursuant to article 72 (1–2).

19. The bill also incorporates other provisions currently in force that are relevant to the fight against enforced disappearance, including:

- Article 81 (9), which incorporates the current article 136 ter (9), mentioned in the previous report, and classifies enforced disappearance as a crime against humanity punishable by a level 8 penalty, the highest possible penalty in the proposed new system; such penalties are not time-barred, pursuant to the proposed article 72 (1)
- Article 92 (5), which incorporates the current article 136 septies (5) – also mentioned in the previous report – and covers superior responsibility for crimes against humanity
- Title 2, chapter 5, which deals with infringements of personal liberty (level 3 and 4 penalties), corresponding to the current articles 434–438 bis and 428–430, which were mentioned in the previous report
- Article 573 on unlawful detention by public officials (level 3 penalty), which corresponds to the current articles 147–155 mentioned in the previous report minus the provisions relating to infringements of liberty that are covered in title 2, chapter 5, mentioned above
- Articles 315–316 on fraudulent adoptions (level 1 and 3 penalties), corresponding to the current article 391 quarter and quinquies, mentioned in the previous report
- Article 396 et seq. on forgery (level 2 penalties, or level 3 penalties for aggravated offences), corresponding to the current articles 194–195, mentioned in the previous report

- Articles 405 and 588 on falsification of civil status records (level 1 penalty), corresponding to the current articles 361–363, mentioned in the previous report

20. The bill on the establishment of a new Code of Criminal Procedure maintains the current non-applicability of statutory limitations to the public prosecution of crimes against humanity and establishes a long statute of limitations in other cases. It also upholds the principle that, in the case of continuous offences – a category that includes enforced disappearance – the statute of limitations begins to run only when the latest fact is established (proposed art. 62).

#### **D. Additional information with regard to paragraph 14 of the concluding observations**

21. See section C above.

#### **E. Additional information with regard to paragraph 16 of the concluding observations**

22. Current Belgian law is already in compliance with the Convention, article 5 of which refers to the applicable international law with regard to the definition of enforced disappearance as a crime against humanity.

23. Enforced disappearance as a crime against humanity is covered under Belgian law in article 136 ter (9) of the Criminal Code. This article transposes into national law article 7 of the Rome Statute of the International Criminal Court, which reflects customary international law. To amend the definition of enforced disappearance in Belgian law would contravene the obligations incumbent on the State by virtue of its ratification of the Rome Statute.

24. There are therefore no plans to amend this provision. A similar provision is included in the bill on the establishment of a new Criminal Code described under section C above.

#### **F. Additional information with regard to paragraph 18 of the concluding observations**

25. See section C above.

#### **G. Additional information with regard to paragraph 20 of the concluding observations**

26. See section C above.

#### **H. Additional information with regard to paragraph 22 of the concluding observations**

27. Under current Belgian law, enforced disappearances constituting crimes against humanity are in any case, both in peacetime and in times of war, subject to the jurisdiction of the ordinary courts. Cases of enforced disappearance constituting crimes against humanity are excluded from the jurisdiction of the military courts under article 77 of the Act of 10 April 2003 regulating the Abolition of Military Courts in Peacetime and of Their Maintenance in Wartime.

28. However, cases of enforced disappearance that do not constitute crimes against humanity may, in theory, fall under the jurisdiction of the military courts during wartime.

29. Successive judicial and legislative changes have reinforced the guarantees of independence and impartiality applicable to the military courts. The prosecution and investigation functions are now clearly separated: the investigation function is no longer performed by the military prosecutor but by an investigating judge (Act of 10 April 2003, art.

10). The law also provides for the establishment of a judges' council chamber (arts. 8–9) and an indictment division for handling appeals (arts. 40–41).

30. The outright abolition of the military courts would require a constitutional amendment, which will not be possible until 2024. The announcement on the revision of the Constitution issued on 20 May 2019 established a limited list of provisions open to revision; article 157, on the military courts, is not on that list.

31. However, the Committee's concern might be addressed by the adoption of the bill to amend the Criminal Code mentioned in section C above. The military courts would continue to exist but would not have jurisdiction over enforced disappearances, irrespective of whether such cases amounted to crimes against humanity. Article 77 of the Act of 10 April 2003 provides that the offences classified under a particular section of the Criminal Code are excluded from the jurisdiction of the military courts at all times: "Irrespective of the status of the person concerned, during wartime, the ordinary courts have jurisdiction over all the offences established in book II, title I bis, of the Criminal Code." Enforced disappearance as a crime against humanity is currently classified under this section. The bill proposes to place enforced disappearance that does not constitute a crime against humanity under this section, thereby excluding it from the jurisdiction of the military courts.

## **I. Additional information with regard to paragraph 24 of the concluding observations**

32. The Act of 5 May 2019 laying down various provisions on criminal matters and religious groups and amending the Act of 28 May 2002 on euthanasia and the Social Criminal Code inserted a new chapter into the Code of Criminal Procedure on the protection of certain persons under threat who hold public office. The bill provides for the protection of persons who are threatened in the exercise or as a result of their public duties or their involvement in a fact-finding mission, an investigation or an administrative police or intelligence operation. It therefore mainly concerns officers of the federal integrated police force and local police forces, the officials of certain inspection services, intelligence officers and judges whose physical or psychological integrity may be seriously threatened during an investigation. The protection measures provided for in the bill are subsidiary to all other possible protection measures. They constitute the most drastic protection measures, including a change of the identity or the long-term relocation of the person under threat. Persons involved in an investigation are thus protected under this new law and by existing protection measures.

33. No new measures have had to be taken regarding whistle-blowers, witnesses, relatives of persons subjected to enforced disappearance or their legal representatives, in view of the protection already provided for under Belgian law. Such persons are eligible to benefit from the existing criminal law provisions that apply generally to victims of harassment and abuse. Under the legislation governing the protection of witnesses, upon receipt of a substantiated written request from the witness under threat, the Crown prosecutor, prosecutor general, federal prosecutor or investigating judge may request protective measures in respect of persons other than those referred to in article 102 of the Code of Criminal Procedure, which was mentioned in the previous report and covers immediate family members and other blood relatives.

34. Additional information on the reporting of offences by the staff of community institutions for youth protection is provided in section J below.

## **J. Additional information with regard to paragraph 26 of the concluding observations**

### **Training of police personnel**

35. As previously mentioned, including during the constructive dialogue with the Committee, officers of the integrated police force undergo robust training on the regulatory framework governing their operations, including operations involving deprivation of liberty, and on various topics related to fundamental rights and individual freedoms. This training is

partly organized in collaboration with external partners from human rights organizations and is subject to continuous qualitative evaluation. Specific emphasis is placed on respect for the rights of persons in police custody and the safeguards in place to protect their rights in all circumstances. The training has both theory-based and practical components. While specific training on the Convention is not provided, its fundamental principles are amply covered in several general and thematic police training courses, in order to prevent any and all risk of enforced disappearance by the Belgian police forces.

### **Training of military personnel**

36. Training in international humanitarian law is provided by the Royal Military Academy to advisers on the law of armed conflict. These officers specializing in the law of armed conflict have been posted at the various command levels. The training given does not deal specifically with the Convention, but issues relating to enforced disappearances are addressed in the context of general training. Training and guidelines on international humanitarian law, human rights and criminal law are also provided by the Directorate General for Legal Support to jurists and military personnel assigned to operations. Jurists of the Directorate General for Legal Support and advisers on the law of armed conflict provide guidance, where necessary, to persons involved in the custody or handling of persons deprived of liberty

37. The training and guidelines provided on the procedure relating to deprivation of liberty in place within the Ministry of Defence already fulfil a preventive function, as the procedure is designed to make clear the general legal framework for deprivation of liberty put into effect by members of the Belgian armed forces by setting out the general guarantees for the protection of persons deprived of liberty. Moreover, in the field, the procedures laying down the conditions for detention, release, transfer and contacts to be made with diplomatic and local authorities are explained in detail in the Belgian operation order. Where appropriate, practical guidelines are drafted both at the international operational command level (North Atlantic Treaty Organization, European Union, etc.), and at the Belgian chief of staff level, in accordance with the Belgian operation order.

### **Training of the judiciary**

38. The principles and procedures governing deprivation of liberty, including the safeguards enshrined in the Convention, are covered in both initial and continuous training provided to members of the judiciary, including the following courses organized since 2016:

- Training No. PEN-009: Specialized training for investigating judges
- Training No. PEN-025: Professional exchange session for investigating judges
- Training No. PEN-046: Specialized training for future sentence enforcement judges
- Training No. PEN-069: Professional exchange session for sentence enforcement judges
- Training No. PEN-017: Training for the judges of investigating courts
- Training No. JUR-015: Winter seminar for legal trainees

### **Training of prison personnel**

39. Training on the Convention and its contents is provided as part of the course on discipline undertaken by prison personnel, as shown in the table of contents of the course attached as an annex to this report.

### **Training of the staff of public institutions for youth protection**

#### *Flemish Community*

40. The staff of community institutions are provided with information and training on the rights of children and young people. By the end of 2020, a long-term, research-based, structured educational policy on children's rights will have been rolled out in every community institution. This policy will cover both the general children's rights framework and the framework governing restrictions on liberty.

41. The training provided to staff covers preventive mechanisms against enforced disappearance, including:

- The right of every young person to a lawyer specializing in youth protection, who is entitled to visit the institution and contact the young person at any time.
- External oversight in the form of unannounced monthly visits by specialist volunteers, referred to as “monthly commissioners”.
- The right to contact the JO-lijn telephone helpline operated by the Youth Welfare Agency and the Flemish Commissioner for Children’s Rights (Children’s Ombudsman).
- The community institution staff whistle-blower policy: Officials who suspect or establish on reasonable grounds that their superior will prohibit or prevent them from reporting an offence must immediately inform the Crown prosecutor. Members of staff may not face disciplinary or other sanctions solely for reporting irregularities, unless they do so in bad faith or for private gain or if they make a false statement that is prejudicial to a service or another person. Members of staff may report irregularities to the Office of the Ombudsman of Flanders and may request to be placed under its protection.

#### *French Community*

42. See section III below.

#### **Training of doctors and nurses**

43. Each university and *haute école* (advanced vocational college) is free to develop its own training programme, in accordance with the conditions established by the law, including the relevant European directives regulating access to specific posts and professions.

44. In order to obtain accreditation for their institution, the boards of directors of institutions offering training programmes for doctors, general practitioners, senior nursing officers, dentists and midwives must ensure compliance with the requirements set out in Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications. The community executive authorities have undertaken to coordinate with inter-university councils around the country to ensure that training programmes for future medical personnel take due account of the Convention. The board of the Vlaamse Interuniversitaire Raad (Flemish Inter-University Council) has taken note of the Committee’s recommendations. The members of the board have undertaken to ensure that teaching on the Convention is included in relevant training.

#### **Training of staff employed in closed centres**

45. Training on the Convention and its contents will be provided to staff taking up positions in the various closed centres managed by the Immigration Office. In 2021, information on the Convention will be provided to the officials responsible for returns as part of existing training on risks related to the violation of article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

### **K. Additional information with regard to paragraph 28 of the concluding observations**

46. Support for the victims of deliberate acts of violence is subject to the condition that the acts were committed in Belgium (Act of 1 August 1985 on Fiscal and Other Measures, art. 31 bis, (1) (1) and (2) (1)). However, it is not necessary for the offence to have taken place entirely on Belgian territory.

47. In the explanatory memorandum contained in the bill approving the European Convention on the Compensation of Victims of Violent Crimes signed in Strasbourg on 24 November 1983 (extraordinary session of the Senate of 2003, parliamentary document No. 3-218/1), it was noted that, where the constituent elements of the offence clearly occurred in

more than one State, the State where the victim has his or her permanent residence and where the crime was committed in part must undertake to pay any compensation. When the violent act takes place in two countries, the Commission for Financial Support for the Victims of Deliberate Acts of Violence and Voluntary Rescuers always carries out a case-by-case assessment.

## **L. Additional information with regard to paragraph 30 of the concluding observations**

### **Registers of persons deprived of liberty**

48. The bill on the adoption of a royal decree on registers of persons deprived of liberty is still a priority dossier and is currently being discussed within the integrated police force. The discussions have continued, although with some delay as a result of technical and practical issues. However, given the developments in the situation of the Belgian Government in recent months, it is unlikely that the procedure will run its course according to the original timeline. It should be noted, however, that the practical consequences of the adoption of the bill will vary in degree, since all instances of deprivation of liberty by police officers are already recorded in detail in a register of persons deprived of liberty, even without a formal royal decree.

### **Origins of adopted children**

49. The Royal Decree on Gathering, Conserving and Accessing Information on the Origin of Adopted Children has been adopted; it was enacted on 23 April 2017 and published in the Official Gazette of Belgium on 18 May 2017, when it also entered into force. The background to the Royal Decree is briefly outlined below.

50. In accordance with article 30 of the Hague Convention of 29 May 1993 on Protection of Children and Cooperation in respect of Intercountry Adoption, article 368-6 of the Civil Code establishes an obligation to retain information and to provide access to such information, at the expense of the competent authorities, for the purpose of enabling the adopted person, should he or she so wish, to find out about his or her origins.

51. In Belgium, adoption matters are the remit of both the federal and the community authorities. The communities are responsible for the preparations for adoption, the matching of children with adoptive families and post-adoption follow-up, including searches for origins. The Federal Central Authority is competent for issues relating to the recognition and registration in Belgium of intercountry adoptions.

52. The various central authorities established pursuant to the Adoption Reform Act of 24 April 2003 were made responsible for regulating access to the information that they held on adoptions. Since, in practice, the Community Central Authority (the French-speaking central authority) and the Vlaamse Centrale Autoriteit (the Flemish central authority) were already handling searches for origins, they had decided to exercise their powers to regulate access to their own files. The Royal Decree was thus conceived as a way to harmonize practices in order to improve consistency, especially between the federal and community authorities.

53. The Royal Decree deals with issues involving the collection and preservation of and access to information on the origins of adopted persons whose files are on record with the Federal Central Authority but also with issues related to practical aspects such as who is entitled to have access to this information, the age of the adopted person concerned, the provision of guidance to the adopted person, the procedures applicable to the formulation of the adopted person's request and to the response provided by the competent authority, and the retrieval of archival files.

54. The Royal Decree of 23 April 2017 was amended by the Royal Decree of 29 September 2019 (Royal Decree amending the Royal Decree of 23 April 2017 on the Collection and Preservation of and Access to Information on the Origin of Adopted Children, published on 16 October 2019). This amendment was necessary in view of the entry into force of the Civil Status Modernization Act. The Council of State determined that the return of original documents to adoptive parents after the application for the recognition of an

adoption order had been processed by the Federal Central Authority fell under the scope of article 368-6 of the Civil Code and therefore required regulation through a royal decree discussed in the Council of Ministers. A new article 4/1 regulating that issue was thus inserted in the Royal Decree of 23 April 2017.

### **III. Updated information regarding public institutions for youth protection and new information on community centres for minors over whom the jurisdiction of the courts has been relinquished in the French Community**

#### **A. Legal foundation**

55. The Decree of the Government of the French Community of 18 January 2018 containing the Code on Prevention and Youth Assistance and Protection upholds and reinforces the fundamental principles and general reasoning underlying the measures provided for in the Decree of 4 March 1991 and the Act of 8 April 1965, as amended by the Act of 13 June 2006.

56. Book V of the Decree provides that young persons who have committed an act constituting an offence enjoy the same rights as children at risk when they are subject to an order of removal from their home environment.

57. This decree protects the specific rights of young people housed in public institutions for youth protection, including the right of complaint, the right to receive a copy of decisions and reports concerning them and the right to contact with the outside world and establishes safeguards with regard to searches, isolation measures and sanctions.

58. It also enshrines the right of young persons to challenge decisions taken by the director of the institution concerning them and their right to appeal such decisions.

59. The General Regulations of Public Institutions (Decree of the Government of the French Community on Public Institutions for Youth Protection of 3 July 2019) provide that every young person must be given an individualized welcome, during which the circumstances of the removal measures and its various stages and aspects are explained. They must be provided with or reminded of their lawyer's contact information and informed of their right to contact this lawyer. They must also be provided with information on the mandate and contact details of the Delegate General for Children's Rights (and of the supervisory commission once it has been established) and be informed of how to refer matters to his or her office.

60. The young person's rights and obligations as established in the Decree and in the General Regulations governing Public Institutions, in particular the procedures for contesting decisions, must be explained to him or her.

61. Following the comprehensive reform of the educational programmes of the public institutions for youth protection, which is under way, and once the supervisory commission has been established, a document containing the above-mentioned information, drafted in accessible language, and internal rules and regulations (establishing the procedures for upholding the rights and obligations of young people provided for in the decree and the order relating to the public institutions) will be drawn up; application forms by which young persons can request conciliation, lodge an internal complaint and file an external appeal will also be developed. These documents must be provided to every young person at the end of the admission interview.

62. The Code of Ethics for Assistance to Young People establishes the rules and principles that should serve as a reference both for the beneficiaries of and applicants for assistance and for those who provide or contribute to it. The Code guarantees respect for their rights in general and in particular for professional secrecy, personal privacy, private and family life, personal convictions and differences, and regulates the proper use of information gathered.

63. The Code of Ethics for Assistance to Young People also establishes a code of conduct, duties and professional ethics by which all providers must abide.

64. In addition, following the State's sixth reform, the communities are responsible (since 1 January 2015) for the care of minors over whom the jurisdiction of a juvenile court has been relinquished and who have been placed in a special community centre for such young people.

65. As of 1 March 2017, the General Administration for Assistance to Young People has jurisdiction over this area and manages the staff of the community centre that houses minors over whom the jurisdiction of the courts has been relinquished, currently the St. Hubert community centre.

66. On 14 March 2019, the French community adopted a decree on the care of young people in community centres for minors over whom the jurisdiction of the courts has been relinquished.

67. This decree protects the specific rights of young people entrusted to the community centre, including the right of complaint, the right to receive a copy of decisions and reports concerning them and the right to contact with the outside world, and establishes safeguards with regard to searches, isolation measures and sanctions.

68. The decree also enshrines young persons' right to challenge decisions concerning them taken by the director of a public institution for youth protection and their right to appeal against such decisions.

69. The Code of Ethics of the Public Service (Decree of the Government of the French Community containing the Code of Ethics for Staff of the Services of the Government of the French Community and of Certain Public-service Bodies) and workplace regulations establish a code of conduct, duties and professional ethics that must be respected by the staff of the community centre for minors over whom the jurisdiction of the courts has been relinquished.

## **B. Training of the staff of public institutions for youth protection**

70. The General Regulations of Public Institutions provide that the basic and continuing training of the staff of public institutions for youth protection must cover respect for the rights and interests of young people, as well as the educational programmes of the institution.

71. The basic training programme is currently being updated in the light of recent regulatory changes and the ongoing reform of the educational programmes; it covers the rights of young people enshrined in national and international standards, including major international treaties such as the Convention on the Rights of the Child and international and regional human rights instruments, as well as the Code of Ethics for Assistance to Young People.

72. The administration (Directorate for the Coordination and Inspection of Public Institutions for Youth Protection and Mobile Support Teams – Inspection Service for the Public Institutions for Youth Protection) is responsible for evaluating compliance with the provisions on the rights of young people and the Code of Ethics for Assistance to Young People.

## **C. Training of the staff of community centres for minors over whom the jurisdiction of the courts has been relinquished**

73. Article 15 of the Decree of 14 March 2019 provides that the competent authority must provide basic training to each member of the centre's staff; this training must take into account the staff member's previous training and the role that he or she will perform within the centre.

74. The competent authority must also provide continuous training to each member of staff during his or her time at the centre; this training must build on the staff member's basic

training and bring his or her knowledge of new developments in the field up to date. Basic and continuous training focuses in particular on respect for the rights and interests of young people and on the centre's framework for action.

75. The basic training programme covers the rights of young people enshrined in national and international standards, including major international treaties such as the Convention on the Rights of the Child and international and regional human rights instruments. Information on the International Convention for the Protection of All Persons from Enforced Disappearance will be included in the programme.

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