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I. General information about the reporting State

A. Demographic, economic, social and cultural characteristics of the State

1. General framework

1. Belgium has an area of 30,689 km² and is bounded to the north by the Netherlands, to the east by Germany and Luxembourg, and to the south by France.
2. The country is situated in one of the most heavily populated and busiest trading areas in the world and is at the heart of a highly urbanized major economic zone that stretches from London to Milan and contains half of Europe's main cities – more than 80 urban centres with populations of over 200,000. This zone is also the main communications and trade artery in Europe.
3. Belgium is thus at the crossroads between the economic and urban backbone of Europe and the busy stretch of North Sea coastline between Le Havre and Hamburg. It has comprehensive communications networks that cover the whole country and connect it with neighbouring countries, thereby facilitating domestic travel and international links.
4. By virtue of its geographical position, Belgium has throughout its history been a meeting point, a gateway and a place of welcome for people, ideas and businesses.
5. Belgium has long been open to international cooperation. In 1921, it signed an agreement with Luxembourg to abolish restrictions on trade, establish a common customs tariff and adopt a single financial and commercial policy, paving the way for the later process of European integration. In 1951, it was a founding member of the European Coal and Steel Community, which envisaged the free movement of coal and steel products between its six members. Brussels hosts the headquarters of several European institutions, the North Atlantic Treaty Organization (NATO) and some 850 international non-governmental organizations (NGOs).
6. In 2025, Belgium confirmed its position as a major exporter within the European Union. Its main export products are machinery and equipment, chemicals and transport equipment. Germany, France and the Netherlands are among its largest trading partners, while the Americas have, since 2023, become the second-largest export region after Europe. With a 7.5% share of total exports of the 27-member European Union, Belgium ranked fifth among the Union's goods exporters in 2024. Globally, it ranked thirteenth, accounting for 2.2% of global merchandise exports.

2. Population

7. In 2005, the population of Belgium passed the 10.5 million mark. As at 1 January 2025, the country had approximately 11.825 million inhabitants. According to the latest forecasts of the Federal Planning Bureau, the population could reach 12.9 million by 2070. Population growth will depend largely on net migration (i.e., the difference between the number of people coming to live in the country (immigration) and people leaving to live elsewhere (emigration)).
8. The proportion of foreign nationals in the population has risen significantly over the past century. In 1920, they represented only 2% of the total population. Since 2000, net migration has been significantly higher than natural population change (i.e., the difference between the number of live births and deaths). The proportion of foreign nationals in the population is expected to rise further still. Between 1998 and 2008 net migration per annum rose fivefold, from around 11,700 to 63,900. The Federal Planning Bureau expects migration levels to stabilize over the coming years: by 2070, net migration is expected to remain relatively stable, at around 30,000 people per year, which is lower than in recent years. It remains the main driver of population growth and will be the only driver from the late 2030s onwards, as the natural increase turns negative from 2038.

9. However, the most significant demographic change will not be the increase in the number of inhabitants but changes in the age structure of the population. In the mid-twentieth century, about a tenth of the population (11%) was aged 65 years or older.

10. The population of Belgium is ageing, and this trend will accelerate in the coming years: this is reflected in a sharp rise in the old-age dependency ratio, which shows the proportion of people aged 67 and over relative to the working-age population (aged 18 to 66). While in 2024 there were 28 people aged 67 and older for every 100 people aged 18 to 66, this figure will rise to 37 in 2040 and reach 43 by 2070. This phenomenon, known as population ageing, can be observed in practically all industrialized countries, but is particularly pronounced in Belgium. As at 1 January 2025, persons aged 65 and older accounted for 20.3% of the population (2,405,315 inhabitants).

11. The causes of population ageing are well known: lower mortality and fertility rates. Over the past century, Belgium has witnessed a spectacular fall in infant mortality, from over 150 per thousand live births in 1900 to fewer than 10 per thousand in 2010 (8 per thousand for boys and 6 per thousand for girls), and 2.9 per thousand in 2022. At the same time, there has been a considerable increase in life expectancy, from an average of 45 years at the beginning of the twentieth century to 82.3 years in 2023, and a projected average of 88.9 years by 2070 (men and women combined).

12. The other cause of population ageing is the drop in the fertility rate. As in most other industrialized countries, since the 1960s the fertility rate in Belgium has fallen to below 2 children per woman, from an average of 2.64 children per woman for the period 1960–1964 to only 1.6 for 1980–1999. In 2023, the average number of children per woman was 1.47. It is forecast to rise to 1.6 by 2035 but, as in most other industrialized countries, will probably remain below the replacement level (2.1 children) for a long time to come.

13. Here are some details on the population by region and the origin of foreign nationals: as at 1 January 2025, Belgium had 11,825,551 inhabitants, of whom 5,995,529 were female and 5,830,022 were male. This figure includes all Belgians and foreign nationals whose main residence is in Belgium but excludes international civil servants and the like and military personnel stationed in the country.

14. In 2025, the Flemish Region had 6,864,766 inhabitants, the Walloon Region (including the German-speaking area) 3,704,990 and the Brussels-Capital Region 1,255,795.

15. As at 1 January 2025, the Belgian population was composed as follows: 64.0% were Belgians of Belgian origin, 22.1% were Belgians of foreign origin and 13.8% were non-Belgians. More than half (54.3%) of Belgians of foreign origin and non-Belgians hold a nationality from outside the European Union. Next are the nationalities of the European Union, excluding neighbouring countries (27.0%), and, lastly, the nationalities from neighbouring countries (18.7%). As at 1 January 2024, the five non-European Union countries with the highest number of nationals living in Belgium were Morocco, Ukraine, Turkey, Afghanistan and the Democratic Republic of the Congo. Of foreign nationals in Belgium, 43% live in the Flemish Region, 25.2 % in the Walloon Region and 28.6% in the Brussels-Capital Region.

B. Constitutional, political and legal structure of the State

1. General framework

16. In 1831, the country's constituent assembly established a democratic State ruled by law and based on a flexible separation of powers, in the form of a parliamentary monarchy and a decentralized unitary State (State, provinces, municipalities).

17. This State structure underwent a transformation with the establishment of a federal State composed of communities and regions.

18. The distribution of public powers among the federal authority, the communities and the regions is primarily based on the devolution of subject-matter and territorial competences.

19. The communities and regions are not subordinate entities, like the provinces and municipalities, but have the same standing as the federal authority. In matters within their competence, they have the same power as the federal authority, since their legislation, in the form of decrees and ordinances, has equal force in law.

20. The 1994 Constitution stipulates that Belgium comprises:

(a) Three communities: the French Community, the Flemish Community and the German-speaking Community;

(b) Three regions: the Walloon Region, the Flemish Region and the Brussels-Capital Region;

(c) Four linguistic regions: the French-speaking region, the Dutch-speaking region, the bilingual Brussels-Capital region and the German-speaking region. Every municipality in the country belongs to one of these linguistic regions.

21. Communities and regions are federated entities with their own political bodies, whereas linguistic regions are simply political divisions of Belgian territory.

22. The federal authority not only has competence in the matters that are formally assigned to it by the Constitution and the laws enacted under it; it also exercises competences that have not been expressly assigned to the communities or the regions.

2. Federal legislative power

23. Federal legislative power is exercised collectively by the King, the House of Representatives and the Senate.

24. The members of the two chambers represent the nation, not just the people who elected them. As required by the Constitution, the elected members of each chamber are divided into a French linguistic group and a Dutch linguistic group.

25. The two chambers convene automatically each year and must remain in session for at least 40 days. The King announces the closure of the session. He may adjourn the session or dissolve the chambers under the conditions established by the Constitution. Members of parliament appointed as ministers by the King vacate their seat and resume it only when their ministerial functions have ended.

26. The right to propose legislation belongs to each branch of the federal legislature: government bills (bills originating from the executive) or private members' bills (parliamentary initiatives) may be brought before either chamber.

27. Except in the case of the budget and laws requiring a qualified majority, a so-called alarm-bell mechanism operates to prevent the adoption of any government or private members' bill containing provisions that might seriously affect relations between the linguistic groups. In such cases, parliamentary discussion is suspended for 30 days pending a reasoned opinion from the Council of Ministers.

28. The House of Representatives has 150 members elected by direct universal suffrage. To be eligible, candidates must:

- Be Belgian
- Enjoy civil and political rights
- Be at least 18 years of age and be domiciled in Belgium

29. The term of office of a deputy is five years and the position cannot be held concurrently with that of a member of a regional or community parliament or a minister.

30. The House of Representatives has sole political oversight of federal government policy (investiture and motion of no confidence). Likewise, it has exclusive competence in budgetary matters since it alone passes the law that settles the final accounts and approves the budget. The unicameral procedure, whereby a single chamber, namely the House of Representatives, passes federal legislation, is the general rule. The Constitution does not list "unicameral" matters. This procedure therefore applies in all cases that do not fall under the mandatory bicameral procedure (i.e., the House and the Senate decide on an

equal footing) or the optional bicameral procedure (i.e., the House has the final say, but the Senate has a right to call up a bill (right of evocation)).

31. The Senate is composed of 50 senators from the federated entities – 29 senators appointed by the Flemish Parliament, 10 by the Parliament of the French Community, 8 by the Parliament of the Walloon Region, 2 by the French linguistic group of the Parliament of the Brussels-Capital Region and 1 senator by the Parliament of the German-speaking Community – and 10 co-opted senators (6 Dutch-speaking and 4 French-speaking), appointed on the basis of the results of the elections to the House.

32. The minimum age for election as a senator is 18 years.

33. The Senate has the same powers as the House (mandatory bicameral system) in a limited number of matters, namely: the declaration of the revision of the Constitution and the revision and coordination of the Constitution; the laws to be adopted by a qualified majority; matters that must be decided by both chambers under the Constitution; provisions relating to the institutions of the German-speaking Community; provisions relating to the financing of political parties and the control of election spending; and provisions relating to the organization of the Senate and the status of senators.

34. The Senate has exclusive competence in settling conflicts of interest between the federal and the federated parliamentary assemblies.

3. Federal executive power

35. Federal executive power, as regulated by the Constitution, rests with the King. In fact, the executive is a structure with two heads, since it includes the King and the Government. The Constitution recognizes several rights of the King, the scope of which has evolved over time, even though the text of the Constitution has not changed.

36. The person of the King is inviolable:

- At the civil level: no action may be brought against him except in matters relating to his estate, in which case he is represented by the administrator of the civil list.
- At the criminal level: no prosecution may be brought against him.
- At the political level: only the minister who countersigns or endorses the royal enactment bears responsibility. These privileges apply only to the King himself, not to members of his family.

37. The King ascends the throne only after taking an oath before the two chambers in joint session. The King appoints and dismisses ministers, the office of minister being reserved exclusively for Belgians.

38. The Council of Ministers has a maximum of 15 members, with as many French-speaking as Dutch-speaking ministers (principle of parity), with the possible exception of the Prime Minister.

39. Ministers are accountable to the House of Representatives. No minister can be prosecuted or investigated for any opinions expressed in the exercise of his or her duties.

40. Ministers can be tried only by a court of appeal for offences committed in the exercise of their duties, or for offences that were not committed in the exercise of their duties but for which they are tried while in office. The law determines how to proceed against them, at both the prosecution and the trial stage.

41. The King appoints or dismisses federal ministers of State, who, as assistants to ministers, are members of the federal government but not of the Council of Ministers.

42. The King confers ranks in the armed forces and makes appointments to positions in the general administration and foreign service, except in cases prescribed by law.

43. The King sanctions and promulgates laws and makes regulations and decrees necessary for their implementation.

44. The King appoints judges. Their decisions and judgments are implemented on his behalf. The King has the right to remit or reduce sentences imposed by judges, except for the

sentences laid down by law for ministers and members of community and regional governments. A royal pardon is granted only in exceptional cases. He also has the right to mint coinage in execution of the law and to confer honorary titles of nobility and award military honours in keeping with the requirements of the law.

4. Organization of the courts

45. Under the Constitution, the organization of the Belgian courts is the responsibility of the federal authorities.

46. The role of judges (called *juges* in lower courts and *conseillers* in higher courts) is to adjudicate cases. The Judicial Code determines whether professional judges sit alone or in a panel of three. Lay judges (*juges* and *conseillers*) and assessors sit in labour courts, business courts, sentence enforcement courts, labour appeal courts and assize courts.

47. The public prosecution service upholds the law and the interests of society and prosecutes offenders in the courts.

48. Disputes concerning civil rights are handled exclusively by the courts. Disputes concerning political rights are dealt with by the courts unless otherwise provided for by law. A court may be established only by virtue of a law. As a rule, court hearings are public. Every judgment is reasoned and handed down in a public hearing.

(a) Status of members of the judiciary

49. Members of the judiciary are appointed by the King. The Constitution provides that the appointment of members of the judiciary and their promotion to senior positions must be preceded by a reasoned submission to the High Council of Justice. The High Council of Justice is a unique independent body with a threefold mission:

- To exercise external control over the functioning of the judicial system, including the processing of complaints
- To submit opinions to political leaders with a view to improving the functioning of the judiciary
- To play a decisive and objective role in the judicial appointment process

50. The Judicial Code provides that members of the judiciary are to be appointed to the courts of first instance and the business courts) under the jurisdiction of the courts of appeal, to the labour courts under the jurisdiction of the labour appeal courts, to the public prosecutors' offices attached to the courts of appeal and to the labour prosecutors' offices attached to the labour appeal courts. Exceptionally, in Eupen, judges are appointed to the court of first instance, the labour court and the business court simultaneously, while prosecutors are appointed to both the public prosecutor's office and the labour prosecutor's office. There are four entry points to a career in the judiciary:

(a) Competitive examination for admission to the judicial training course, open to lawyers with at least two years' experience. The course gives access to both the bench and the public prosecutor's office and lasts for two years;

(b) Professional aptitude test, aimed at experienced lawyers and offering direct access to the judiciary, provided that the candidate has the requisite experience as set out in the Judicial Code (10 years' experience at the bar for those wishing to become a judge and 5 years' for those wishing to become a prosecutor);

(c) Oral examination, aimed at lawyers whose career in law spans at least 20 years, or 15 years if they have also spent at least another 5 years in a job that requires an in-depth knowledge of law.

(d) The examination for appointment as a substitute judge (substitute *juge* or substitute *conseiller*) is intended for legal professionals with work experience who wish to gain their first experience as a judge. Successful candidates who have served as a substitute judge for 5 years may sit the oral examination (see (c)) after practising as a full-time lawyer for at least 15 years (instead of 20).

51. These examinations are organized by the High Council of Justice.

52. The Belgian Constitution guarantees the independence of judges in the exercise of their duties. The prosecution service investigates and prosecutes individual cases independently, without prejudice to the right of the competent minister to order prosecutions and issue binding directives on criminal policy, including investigation and prosecution policy. The Constitution also states that the salaries and pensionable age of members of the judiciary are to be determined by law. Judges may be removed or suspended only by a decision of a court. Since 1 September 2014, two non-permanent disciplinary courts, a French-speaking one in Namur and a Dutch-speaking one in Ghent, have been responsible for the imposition of serious disciplinary measures on members of the judiciary and other judicial personnel, with the exception of the dismissal of prosecutors.

53. Senior members of the judiciary, head clerks and head secretaries remain responsible for bringing disciplinary proceedings and imposing minor penalties. A judge may only be transferred if he or she receives a new appointment and consents to the transfer.

(b) Judges and courts

54. The courts of justice form a hierarchy. The Court of Cassation is at the top; it does not examine the merits of cases but ensures that the law is correctly applied. Below this, there are the trial and appeal courts, which deal with points of fact and law. A distinction is made between courts of first instance, which are the first to hear a case, and courts of second instance or appeal courts, which hear cases that have already been tried.

(c) Hierarchy of courts in Belgium

55. Courts of first instance, labour courts, business courts, magistrate's courts and police courts are all lower courts. Appeal courts and labour appeal courts are courts of second instance.

56. Courts of first instance are divided into four divisions: civil, criminal, penal, and family and youth divisions. The courts of first instance in Antwerp, Brussels, Ghent, Mons and Liège have divisions known as sentence enforcement courts. As well as a president, presidents of division and one or more vice-presidents, courts of first instance have judges, including one or more family and youth court judges, investigating judges and judges hearing attachment proceedings. The sentence enforcement court is composed of a professional judge and two associate judges, one specialized in imprisonment and the other in social reintegration. The social protection division of the sentence enforcement court has sole responsibility for monitoring persons in psychiatric facilities (persons with mental disorders that undermine or seriously alter their capacity to make sound judgments or to control their actions, who are under supervision because of the danger that they pose to themselves or society). The division is composed of a sentence enforcement court judge and two assessors, one specialized in clinical psychology and the other in social reintegration.

57. The civil court hears appeals against judgments handed down by magistrate's courts or police courts, as the case may be. The criminal court hears appeals against judgments handed down by the police court. The family court is also competent to hear appeals against certain decisions rendered at first instance by magistrate's courts.

58. Belgium is divided into five large judicial areas: Antwerp, Brussels, Ghent, Mons and Liège. Each has an appeal court and a labour appeal court. These areas are divided into 12 judicial districts. There is a court of first instance for every district. There are 9 labour courts and 9 business courts.

59. Lay judges appointed for five years (the period applicable to the professional category to which they belong) sit alongside professional judges in labour courts and labour appeal courts (where they are called *juges sociaux* and *conseillers sociaux*, respectively) and business courts (where they are called *juges consulaires*).

60. Since 1 September 2025, amicable settlement proceedings are mandatory in all courts and tribunals in civil matters (including labour and company law cases), with the exception of courts divided into multiple divisions, in which case at least one division must make provision for such proceedings.

61. In these proceedings, the judge does not rule on the dispute but instead facilitates conciliation or, where appropriate, refers the parties to an external mediator. He acts as a neutral third party, guiding the parties towards an amicable solution. Conciliation in these proceedings remains confidential. The judge also has the option, with the agreement of all parties, of holding private discussions with each of them. In practice, the judge may hold meetings with one party without the other being present and vice versa. A judge who has sat in amicable settlement proceedings may no longer act as a trial judge in the same case if the conciliation is unsuccessful and the parties return to court.

62. There is one magistrate's court per judicial canton. The number of cantons has gradually been reduced to 162. There is at least one police court in each judicial district.

63. Each of the 10 provinces and the administrative district of the Brussels-Capital Region have an assize court. An assize court is constituted each time an accused person is referred to it. It consists of three professional judges (a president and two associate judges) and a jury made up of 12 jurors and one or more alternates drawn at random from the general public.

64. The Court of Cassation, as the guarantor of the courts' compliance with the law, has three divisions: one for criminal matters, one for labour law cases and one for civil and commercial matters.

(d) Public prosecutor's office

65. The public prosecutor's office is composed of members of the judiciary who work in a prosecutor's office dealing with criminal law (*parquet*) or one dealing with labour law (*auditorat*) and perform their functions within the jurisdiction of the court to which they are attached.

66. As a rule, each court of first instance has a public prosecutor's office comprising a public prosecutor, divisional prosecutors, first deputy prosecutors and deputy prosecutors. In the judicial district of Brussels, there is a public prosecutor's office in Brussels and another in Halle-Vilvoorde and deputy public prosecutors attached to the Brussels public prosecutor's office. Deputy prosecutors may specialize in tax affairs, or be assigned to posts at youth courts, or (in Antwerp, Brussels, Ghent, Mons and Liège) specialize in sentence enforcement. The public prosecutor may also be assisted by one or more deputy prosecutors specializing in commercial or environmental matters. In total, Belgium has 14 public prosecutors' offices.

67. The general prosecutor's office attached to an appeal court (*parquet général*) is headed by a prosecutor general whose job is to ensure the application of directives on criminal policy within the court's jurisdiction and to supervise the prosecutors working for the office and those working for the general prosecutor's office attached to a labour appeal court (*auditorat général*). The prosecutor general is assisted by a first advocate general, advocates general and deputy prosecutors general.

68. The prosecutor's office attached to a labour court generally comprises a labour prosecutor, divisional prosecutors, first deputy prosecutors and deputy prosecutors. In the judicial district of Brussels, there is a prosecutor's office attached to a labour appeal court in Brussels and another in Halle-Vilvoorde and deputy public prosecutors within the Brussels prosecutor's office attached to the labour appeal court.

69. A general prosecutor's office is established within the labour appeal court, headed by the prosecutor general of the ordinary appeal court. The prosecutor general is assisted by a first advocate general, advocates general and deputies.

70. The functions of the public prosecutor's office attached to the assize court are performed by the prosecutor general attached to the appeal court, who may delegate these functions.

71. At the Court of Cassation, the function of the public prosecutor's office is performed by the prosecutor general attached to the Court of Cassation, assisted by a first advocate general and advocates general. The prosecutor general does not bring criminal proceedings but acts in an advisory capacity to the Court.

72. The federal prosecutor's office (*parquet fédéral*) comprises a chief federal prosecutor and federal prosecutors. The chief federal prosecutor performs, in the cases provided by law,

all the functions of the public prosecutor's office in criminal matters at the appeal courts, assize courts, courts of first instance and police courts.

73. The road safety public prosecutor's office comprises a road safety prosecutor and two deputy road safety prosecutors. The road safety public prosecutor performs, in the cases and in accordance with the procedures determined by law, all the functions of the public prosecutor's office in criminal matters at appeal courts, courts of first instance and police courts.

74. The College of Prosecutors General is made up of the prosecutors general attached to the courts of appeal. The College decides on all the appropriate steps for the implementation and coordination of criminal policy and the functioning and coordination of the public prosecutor's office. It is also responsible for providing the Minister of Justice with information and opinions, on its own initiative or at the Minister's request, on any matter relating to the functions of the public prosecutor's office.

5. Communities

75. Each of the community and regional entities has a parliament and a government.

76. The competences of the Flemish Region are exercised by the bodies of the Flemish Community. The Flemish Region and the Flemish Community therefore share a single set of institutions. The competences of the French Community, the German-speaking Community, the Walloon Region and the Brussels-Capital Region are exercised by their own respective bodies.

(a) Parliaments

77. The Flemish Parliament has 124 members, of whom 118 are directly elected in the Flemish Region and 6 are directly elected by those voters in the Brussels-Capital Region who did not cast their votes in favour of a list of candidates belonging to the French linguistic group in the elections to the Parliament of the Brussels-Capital Region.

78. The Parliament of the French Community has 94 members, of whom 75 are members of the Parliament of the Walloon Region and 19 are elected by the French linguistic group of the Parliament of the Brussels-Capital Region.

79. The Parliament of the German-speaking Community consists of 25 directly elected representatives.

80. As a general rule, it is not possible to serve simultaneously as a member of a parliament and a member of the House of Representatives or a senator, with the exception of senators who are appointed by a regional or community parliament.

81. Each parliament has a degree of "constitutive autonomy", which means it can adopt, by a qualified majority, decrees dealing with issues relating to elections and to the composition and operation of the parliament and government.

82. Members of community and regional parliaments are elected for a term of five years, after which they are replaced. The parliaments cannot be dissolved before the end of the parliamentary term.

(b) Governments

83. The members of community governments are elected by their parliaments but are not necessarily members of parliament. They are sworn in by the speaker of the parliament that elected them. Their political and judicial responsibilities are based on those of their federal counterparts.

(c) Subject-matter competences of the communities

84. The communities exercise competence in the following areas:

- Cultural matters: The constituent body did not make a detailed list of the subjects that come under the heading of "cultural matters". Lawmakers, in a law adopted by a qualified majority, identified 18 items in this area, such as language protection, the

arts, cultural heritage, support for the press, youth policy, leisure activities and intellectual, moral, artistic and social pursuits.

- Education: Responsibility for virtually all education, from nursery schools to universities, has been transferred to the communities. In this area, the federal authority's competences are limited to establishing the duration of compulsory schooling, setting the minimum requirements for awarding qualifications and establishing the pension scheme.
- Use of languages:
 - The French and Flemish Communities are empowered to regulate the use of languages in three areas: administrative matters; education in establishments set up and subsidized by public authorities; and industrial relations, as well as company instruments and documents as required by laws and regulations.
 - The communities are not competent to regulate the use of languages in respect of services that operate beyond the linguistic region in which they are based, federal and international institutions designated by law whose activities cover more than one community and municipalities with special linguistic arrangements. The federal authority has competence for these services, institutions and municipalities. It also has competence to regulate the use of languages in the bilingual Brussels-Capital region and the German-speaking region.

85. The communities also exercise international competences in matters within their remit.

86. Belgium is divided into four linguistic regions:¹

- (a) The Dutch-speaking region, comprising the five Flemish provinces;
- (b) The French-speaking region, comprising the five Walloon provinces, except for the municipalities in the province of Liège that belong to the German-speaking region;
- (c) The bilingual Brussels-Capital region, comprising 19 municipalities;
- (d) The German-speaking region.

87. Under the Constitution, the competences of the German-speaking Community are the same as those of the other two communities, but they are determined by ordinary laws (adopted by a simple majority) rather than special laws.

88. The German-speaking Community also exercises several regional competences, which were transferred to it from the Walloon Region on the basis of agreements reached between the two governments. These include the supervision of municipalities, inter-municipal cooperation, land-use planning, local employment, vocational training, local road safety and funeral and burial services.

89. The legislature has granted special status, in the form of special linguistic arrangements (known as *facilités*), to municipalities with relatively large linguistic minorities at the borders of the linguistic regions and around Brussels.

90. "Person-related matters": This term covers matters that, by their very nature, are closely related to the individual's personal and social development.

91. These matters, which are defined in a special law, include the following:

- (a) Health policy;
- (b) Social assistance, which covers family policy, welfare, the reception and integration of immigrants, policies on persons with disabilities, older persons and young persons, prisoners' welfare and front-line legal assistance;

¹ The term "region" in this context should be understood to mean an area in which specific language arrangements apply. It should be distinguished from "Region", which is a federated entity that has its own competences within the Belgian federal State.

(c) The organization, functioning and tasks of the community justice centres and the service responsible for ensuring that electronic surveillance is implemented and monitored;

(d) Family benefits: competence in this area is exercised by the Walloon Region and the Common Community Commission in the French-speaking region and the bilingual Brussels-Capital region, respectively;

(e) Classification of films to control minors' access to cinemas.

92. There are exceptions in communities' competences, responsibility for which lies with the federal authorities.

93. The communities also exercise competence in the areas of scientific research and development cooperation in matters within their remit.

6. Regions

94. Belgium has three regions, which are distinct from the three communities: the Flemish Region, the Walloon Region and the Brussels-Capital Region. The first two have the same powers and competences, but the Brussels-Capital Region has its own mechanisms, mainly because of the cohabitation of French and Dutch speakers within its territory and its status as the capital.

95. In the Flemish Region, regional competences are exercised by the parliament and government of the Flemish Community as a result of the merger of the regional and community institutions.

96. The Walloon Region and the Brussels-Capital Region have their own parliaments and governments.

97. Regional competences extend to the following matters (with some exceptions that are dealt with at the federal level):

(a) Land-use planning;

(b) The environment and water policy;

(c) Rural development and nature conservation;

(d) Housing and inspections of accommodation that poses a risk to public health and hygiene, and the rules on residential property rentals;

(e) Agriculture;

(f) Economic affairs;

(g) Energy policy;

(h) Subordinate authorities;

(i) Employment policy;²

(j) Public works and transport;

(k) Animal welfare;

(l) Road-safety policy;

(m) Scientific research, including under international and supranational agreements and instruments, and development cooperation, within their competence, as in the case of the communities;

(n) International relations in the areas that fall within their competence.

² Competences in the area of employment include the placement of workers, the development of back-to-work programmes, the setting and application of rules regarding foreigners, the monitoring of the availability of unemployed persons and the reduction of social security contributions for certain target groups of workers.

98. It should be recalled that, at the moment, the communities and the regions enjoy only the subject-matter competences that has been assigned to them by a special law. Besides their powers of taxation, they have additional competences that allow them to:

- (a) Adopt measures concerning the infrastructure needed to exercise their competence;
- (b) Establish decentralized services, institutions and enterprises or acquire an interest in them;
- (c) Issue decrees establishing breaches of their provisions as offences and setting the penalties for such breaches, within certain limits;
- (d) Expropriate private property.

(a) Special status of the Brussels-Capital Region

99. The Brussels-Capital Region, which comprises 19 municipalities including the country's federal capital, exercises the same competences as the other two regions and has a parliament and a government. Since 1 July 2014, the Region has also had constitutive autonomy.

100. The organization of the parliament is based on the principle of two linguistic groups exercising their own powers, which involves the sharing of responsibilities in the various parliamentary bodies. The parliament has 89 members (72 from the French linguistic group and 17 from the Dutch linguistic group). Both groups are equally represented in the government, which comprises two French-speaking ministers and two Dutch-speaking ministers, in addition to the Minister-President. There are also three ministers of State, at least one of whom is from the Dutch linguistic group.

101. Community competences within the bilingual territory of the Brussels-Capital Region are exercised by specific institutions, namely the French Community Commission, the Flemish Community Commission and the Common Community Commission. These community commissions are autonomous entities that are separate from the institutions of the Brussels-Capital Region. Their assemblies and executive boards comprise members of the regional parliament and government who belong to the corresponding linguistic group. In other words, French speakers form part of the French Community Commission and Dutch speakers make up the Flemish Community Commission.

102. Community matters related only to the French Community or to the Flemish Community are called "single community matters" and are dealt with by the relevant community commission under the supervision of the respective community.

103. Person-related matters that cannot be linked exclusively to one community are managed by the Common Community Commission, which is also responsible for community matters of common interest.

104. Cultural matters that are not related to a specific community constitute the "bicultural sector" and are managed by the federal authorities.

(b) Cooperation within the Belgian federal system and conflict resolution

105. The Constitution has established the principle of "federal loyalty", which requires that neither the federal authority nor the federated entities should, in the exercise of their competences, upset the structural balance of the whole. An intricate network of mechanisms and procedures has been set up to preserve this balance, on which good relations between the many institutional entities in Belgium depend.

106. Three mechanisms have been set up to prevent and, if necessary, resolve conflicts of interest between these entities. Such conflicts arise from political differences (when an initiative of one entity affects the interests of one or more other entities), not from violations of a rule of law. The mechanisms are as follows:

- (a) The Consultation Committee, which is made up of 12 members, 6 representing the Federal Government and 6 representing the community and regional governments. This body, whose competences are established by law, takes decisions by consensus;

(b) The 24 interministerial conferences, which offer a flexible forum for consultation and dialogue and are conducive to the negotiation of cooperation agreements;

(c) Cooperation agreements that State entities are authorized, and in some cases required, to conclude, which can relate to the establishment and joint management of common services and institutions, the joint exercise of competences or the development of joint initiatives; In the area of international relations, for example, such agreements have been concluded, between the competent entities, on the representation of Belgium in international organizations and the procedures for signing international treaties.

107. The Constitutional Court is empowered to give its opinion on conflicts of competence. The Court, which is made up of 12 members (6 French-speaking and 6 Dutch-speaking, half of whom have significant judicial, and the other half parliamentary, experience), hands down judgments when a legislative body violates the rules on the distribution of competences or the articles of the Constitution relating to the principle of non-discrimination or the protection of philosophical and ideological minorities.

108. Matters can be referred to the Constitutional Court by the various governments and by speakers of parliament at the request of two thirds of their members. Proceedings may also be brought by any private individual who can prove a personal interest in the matter, within six months of the official publication of the contested provision.

109. A special law was passed to create a form of legislation pertaining to cooperative federalism: joint decrees. Such decrees are jointly adopted by the legislatures of several federated entities. The federal State is therefore not involved. Joint decrees serve as an alternative to cooperation agreements. Unlike cooperation agreements, which are negotiated and drafted solely at the executive level, joint decrees, like any legislation, can be amended by the competent legislative assemblies.

II. General framework for the protection and promotion of human rights

A. Acceptance of international human rights norms

1. Ratification of the main international human rights instruments

110. The following table shows the status of the main international human rights instruments.

<i>Main international human rights treaties</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Comments</i>
International Convention on the Elimination of All Forms of Racial Discrimination ³	7 August 1975	Declaration (art. 4)	

³ Reservations and declarations: In order to meet the requirements of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, the Kingdom of Belgium will take care to adapt its legislation to the obligations it has assumed in becoming a Party to said Convention. The Kingdom of Belgium nevertheless wishes to emphasize the importance it attaches to the fact that article 4 of the Convention provides that the measures laid down in subparagraphs (a), (b) and (c) should be adopted with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention. The Kingdom of Belgium therefore considers that the obligations imposed by article 4 must be reconciled with the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association. Those rights are proclaimed in articles 19 and 20 of the Universal Declaration of Human Rights and have been reaffirmed in articles 19 and 21 of the International Covenant on Civil and Political Rights. They have also been stated in article 5 (d) (viii) and (ix) of the Convention. The Kingdom of Belgium also wishes to emphasize the importance it attaches to respect for the rights set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms,

<i>Main international human rights treaties</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Comments</i>
International Covenant on Economic, Social, and Cultural Rights ⁴	21 April 1983	Declaration (art. 2)	
Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights	20 May 2014		
International Covenant on Civil and Political Rights	21 April 1983	Reservation (arts. 10, 14, 19, 21 and 22) Interpretative declaration (arts. 20 and 23)	
Optional Protocol to the International Covenant on Civil and Political Rights	17 May 1994		
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	8 December 1998		
Convention on the Elimination of All Forms of Discrimination against Women	10 July 1985		
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	17 June 2004	Declaration	
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	25 June 1999		
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment			Signed, 2005
Convention on the Rights of the Child ⁵	16 December 1991	Declaration (arts. 2, 13, 15, 40 and 14)	
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	6 May 2002	Binding declaration under art. 3: 18 years	

especially in articles 10 and 11 dealing respectively with freedom of opinion and expression and freedom of peaceful assembly and association.

⁴ Interpretative declaration: With respect to article 2 (2), the Belgian Government interprets non-discrimination as to national origin as not necessarily implying an obligation on States automatically to guarantee to foreigners the same rights as to their nationals. The term should be understood to refer to the elimination of any arbitrary behaviour but not of differences in treatment based on objective and reasonable considerations, in conformity with the principles prevailing in democratic societies.

<i>Main international human rights treaties</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Comments</i>
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	17 March 2006	Declaration	
Optional Protocol to the Convention on the Rights of the Child on a communications procedure	30 May 2014		
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families			
Convention on the Rights of Persons with Disabilities	2 July 2009	Declaration	
Optional Protocol to the Convention on the Rights of Persons with Disabilities	2 July 2009		
International Convention for the Protection of All Persons from Enforced Disappearance	2 June 2011		

2. Ratification of other United Nations human rights treaties

<i>Other United Nations human rights treaties</i>	<i>Date of ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide, 1948	5 September 1951
Slavery Convention, 1926, as amended 1955	23 September 1923
Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others, 1949	22 June 1965
Convention relating to the Status of Refugees, 1951	22 July 1953
Protocol relating to the Status of Refugees, 1967	8 April 1969
Convention relating to the Status of Stateless Persons, 1954	27 May 1960
Convention on the Reduction of Statelessness, 1961	1 July 2014
Rome Statute of the International Criminal Court, 1998	28 June 2000
United Nations Convention against Transnational Organized Crime, 2000, and its Protocols against the Smuggling of Migrants by Land, Sea and Air, and to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	11 August 2004

3. Conventions of the International Labour Organization

<i>Conventions of the International Labour Organization</i>	<i>Date of ratification, accession or succession</i>
Weekly Rest (Industry) Convention, 1921 (No. 14)	19 August 1926
Forced or Compulsory Labour Convention, 1930 (No. 29)	20 January 1944
Labour Inspection Convention, 1947 (No. 81)	5 April 1957

<i>Conventions of the International Labour Organization</i>	<i>Date of ratification, accession or succession</i>
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	23 October 1951
Migration for Employment Convention, 1949 (No. 97)	27 July 1953
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	10 December 1953
Equal Remuneration Convention, 1951 (No. 100)	23 May 1952
Social Security (Minimum Standards) Convention, 1952 (No. 102)	26 November 1959
Abolition of Forced Labour Convention, 1957 (No. 105)	23 January 1961
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	23 March 1977
Employment Policy Convention, 1964 (No. 122)	8 July 1969
Labour Inspection (Agriculture) Convention, 1969 (No. 129)	8 September 1997
Holidays with Pay Convention (Revised), 1970 (No. 132)	2 June 2003
Minimum Age Convention, 1973 (No. 138)	19 April 1988
Labour Relations (Public Service) Convention, 1978 (No. 151)	21 May 1991
Occupational Safety and Health Convention, 1981 (No. 155)	28 February 2011
Worst Forms of Child Labour Convention, 1999 (No. 182)	8 May 2002
Violence and Harassment Convention, 2019 (No. 190)	13 June 2023
4. Conventions of the United Nations Educational, Scientific and Cultural Organization	
<i>Conventions of the United Nations Educational, Scientific and Cultural Organization</i>	<i>Date of ratification, accession or succession</i>
Convention against Discrimination in Education, 1960	No
5. Conventions of the Hague Conference on Private International Law	
<i>Conventions of the Hague Conference on Private International Law</i>	<i>Date of ratification, accession or succession</i>
Convention relating to the Settlement of the Conflicts between the Law of Nationality and the Law of Domicile, 1955	2 May 1962
Convention on the Law Applicable to Maintenance Obligations towards Children, 1956	26 August 1970
Convention concerning the Recognition and Enforcement of Decisions relating to Maintenance Obligations towards Children, 1958	19 November 1961
Convention on the Civil Aspects of International Child Abduction, 1980	9 February 1999
Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, 1993	26 May 2005
6. Geneva Conventions and other treaties on international humanitarian law	
<i>Geneva Conventions and other treaties on international humanitarian law</i>	<i>Date of ratification, accession or succession</i>
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949	3 September 1952

<i>Geneva Conventions and other treaties on international humanitarian law</i>	<i>Date of ratification, accession or succession</i>
Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949	9 September 1952
Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949	9 September 1952
Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949	9 September 1952
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977	20 May 1986
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977	20 May 1986
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (the Ottawa Convention), 1987	4 September 1998

7. Ratification of regional human rights conventions

<i>Council of Europe conventions</i>	<i>Date of ratification, accession or succession</i>
Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 and all of the Protocols thereto ⁶	14 June 1955
Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, 1952	14 June 1955
European Social Charter, 1961 (and the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints, 1995)	16 October 1990
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1987	23 July 1991
Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, 1981	28 May 1993
European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes, 1974	26 March 2003
European Social Charter (revised), 1996	2 March 2004
European Convention on the Compensation of Victims of Violent Crimes, 1983	23 March 2004
Council of Europe Convention on Action against Trafficking in Human Beings, 2005	27 April 2009
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007	8 March 2013
Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), 2014	1 March 2016

⁶ With the exception of 12 and 16.

B. Legal framework for the protection of human rights at the national level

1. Constitutional provisions relating to human rights

111. Title II of the Constitution of Belgium (“On Belgians and their rights”, arts. 8–32) recognizes many fundamental civil, political, economic, social and cultural rights.

112. The rights guaranteed by the Constitution include:

- Equality before the law (art. 10) and enjoyment, without discrimination, of recognized rights and freedoms (art. 11)
- Equality between women and men (art. 10), including in access to elected and public office (art. 11 bis)
- Personal freedom (art. 12)
- Right to be tried by a court established by law (art. 13)
- Lawfulness of penalties (art. 14)
- Abolition of the death penalty (art. 14 bis)
- Inviolability of the home (art. 15)
- Respect for property rights (art. 16)
- Freedom of thought, conscience, religion and expression (arts. 19 and 20)
- Respect for the best interests of the child (art. 22 bis)
- Right to a life consistent with human dignity, which covers the right to work, social security, decent housing, a healthy environment, cultural and social fulfilment and family benefits (art. 23)
- Freedom of education (art. 24)
- Freedom of the press (art. 25)
- Right to assemble “peaceably and without arms” (art. 26)
- Freedom of association (art. 27)
- Right to submit petitions to the political authorities (art. 28)
- Confidentiality of letters (art. 29)
- Freedom in the use of languages (art. 30)
- Equal protection for nationals and foreign nationals (art. 191)

2. Incorporation of international human rights treaties into internal law

113. The legal effect of the provisions of an international treaty depends on their recognized place in the hierarchy of internal law in the event of conflict with national provisions. In Belgium, several attempts have been made, in the course of constitutional reviews, to incorporate into law a general principle designed to give treaties the same standing as the provisions of internal law. Thus far, all such attempts have failed. The issue was resolved by the Court of Cassation, in a decision on 27 May 1971 in the case of the public limited company Fromagerie Franco-Suisse Le Ski. The Court affirmed the primacy of the provisions of international treaties having direct effects in internal law over provisions of national origin, even subsequent ones. A Belgian court may therefore apply national provisions only if they are compatible with international treaties directly applicable in internal law.

3. Competent bodies in the area of human rights

114. In the exercise of their functions, all Belgian authorities are competent to apply the human rights set forth in the international instruments ratified by Belgium and in the Belgian Constitution and Belgian laws.

Certain courts are responsible for verifying respect for human rights.

(a) Constitutional Court

115. The Special Act of 6 January 1989 on the Court of Arbitration, as amended, sets out the competences of the Court of Arbitration, which became the Constitutional Court following the constitutional reform of 7 May 2007.

116. The Constitutional Court rules on applications for annulment and on questions referred for a preliminary ruling, particularly those concerning the conformity of legislative provisions (laws, decrees and ordinances) with certain constitutional provisions.⁷

117. Whereas the provisions concerned were once limited to articles 10, 11 and 24 of the Constitution, the procedure for assessing conformity now extends to the following:

- The whole of title II (“Belgians and their rights”, arts. 8–32), covering numerous fundamental rights and freedoms: the principle of equality and non-discrimination (arts. 10 and 11); equality between men and women (art. 11 bis); personal freedom (art. 12); access to a court (art. 13); *nulla poena sine lege* (no penalty without a law) (art. 14); abolition of the death penalty (art. 14 bis); inviolability of the home (art. 15); the conditions for an expropriation in the public interest (art. 16); the prohibition of the penalty of confiscation of property (art. 17); the abolition of civil death (art. 18); freedom of religion and the freedom to express one’s opinions (art. 19); the freedom not to be compelled to participate in a religion’s acts and ceremonies (art. 20); the separation of Church and State (art. 21); respect for privacy (art. 22); the rights of the child (art. 22 bis); social rights (art. 23); freedom and equality in education (art. 24); freedom of the press (art. 25); freedom of peaceful assembly (art. 26); freedom of association (art. 27); the right to submit signed petitions to the public authorities (art. 28); inviolability of freedom from interference with correspondence (art. 29); linguistic freedom (art. 30); and the right to consult all administrative documents (art. 32)
- Article 143 (1) on the principle of federal loyalty
- Article 170, which guarantees the principle of lawful taxation
- Article 172, which provides that no privileges with respect to taxes can be established, and that no exemption or reduction of taxes can be established except by law
- Article 191, which guarantees that all foreign nationals on Belgium soil enjoy the protection afforded to persons and property, except where otherwise provided by law

118. It should be noted that, in keeping with the consistent jurisprudence of the Constitutional Court, the fundamental rights and freedoms enshrined in the Constitution and the fundamental rights conferred by international treaties having a direct effect in Belgian law are upheld in Belgium without discrimination. The Constitutional Court indirectly reviews legislation in the light of international conventions.

(b) Administrative courts

119. The Council of State is both an advisory and a judicial body, at the intersection of the legislative, executive and judicial branches of government. It owes its existence mainly to

⁷ The Constitutional Court is also competent to rule on the compliance of a law, decree or ordinance with rules established by or pursuant to the Constitution in order to determine the respective competences of the State, communities and regions, as well as on any conflicts between decrees or ordinances issued by different legislatures, provided that the conflict arises over their scope.

the legislature's desire to provide all natural and legal persons with an effective remedy for administrative acts that are prejudicial to them.

120. Its main function is therefore to suspend and nullify administrative acts (individual acts and regulations) that contravene the applicable rules of law. Its rulings on petitions take the form of decisions and ordinances.

121. However, affording protection against arbitrary administrative decisions is not the Council's sole purpose. It also acts as an advisory body on legislative and regulatory matters.

122. The Council of State is also a court of cassation that hears appeals against decisions of the lower administrative courts.

123. Another administrative court that should be mentioned is the Council for Alien Law Litigation. It was created by the Act of 15 September 2006 reforming the Council of State and began its work officially on 1 June 2007.

124. The Council for Alien Law Litigation hears appeals against individual decisions taken under the laws on entry to Belgian territory, temporary and permanent residence and removal of aliens, including decisions on asylum applications by the Office of the Commissioner General for Refugees and Stateless Persons. The Council has full jurisdiction over the cases brought before it, meaning that it can overturn or uphold a decision. It also rules on applications to nullify decisions other than those of the Office of the Commissioner General for violations of essential points of procedure.

125. The decisions of the Council for Alien Law Litigation are subject to administrative review by the Council of State.

(c) Justiciability of treaties in domestic courts

126. When no provision of an international treaty expressly determines that all or some of its provisions are self-executing in contracting States, under Belgian law it is for the court to decide whether a treaty provision is self-executing. This is a question of interpretation, which the court must resolve in the light of, *inter alia*, articles 31 to 33 of the Vienna Convention on the Law of Treaties of 23 May 1969. In Belgium, it is generally recognized that an international provision produces direct effects when it is clear and comprehensive, when it requires the Belgian State either to refrain from action or to take some specific action and when it may be invoked as a source of law by individuals without the need for any additional domestic legislation.

127. To take an example, the International Covenant on Civil and Political Rights does not specify whether its provisions are directly applicable. Consequently, in accordance with the above principles, its direct applicability is a matter to be decided by the courts. Accordingly, the Court of Cassation, in a decision of 17 January 1984, affirmed that article 9 (2) of the Covenant produced direct effects in internal law for individuals. Since then, the Court has confirmed the direct applicability of other provisions of the Covenant.

4. Remedies available to the injured party

(a) Possibilities for victims of crime to exercise their rights

128. Article 4 of the preliminary title of the Code of Criminal Procedure gives victims of crime the option of bringing an action before either a criminal court or a civil court. The choice is entirely up to the victim. A civil action is quite different from a public prosecution: the latter can be brought even if the offence caused no harm or if the victim is not claiming damages; a civil action can be brought even if no prosecution is initiated.

129. A civil action can theoretically be brought before a criminal court, provided that a public prosecution is brought before the same judge at the same time. In criminal cases, a civil action is ancillary to the public prosecution.

(b) Criminal proceedings

130. Victims of crime can intervene in criminal proceedings in various ways (see below for a brief summary).

(c) Status of injured party

131. A person can obtain the status of injured party by submitting a completed standard form during police questioning, submitting the form to a police station or the secretariat of the prosecutor's office at a later stage, or sending the form to the secretariat of the prosecutor's office by registered mail or email (art. 5 bis of the preliminary title of the Code of Criminal Procedure). The injured party has the right to be informed if proceedings are discontinued and why, and to be informed if an investigation is opened and a date set for a hearing before an investigating judge or trial court. The injured party may also submit any documents he or she feels would be useful for the case file, and also has the right to seek authorization to consult the file and obtain a copy. If the case is at the preliminary investigation stage, the application can be made to the Crown prosecutor. If the case is at the investigation stage, it may be addressed to the investigating judge. At the end of the investigation stage, when the case is before the investigating court, the injured party is notified that the file is at his or her disposal with the clerk of the court (for consultation or copying).

132. If the case is brought before a trial court, simply submitting a complaint or obtaining the status of injured party does not guarantee the award of damages.

133. The injured party has to file a civil action with the trial court ("sue for damages in criminal proceedings") or may choose to bring an action only in a civil court.

(d) Damages and civil actions

134. Victims who sue for damages in criminal proceedings enjoy certain rights:

(i) On certain conditions and at specific times, they may ask the investigating judge to show them the prosecution file or, more specifically, the part of it that deals with the acts that led them to sue for damages;

(ii) Also on certain conditions, they may ask the investigating judge to carry out further investigations.

135. If the trial court declares the civil action admissible and well founded, victims also enjoy a number of rights during the enforcement of the sentence or confinement order. By filling in a victim form, victims may request to be informed of decisions made by the Minister of Justice, the judge or the sentence enforcement court (the social protection judge or the social protection chamber in cases of confinement), propose conditions, in the victim's interest, that may be attached to the convicted person's early release and request to appear before the judge or the sentence enforcement court if a hearing is held (the social protection judge or the social protection chamber in cases of confinement). Victims who have not filed a civil action but are clearly identified in the judgment may also complete the victim form. Persons who are not civil parties and are not identified in the judgment but who believe they have an interest in the sentence enforcement proceedings must first file a request with the sentence enforcement judge, who will rule on whether they have a direct and legitimate interest.

136. Victims can sue for damages in various ways and at various times.

137. They can make a simple statement before an investigating judge. If no investigation has been initiated, they must pay a deposit when doing this. If an investigation is under way, civil claimants can join the criminal proceedings. A civil action can also be filed at the end of the investigation stage, when the case is before an investigating judge or during a hearing before a trial court, but not if the case has already been heard on appeal.

(e) Private prosecution

138. In the case of minor and less serious offences, victims may initiate a private prosecution. To do so, they must have the perpetrator summoned by a bailiff and must file a civil action at the hearing. A private prosecution may not be brought against a minor.

(f) Remedies

139. Remedies are available. The victim can lodge an appeal if:

- The trial court rejects the claim for compensation
- The victim considers the award to be too low

140. However, the victim may not appeal against the sentence handed down; only the public prosecutor can do this. An appeal means the case will be re-examined by a higher court.

(g) Civil proceedings

141. Victims may decide to bring a purely civil action. In this case, they must produce evidence of the offence committed and the civil court must wait until proceedings in the criminal trial court have been completed.

(h) Recognition of a regional human rights court

142. Belgium has ratified the European Convention on Human Rights, which established the European Court of Human Rights to oversee compliance with the Convention by the States that have ratified it. The Court was reformed by Protocol No. 11 and again by Protocol No. 14, which aims to address the growing number of individual applications. On 4 April 2018, Belgium ratified Protocol No. 15, the main aim of which is to ensure the Court's smooth functioning in keeping with previous reforms. Protocol No. 16, which allows the highest courts to request the European Court of Human Rights to give advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention or the protocols thereto, was ratified by Belgium on 22 November 2022 and entered into force on 1 March 2023.

143. The judgments of the European Court of Human Rights that have gone against Belgium have led to several changes in Belgian administrative practice, case law and legislation. In one recent example, the Court found that the exclusion of a person wearing religious head coverings from a courtroom, when the purpose of that exclusion was not to maintain order, violated article 9 of the Convention; consequently, article 759 of the Judicial Code was amended so that, while retaining the obligation to attend hearings in respect and silence, it no longer required parties to appear bareheaded.⁸ In addition, following a decision in the case of *Kaya v. Belgium*, which concerned the police response to a person in crisis, special structures were spontaneously established within the police force to address these difficult situations.⁹

C. Framework within which human rights are promoted at the national level**1. National and regional parliaments and assemblies**

144. Belgian parliamentarians at all levels of government have an important role to play in the promotion of human rights. The various options available to them, which serve different purposes, include:

(a) Legislating to protect children: the aim is to offer children the best possible protection of their rights by amending or adopting new legislation to realize these rights. A large number of laws (or decrees or ordinances in the case of the regions and communities) and resolutions are adopted by parliaments. For example, in 2023, the French Community adopted a decree aimed at prohibiting violence against children in facilities authorized, accredited, subsidized or operated by the French Community.¹⁰ The State has been repeatedly

⁸ European Court of Human Rights, *Lachiri v. Belgium*, Judgment, 18 September 2018.

⁹ European Court of Human Rights, *Kaya v. Belgium*, Decision, 12 September 2019.

¹⁰ French Community Decree of 5 October 2023 on the prohibition of violence against children in facilities authorized, accredited, subsidized or organized by the French Community, *Moniteur belge* (the country's official gazette), 23 January 2024.

called to account by international institutions and organizations working in the field of children's rights for failing to establish an explicit legal provision prohibiting violence against children. The 2023 decree, although limited by the French Community's area of competence, was intended to address such calls.

145. The Flemish Community has a 2004 decree on the legal status of minors in integrated youth care, which provides for the right to be treated with dignity, meaning that measures such as corporal punishment, restraint or isolation as a form of punishment are prohibited. Other options available to parliamentarians are:

(b) Adopting other legislative measures that fall within their competence;

(c) Monitoring government action: parliamentarians raise many oral and written questions, as well as submitting parliamentary questions, and keep a close watch on the action of governments in relation to human rights. Ministers are regularly questioned in parliament on, for example, action plans for children's rights and other cross-cutting issues, the country's periodic reports to the treaty monitoring bodies and reports on the activities of the ombudsmen for human rights and children's rights.

(d) Monitoring the use of resources: parliamentarians are encouraged to evaluate the allocation of resources to policies that affect the exercise of human rights. There is undoubtedly a need to improve this aspect of parliamentary work, although the budget for some children's rights action plans is already clearly indicated.

(e) Raising public awareness: this includes organizing events and public debates. In the area of children's rights, this is done at some levels of government by, among other things, establishing children's or students' parliaments and taking account of recommendations made by children in parliamentary work. Each legislature has its own projects for raising awareness among children and adults. Parliamentarians occasionally set up working groups on children's rights, and there are interparliamentary meetings with the participation of civil society.

2. National human rights institutions

146. There are several mechanisms for dealing with human rights issues in Belgium, the main ones being the following:

(a) The Federal Institute for the Protection and Promotion of Human Rights was established by a law of 12 May 2019 and has been accredited by the Global Alliance of National Human Rights Institutions as a national human rights institution with B status under the Paris Principles. It covers all federal competences concerning fundamental rights, except those already assumed by specialized agencies, and ensures residual coverage of human rights. In particular, it issues opinions, recommendations and reports; promotes the harmonization of laws, regulations and practice with international human rights instruments; and monitors the implementation of international human rights obligations by the Belgian authorities. The Institute has also been designated as the mechanism for the prevention of torture in places of deprivation of liberty falling within exclusive federal competence. The law provides for the prevention mechanism to carry out its duties in close cooperation with the Central Council for the Supervision of Prisons, the Federal Migration Centre (Myria) and the Standing Committee for Police Monitoring (Committee P);

(b) Unia, the Inter-federal Centre for Equal Opportunities and Combating Racism and Discrimination is an independent public institution that combats discrimination and promotes equality. Accorded inter-federal status under a cooperation agreement of March 2014, Unia has been granted a mandate as an equality body (as defined in European directives).¹¹ Unia has competence at the federal, regional and community levels, except for matters falling within the competence of the Institute for Equality between Women and Men, as well as Flemish competences, which have been handled by the Flemish Institute for

¹¹ Cooperation agreement of 12 June 2013 between the federal authority, the regions and the communities on the creation of an inter-federal centre for equal opportunities and combating racism and discrimination to serve as a common institution within the meaning of article 92 bis of the Special Act of 8 August 1980 on institutional reforms.

Human Rights since March 2023 (see (c) below). Unia has been accredited by the Global Alliance of National Human Rights Institutions as a national human rights institution with B status. Its functions include conducting independent studies and research and collecting data on equality; providing opinions and recommendations to public authorities and private individuals and institutions; informing and advising individuals on their rights and obligations; and assisting individuals who report situations that may constitute discrimination. Unia has also been designated as an independent mechanism to promote, protect and monitor implementation of the Convention on the Rights of Persons with Disabilities;¹²

(c) The Flemish Institute for Human Rights was established by a decree of 26 October 2022 as an independent body with a broad mandate in the field of human rights. In conformity with the Paris Principles, the Institute aims to protect and promote human rights in all areas falling within the competence of the Flemish Community and the Flemish Region. Its competences include raising awareness and advancing the protection of human rights, conducting independent studies and investigations and providing front-line assistance to anyone facing human rights violations. It also acts as an equality body within the meaning of European Union directives and has been designated as an independent mechanism to promote, protect and monitor implementation of the Convention on the Rights of Persons with Disabilities;

(d) Myria, the Federal Migration Centre, analyses migration, defends the rights of foreign nationals and combats human trafficking and smuggling. It promotes evidence-based policy and respect for human rights;

(e) The Institute for Equality between Women and Men is a federal public institution responsible for ensuring and promoting gender equality and combating all forms of discrimination and inequality based on the grounds protected by the Act of 10 May 2007 on Combating Gender-Based Discrimination (that is, sex, pregnancy, medically assisted reproduction, childbirth, breastfeeding, maternity, family responsibilities, gender identity, gender expression, sex characteristics and medical or social transition). It provides aid to victims and can bring legal proceedings in disputes concerning the aforementioned grounds of discrimination.¹³ It submits recommendations to the public authorities and carries out studies and research projects in the area of gender equality.¹⁴ It also works with the other two equality bodies, Unia and the Flemish Institute for Human Rights;

(f) The Federal Ombudsman and the ombudsmen in the federated entities, who are answerable to their respective parliaments, handle complaints about the actions and functioning of the administrative authorities within their jurisdiction. They are also competent to receive complaints about possible human rights violations by the administrative authorities;

(g) The Standing Committee for Police Monitoring (Committee P) is the external independent body responsible for overseeing the overall functioning of the police, inspection and monitoring services and the exercise of police functions by all public servants concerned. It reports to Parliament;

¹² Convention on the Rights of Persons with Disabilities, art. 33 (2).

¹³ With regard to aid for victims, the Institute has competence at the federal level and in the federated entities with the exception of the Flemish Community.

¹⁴ The French Community, in 2008, the Walloon Region, in 2009, the French Community Commission, in 2013, and the German-speaking Community and the Brussels-Capital Region, in 2016, concluded cooperation agreements with the Institute for Equality between Women and Men, conferring on it the competence to take on individual cases of sexual discrimination, inform and raise awareness among the public, provide staff training and issue opinions and recommendations to community and regional authorities. Since 2014, the Institute has also had a partnership agreement with Actiris (the Brussels Regional Employment Office). The Gender Division of the Flemish Mediation Service is responsible for ensuring and promoting equality between women and men and combating discrimination and inequality based on gender (including sex, gender identity and gender expression) within the competence of the Flemish Region and the Flemish Community. It submits recommendations to the public authorities, organizes support for associations working in this area and can bring legal proceedings in disputes concerning equality between men and women.

(h) The Data Protection Authority, which took over from the Commission on Privacy Protection on 25 May 2018, is responsible for ensuring respect for the fundamental principles of personal data protection. The Authority monitors the compliance of personal data processing with the applicable regulations and informs citizens of their rights in that regard. It also acts as an intermediary in the context of requests relating to personal data processing, handles complaints, conducts monitoring and can impose administrative penalties for breaches of the General Data Protection Regulation of the European Union;¹⁵

(i) The Interministerial Commission on Humanitarian Law coordinates the implementation of international humanitarian law instruments;

(j) The National Commission on the Rights of the Child, established in 2005 and operational since 2007, is a consultation platform that brings together federal, community and regional authorities and children's rights associations. Its main task is to draft and present the five-yearly report on the implementation of the Convention on the Rights of the Child; it also helps to draw up other documents on children's rights that Belgium has to submit to international bodies. It examines and oversees the implementation of the recommendations of the Committee on the Rights of the Child and can make proposals and non-binding recommendations to the relevant authorities;¹⁶

(k) Independent institutions in the field of children's rights at the level of the federated entities: the Office of the Commissioner for Children's Rights at the Flemish Parliament¹⁷ and the Delegate General for Children's Rights under the government of the French Community. They receive and process complaints and can make recommendations relating to their mandate;

(l) The Central Council for the Supervision of Prisons and the supervisory commissions within each prison independently monitor prisons and the treatment of detainees. These monitoring bodies were transferred to Parliament by the Act of 25 December 2016 (which entered into force on 9 January 2017) in order to strengthen their independence.

147. In addition to these mechanisms, public bodies with a full or partial mandate to protect fundamental freedoms concluded a cooperation agreement on 13 January 2015 in view of the importance of effective coordination among them. This common platform for consultation on human rights (the Human Rights Platform)¹⁸ offers an opportunity to exchange practices and methodologies and encourage cooperation between institutions, including the ombudsmen, with mandates at the federal, inter-federal and regional levels.

3. Dissemination of human rights instruments

148. The official acts dealing with the implementation of human rights at all levels of government are translated into the country's official languages and transmitted to the various parliaments and, in various ways, to the authorities, public services and professionals responsible for implementing human rights in practice. The official acts are also made

¹⁵ The Commission on Privacy Protection had an advisory rather than a monitoring role.

¹⁶ Act of 1 May 2006 adopting the cooperation agreement between the State, the Flemish Community, the Flemish Region, the French Community, the Walloon Region, the German-speaking Community, the Brussels-Capital Region, the Common Community Commission and the French Community Commission, establishing the National Commission on the Rights of the Child, of 19 September 2005 (*Moniteur belge*, 10 November 2006).

¹⁷ Decree on the establishment of the Office of the Commissioner for Children's Rights and the creation of the post of Commissioner for Children's Rights (*Moniteur belge*, 7 October 1997).

¹⁸ The members of this platform are the Federal Institute for the Protection and Promotion of Human Rights, Unia, Myria, the Service for the Fight against Poverty, Insecurity and Social Exclusion, the Institute for Equality between Women and Men, the Federal Ombudsman's Office, the Office of the Commissioner for Children's Rights, the Delegate General for Children's Rights, the Advisory Committee on Bioethics, the Ombudsman for the French Community, the National Commission on the Rights of the Child, Committee P, the Standing Committee for Oversight of the Intelligence and Security Services (Committee R), the High Council of Justice, the Central Council for the Supervision of Prisons, the Ombudsman for the German-speaking Community, the Brussels Ombudsman, the Supervisory Body for Police Information Management, the Data Protection Authority and the Flemish Institute for Human Rights.

available to the general public on the websites of the above-mentioned institutions. In addition, the Federal Parliament discusses the implementation of the European Convention on Human Rights as part of its review of annual reports on cases brought against Belgium before the European Court of Human Rights.

149. Some public authorities have taken two further steps: funding the publication and distribution costs of alternative reports or studies on human rights by non-governmental organizations (NGOs); and having official acts or United Nations recommendations on human rights translated into a language and form accessible to children or adults who have difficulty reading or who have special requirements.

4. Raising human rights awareness among public officials and other professionals

150. Awareness-raising and training in human rights are carried out differently by different public authorities. Some professionals receive both initial training and regular advanced in-service training to expand and test their human rights skills. This group includes teachers; lawyers, judges and prosecutors who are specialized in youth justice at certain levels of government; and supervisors of homework clubs and summer camps. More needs to be done, however, to build on, systematize and further develop such training for the appropriate occupational groups.

5. Promotion of human rights awareness through educational programmes and Government-sponsored public information

151. Human rights skills are an educational goal that are required and tested as such at certain levels of government; for example, the Flemish Community has issued a decree setting goals in relation to children's rights and active citizenship. In the French Community, a course on philosophy and citizenship has been incorporated into the school curriculum and robust guidelines have been established. Moreover, the communities devote a good deal of attention to passing on the memory of crimes of genocide to the next generation in schools.

152. Much more progress is expected to be made in future as a result of the greater focus in recent years on information, education and training in the field of human rights and, specifically, children's rights. As a result, these elements are now priorities in various national, regional or community action plans.

6. Promotion of human rights awareness through the mass media

153. The media are very active in the area of human rights information and education and regularly work with institutions and associations to publicize human rights principles. The media are completely independent in this regard, although they may be financed or subsidized under European, federal, regional or community policies.

7. Role of civil society, including non-governmental organizations

154. The role of civil society in the promotion of human rights is recognized and supported at all levels of government through the provision of human or financial resources.

155. Civil society has a prime role in the decision-making process regarding the realization of fundamental rights in Belgium, as it is an official partner of the various public authorities in the monitoring, follow-up and evaluation mechanisms for the observance, protection and realization of fundamental rights. Civil society organizations are involved before, during and after decisions by the public authorities on policies to promote human rights. Civil society is consulted in the preparation of each periodic report.

156. For some specific rights, there are coordinating bodies that bring NGOs together. Examples include, for children's rights, the Coordination des ONGs pour les droits de l'enfant (the representative committee of NGOs for the rights of the child, known by its French acronym CODE) and the children's rights organization recently formed from the merger of the Children's Rights Coalition and others; the Conseil des Femmes Francophones de Belgique (Council of French-speaking Women in Belgium) and the Nederlandstalige Vrouwenraad (Dutch-speaking Women's Council), which are the women's umbrella organizations in Belgium; and Coordination et initiatives pour réfugiés et étrangers (the

representative committee acting on behalf of refugees and foreign nationals, known by its French acronym CIRÉ), which coordinates the work of associations in Belgium that provide reception, settlement and integration services for asylum-seekers, refugees and foreign nationals and ensures that policies are in conformity with the principles of the Universal Declaration of Human Rights.

157. There is also a whole range of multidisciplinary bodies (high councils, advisory committees, etc.) at the federal and regional levels, with memberships composed of government representatives, academics, social partners and representatives of civil society. The purpose of these bodies is to inform and advise government institutions on human rights issues, in particular by issuing opinions and recommendations.

8. Budget allocations and trends

158. Given the complexity of the institutional arrangements in Belgium, it is not possible to determine how much of the budget is allocated to fulfilling the country's human rights obligations.

9. Development cooperation and assistance

159. Belgian development cooperation is delivered within the framework of the 2030 Agenda for Sustainable Development with a view to achieving the Sustainable Development Goals, with the focus on eradicating poverty, protecting the planet and ensuring prosperity for all. Belgium believes that achieving the Goals is directly related to the promotion and observance of human rights in partner countries. Almost all the work done by the Directorate General for Development Cooperation under the Federal Public Service for Foreign Affairs contributes directly or indirectly to the realization of social and economic rights.

160. Every year, this development agency subsidizes activities specifically linked to human rights in developing countries, for example through its support for elections, the healthcare sector, education, democratic governance, civil society and the protection of civic space.

161. Through multilateral cooperation, the development agency supports and funds organizations working to promote human rights, including the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund (rights of the child), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) (gender equality and women's empowerment) and the United Nations Population Fund (sexual and reproductive health and rights).

162. In the context of bilateral cooperation, the Belgian development agency is actively involved in various ways in the promotion and protection of human rights in 14 partner countries. Human rights are the focus of many initiatives and are approached within the framework of a political dialogue at both the European and the bilateral levels. Cooperation programmes systematically include a clause committing the two countries to promote good governance, human rights, democracy and the rule of law. In addition, Belgium integrates a rights-based approach into its interventions on the ground.

163. The Belgian development agency also supports human rights NGOs and civil society organizations. It does this by supporting the programmes of Belgian organizations (e.g. NGOs or trade unions) or international organizations that are helping their local counterparts to promote awareness of and respect for human rights in their country. It also subsidizes a number of initiatives undertaken by these Belgian organizations to raise public awareness in Belgium of human rights in developing countries. Belgium is actively involved in the Team Europe Democracy Initiative, which brings together European institutions and member States around the shared vision of strengthening democracy, human rights and the rule of law around the world. Through this collaboration, Belgium is part of coordinated efforts aimed at supporting electoral processes, protecting civic space and strengthening the capacity of democratic institutions, particularly in fragile or transitional contexts.

164. Gender equality, women's empowerment and children's rights are treated as cross-cutting issues in the Development Cooperation Act of 2013 and thus in the Belgian development agency's work. In particular, Belgium has for several years been funding a programme to combat serious violations of children's rights, including sexual and

gender-based violence in armed conflicts. With regard to women and girls, the Belgian development agency focuses on women's health and sexual and reproductive rights, women and peace and security, including the fight to stop sexual violence and gender-based violence against women, girls' education and women's training, and the economic empowerment of women from rural areas. Since 2017, Belgium has been involved in the "She Decides" initiative launched by the cooperation ministers of the Netherlands and Belgium as well as by Denmark and Sweden.

D. Reporting process at the national level

165. In Belgium, the focal point for the preparation and submission of reports to the United Nations is the Federal Public Service for Foreign Affairs. This institution also makes the practical arrangements for drafting these reports.

166. The first stage in drafting the reports is to list the issues to be dealt with in the report and to determine, for each issue, the levels of government, ministries or bodies concerned. A lead agency – the body considered best placed to have an overview of the issue – is then designated for each issue. Each lead agency is responsible for drafting a contribution on the issue concerned for inclusion in the final report. Such lead agencies are designated by consensus at a coordination meeting.

167. Two important remarks should be made at this point:

(a) In a federal State like Belgium, the levels of government, ministries or bodies concerned may be varied and numerous for any given issue. Coordination is therefore of the utmost importance. The coordination process must cover a broad range of participants and be neutral so as to be capable of producing a synthesis of different points of view;

(b) The only bodies or agencies that are entitled to speak on behalf of the government are those that report to the executive, at either the federal or the federate level. Representative or advisory bodies have no authority to speak for or on behalf of the government, although their contributions to the process are welcome. Such bodies can, of course, express their views and transmit them to the lead agency. Drafts and final reports are prepared by bodies attached to the executive.

168. The lead agencies then prepare their draft contributions. At this stage, they collect any information they consider relevant. The other levels of government, bodies or agencies are free to send them any further information they think would be useful.

169. The draft contributions are then compiled and discussed at the meetings of a coordinating body called "Coormulti", which is based in the Federal Public Service for Foreign Affairs. At this stage, the relevant levels of government, agencies or bodies may send further comments or suggestions to the lead agency in charge of the draft.

170. If necessary, the contributions are revised and the final draft then passes through a further coordination process for final approval.

171. Civil society and independent institutions are consulted as a matter of course in the preparation of reports on human rights. Umbrella organizations are the civil society organizations of choice but are not the only ones consulted.

172. When commitments are being undertaken, the final report may be subject to the political approval of the federal or federated governments, so that it will carry greater political weight. The coordination process involves the relevant governments and ministries, which ensures that the report concerned has political backing.

173. The principles and procedures listed above were applied in the drafting of this core document, with the exception of consultation with civil society and independent institutions.

E. Other related human rights information

174. The human rights policy pursued by Belgium is part of a wider European Union drive to promote and protect human rights. Human rights, democracy and the rule of law are core

values of the European Union. They are enshrined in its founding treaty and reinforced by the Charter of Fundamental Rights. Member States and candidate countries must respect human rights. European Union human rights policy stresses civil, political, economic, social and cultural rights. It also aims to promote women's and children's rights and the rights of minorities and displaced persons. The European Union is a Party to the Convention on the Rights of Persons with Disabilities.

III. Information on non-discrimination and equality and effective remedies

A. Non-discrimination and equality

175. Belgium has been harmonizing anti-discrimination legislation at the federal and federate levels. The various legislatures have adopted similar provisions so that they are easier to understand despite the large number of laws in this area:

- Act of 30 July 1981 on the punishment of certain racist or xenophobic acts, as amended by the Act of 10 May 2007;
- Act of 4 August 1996 on employee welfare in the workplace;
- Decree of the Flemish Community and Region of 8 May 2002 (amended in 2004, 2007 and 2009) on proportional participation in the labour market;
- Decree of the German-speaking Community of 17 May 2004 (amended in 2007) on guaranteed equality of treatment in the labour market;
- Act of 10 May 2007 on combating certain forms of discrimination;
- Act of 10 May 2007 on combating discrimination between women and men (amended most recently in May 2024);
- Decree of the Flemish Community and Region of 10 July 2008 (amended in 2014, 2021, 2023 and 2024) establishing a framework for equal opportunity and equal treatment;
- Decree of the Walloon Region of 6 November 2008 (as amended by the decrees of 19 March 2009, 12 January 2012, 28 February 2019, 2 May 2019, 13 July 2023 and 26 April 2024) on combating certain forms of discrimination;
- Decree of the French Community of 12 December 2008 (amended in 2015) on combating certain forms of discrimination;
- Decree of the German-speaking Community of 19 March 2012 (amended in 2016) on combating certain forms of discrimination;
- Act of 22 May 2014 on combating sexism in public spaces and amending the Act of 10 May 2007 on combating discrimination between women and men to criminalize discrimination;
- Miscellaneous Employment Provisions Act of 15 January 2018 (situation testing);
- Joint Decree and Ordinance of the Brussels-Capital Region, the Common Community Commission and the French Community Commission of 19 April 2024, establishing the Brussels Code on Equality, Non-Discrimination and the Promotion of Diversity;
- Decree of the French Community of 8 March 2018 on the promotion of citizenship and interculturalism.

176. Protected characteristics include: perceived race, colour, ancestry or national or ethnic origin, sex, pregnancy, medically assisted reproduction, childbirth, breastfeeding, maternity, family responsibilities, gender identity, gender expression, sexual characteristics, medical or social transition, nationality, age, sexual orientation, marital status, birth, wealth, religious or philosophical beliefs, political beliefs, trade union membership, language, health status, disability, physical or genetic characteristics, social origin or status. Sexism has been a

criminal offence since 2014.¹⁹ Under the Brussels Code of 19 April 2024, in the Brussels-Capital Region, the Common Community Commission and the French Community Commission, protected characteristics also include adoption, single-parenthood, paternity, co-maternity, co-paternity, co-parenting, immigration status and past, present or future health conditions.

177. Prohibited behaviour includes: direct discrimination, indirect discrimination, enjoining a person to discriminate, discriminatory harassment, sexual harassment, multiple discrimination, intersectional discrimination, denial of reasonable accommodation for persons with disabilities, and incitement to hatred, violence, discrimination or segregation. An accountability mechanism is provided for, with requirements that vary depending on the protected characteristic and the scope. The Anti-Racism Act of 30 July 1981 covers specific criminal offences. In 2013, the legislature introduced provisions for a number of offences under which a harsher sentence may be imposed or is mandatory if one of the motives is hatred, contempt or hostility towards a person on the grounds of a protected characteristic. In 2022, the legislature established discriminatory intent as a general aggravating circumstance.²⁰ Since July 2023, discrimination by association and discrimination on grounds of a presumed characteristic have been expressly recognized under federal anti-discrimination laws.

178. A circular on investigation and prosecution policy in relation to discrimination and hate crimes was adopted in June 2013 and revised in 2024 (COL 13/2013). Lead prosecutors on matters involving discrimination and hate crimes have been appointed in each judicial district. The circular also provides for the appointment of lead police officials.

179. The scope encompasses: labour relations, goods and services (including, in particular, housing), energy and transportation, social security, social protection (including health policy, healthcare and social benefits), mention in an official document or record and access to and participation in any economic, social, cultural or political activity open to the public, employment, social assistance, social advancement, tourism, public sports facilities, school transportation and the management of school buildings, labour relations (in the civil service) and trade union membership. In the French Community, the scope also includes employment relations, education, health policy, welfare benefits and membership of or involvement in a private professional organization that receives funding from the French Community. The scope of the Flemish decree on equal opportunities, in accordance with article 20, covers access to salaried or self-employed work or a profession, information on career options, vocational training, outplacement and back-to-work programmes, healthcare, education, public goods and services (including housing, transportation, education, sport and energy, as well as the conclusion, execution and termination of contracts in these domains), welfare benefits and social protection, and economic, social, cultural or political activity outside the private sphere.

180. With regard to penalties, in civil cases an injunction may be obtained, ordering an end to the discrimination (with a penalty for failure to comply), awarding damages to the victim, declaring a discriminatory provision null and void, or publishing or posting the judgment. In criminal cases, fines or prison sentences may be imposed. Persons may also be stripped of their civil and political rights.

181. Through protection mechanisms, victims and witnesses may be protected against possible reprisals, both at work and elsewhere, provided that certain requirements are met. Between 2021 and 2024, various legislatures expanded protection against reprisals by broadening the scope of protected individuals and removing formal requirements.

182. The right to take legal action has been afforded to associations defending human rights or combating discrimination, representative or professional organizations (trade unions, etc.), Unia and the Institute for Equality between Women and Men.

¹⁹ Act of 22 May 2014 on combating sexism in public spaces, amending the Act of 10 May 2007 on combating discrimination between women and men in order to criminalize discrimination.

²⁰ Act of 6 December 2022 on the Criminal Code, arts. 78 bis and 78 ter.

183. In 2017, the Federal Agency for Equality of Opportunity, established in 2016, was designated the contact point for hate crimes for the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe.

184. In 2012, following the adoption of anti-discrimination legislation, a cooperation agreement was concluded between the various federated entities and Unia.²¹ Five contact points (*meldpunten*) have been set up in the Walloon Region. The goal is for all inhabitants to have easy access to a place where they can obtain information and support when reporting incidents of discrimination or racism. An agreement was concluded between Territorial Employment Pact partners and Unia within the framework of employment-related ordinances in the Brussels-Capital Region. The idea is to formalize the cooperation arrangements for efforts to combat discrimination and promote diversity policies. Meanwhile, the German-speaking Community has designated the non-profit organization Prisma and the Economic and Social Council to be responsible for implementing the decree that guarantees equal treatment in the employment market.

185. In addition, the French Community, in 2008, the Walloon Region, in 2009, the French Community Commission, in 2013, and the German-speaking Community and the Brussels-Capital Region, in 2016, concluded cooperation agreements with the Institute for Equality between Women and Men, conferring on it the competence to address individual cases of gender-based discrimination, to inform and raise awareness among the public, to organize in-service training and to issue opinions and recommendations to community and regional authorities. The Institute has also had a partnership agreement with Actiris (the Brussels Regional Employment Office) since 2014 and with the Brussels Regional Public Service for the Economy and Employment since 2018.

186. Affirmative action consists of a set of special measures to promote, on an appropriate and temporary basis, the advancement of groups or individuals protected under the relevant conventions. Such action is provided for under article 10 (3) of the Act of 30 July 1981 on the punishment of certain acts motivated by racism and xenophobia, article 10 of the Act of 10 May 2007 on combating certain forms of discrimination, article 16 of the Act of 10 May 2007 on combating discrimination between women and men, the Royal Decree of 11 February 2019 establishing the conditions for affirmative action by the Federal Public Service for Employment, Labour and Social Dialogue, the Decree of the Government of the French Community of 22 November 2023 establishing the criteria and conditions for affirmative action, and the Walloon Decree of 29 April 2024 amending various provisions relating to employment policy with a view to introducing situational tests. The possibility of taking affirmative action is also provided for in article 26 of the Decree of 10 July 2008 and further developed in the Flemish Government Order of 17 May 2024.

B. Combating racism, extremism, xenophobia and antisemitism

1. Combating racism, xenophobia and extremism

187. In 2004, following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa, in 2001, the Federal Government adopted a national action plan on combating racism, racial discrimination, xenophobia and related intolerance. Belgium reaffirmed its commitment in 2016, accepting the recommendations on the adoption of a national action plan on combating racism, discrimination, xenophobia and related intolerance issued in the context of the universal periodic review of Belgium.

188. In July 2022, the Federal Government adopted 80 measures to combat racism, including antisemitism (federal measures under the National Anti-Racism Action Plan 2021–2024). The Brussels-Capital Region, the Flemish Region and Community, the Walloon Region and the French Community have all adopted an anti-racism plan or anti-racism

²¹ The Flemish Community withdrew from the cooperation agreement in 2022 with a view to establishing a Flemish institute for human rights.

measures.²² The adoption of the Brussels Code on Equality provided the Brussels-Capital Region plan with a legal basis, under which every future regional government is henceforth required to develop such a plan.²³

189. The Flemish government has incorporated initiatives to combat racism into its horizontal action plans on equal opportunities and on integration (2025–2029). These two horizontal action plans outline specific policy initiatives aimed at combating racism and other forms of discrimination. In addition, since 2015, the Flemish government has been working to prevent violent radicalization, extremism, terrorism and harmful polarization through a cross-cutting approach focused on supporting local governments.

190. The Brussels-Capital Region has established the Brussels Council for the Elimination of Racism, an advisory body on Brussels policies, composed of representatives of civil society, academia, employers' organizations and trade unions.

191. On 30 March 2023, the Walloon government adopted the first Walloon Plan to Combat Racism, covering the period 2023–2026. The Plan includes 38 measures to combat racism in areas falling within regional competences, such as employment, housing, transportation, access to healthcare and public services.

192. Since 1 January 2025 (the date of entry into force of the decree of 14 March 2024 amending chapter II, section 2, of the Walloon Code of Social Welfare and Health), non-profit organizations and public authorities may obtain an indefinite accreditation as a local initiative for the integration of foreign nationals to run activities aimed at combating racism (support for victims of racism, information and awareness-raising, training, production of educational materials, and collective, participatory and civic actions).

2. Combating antisemitism

193. The Belgian authorities are taking steps to effectively combat antisemitism. The new Inter-federal Coordination Mechanism for Combating Antisemitism began operations on 15 January 2024. It is establishing a formal framework for consultation and information-sharing among the various relevant Belgian authorities, the country's various Jewish associations, organizations combating antisemitism and the country's equality bodies. All of the country's governments have agreed that the Mechanism should assume the role and responsibilities of ensuring the coordination of national efforts to combat antisemitism. The Equal Opportunity Division of the Federal Public Service for Justice serves as the Mechanism's secretariat, and the Director of the Division serves as its Chair.

194. The Democracy and Barbarism Unit of the Ministry of the French Community is finalizing a publication entitled "Addressing Antisemitism through Education and Awareness". It will be distributed to all primary and secondary schools across all school systems (and to the academic departments of teacher training colleges) in the French Community. The publication, which is intended for teachers and the voluntary sector, is divided into two parts: the first part contains summaries of the history of antisemitism and antisemitism today, written by experts, and the second part contains a teaching component, providing practical ways to address this topic.

3. National Roma Integration Strategy

195. In February 2012, Belgium submitted its first National Roma Integration Strategy to the European Commission, covering the period 2012–2020. A second such strategy has been adopted, covering the period 2020–2030. It is based on an integrated approach, both horizontal (combating anti-Roma sentiment, inclusion, empowerment and participation) and vertical (coordination among federal, regional and local levels). The four key areas are education, employment, health and housing. Belgium has been submitting biennial reports to the European Commission on the implementation of the Strategy since 2023. The most recent report was submitted in June 2025. The Strategy is part of the new, broader European Union strategic framework for Roma equality, inclusion and participation (2020–2030).

²² Brussels Anti-Racism Plan 2023–2026.

²³ Brussels Code on Equality (*Moniteur belge*, 16 April 2024).

196. To monitor and coordinate the Strategy, Belgium has established a national contact point for Roma, which continues to play a central role in ensuring intersectoral coordination, the monitoring and evaluation of implementation and the formulation of recommendations.

197. The national contact point was behind the proposal for the establishment of a Belgian national Roma platform made to the Directorate General for Justice of the European Commission. The platform was launched in May 2016 and remained active until 2021. The national Roma platform serves as a forum for engagement with Roma communities and stakeholders, in accordance with the cross-cutting and sector-specific themes that underpin the second National Roma Integration Strategy. In 2024, the platform was revived thanks to funding from the European Union Citizens, Equality, Rights and Values Programme. The revamped platform is an expanded participatory space that brings together Roma communities, civil society and government stakeholders. It is now viewed not only as a forum for dialogue, but also as an active partner in the formulation of recommendations, the co-creation of policies and the monitoring of the strategy's implementation at the federal level. The platform provides a safer environment for participation. Identifying best practices for Roma integration is another common thread in the platform's interactive process.

C. Rights of LGBTQIA+ persons in Belgium

198. Towards the end of the 1980s, in the wake of the introduction of same-sex civil partnerships in Denmark in 1989, there was a real debate on the legal arrangements for cohabiting couples. The idea at the time was to offer same-sex couples recognition of their relationship by introducing a range of protection measures comparable to those for married heterosexual couples. The so-called AIDS years threw into sharp relief the insecure legal and social status of same-sex couples, including problems with inheritance rights and recognition of their relationship by family and friends. In Belgium, the adoption of the law on legal cohabitation on 23 November 1998 was a first step towards legal equality between same-sex and heterosexual couples. The inheritance-related effects of legal cohabitation were settled in 2007.

199. The introduction of same-sex civil marriages in 2003 marked the beginning of true equality of rights as regards inheritance rights, divorce proceedings and joint income-tax returns, among other matters; however, differences remained in comparison to heterosexual couples. When a woman in a heterosexual couple gives birth, her husband is assumed to be the father, but this was not the case for married homosexual couples composed of two women until 2015. If a married lesbian woman gave birth, her female spouse was not automatically considered to be the child's other parent. Nevertheless, Belgium was the second country in the world to recognize right to marry of same-sex couples (whether composed of two men or two women). Given that same-sex marriage has not been introduced in many States, it is not unusual for married same-sex couples to face problems in having their marriage recognized abroad.

200. In 2003, European Council Directive 2000/78/EC on anti-discrimination was incorporated into Belgian law at the federal and federate levels. This marked another step forward on the path to equality, as Belgium took the opportunity to introduce a broader framework than the one required by Europe. In the event, discrimination was banned not only in the field of employment but also in access to goods and services. The country's anti-discrimination legislation provided tools under both criminal and civil law for fighting discrimination and hate crimes related to sexual orientation, among other characteristics.

201. A major step forward for same-sex couples' rights was taken when the right to adopt was recognized in May 2006. Same-sex couples' right to adopt raises the issue of the recognition of many de facto situations, such as cases where one of the partners in a relationship is inseminated.

202. Since 1 January 2015, Belgian co-mothers have been able to establish filiation with their children without going through the adoption process, meaning that same-sex couples composed of two women and heterosexual couples now receive equal treatment: the co-mother married to the mother is automatically recognized as the child's parent, while an unmarried female partner can legally recognize the child with the civil registry office. In

practice, this means that children born in wedlock are automatically related to the co-mother. Children born out of wedlock may be recognized by the co-mother, even before birth.²⁴ There is no equivalent legal solution for male same-sex couples owing to the controversy surrounding surrogate motherhood.

203. The Inter-Federal Action Plan 2021–2024 “Towards an LGBTQI+ Friendly Belgium” was adopted on 13 May 2022 and includes 10 operational objectives broken down into 133 measures.²⁵ The purpose of the Plan is to enhance safety and promote greater inclusivity for LGBTQI+ individuals, particularly in the areas of healthcare and employment. The Plan focuses solely on the Federal Government’s competences and complements the action plans and initiatives developed at the regional and community levels.²⁶ The adoption of the Brussels Code on Equality provided the Plan with a legal basis, which now requires every future regional government to develop such a plan.²⁷

204. The measures put in place by the various levels of government include the launch, by the Brussels-Capital Region, of a community reporting project in partnership with the umbrella organization for Brussels LGBTQIA+ associations. This system allows affected individuals to report acts of LGBTQIA+ phobia and receive support. The anonymized data collected is analysed to gain a better understanding of the reality on the ground and to shed light on the phenomenon of unreported cases.

205. The Walloon Plan for the Inclusion of LGBTQIA+ Persons 2022–2024, adopted by the Walloon government on 13 May 2022, consists of 16 measures under five strategic objectives, namely: implementing an integrated policy and supporting research on LGBTQIA+ issues; combating discrimination against LGBTQIA+ persons; promoting the inclusion of LGBTQIA+ persons; promoting an inclusive approach to healthcare for LGBTQIA+ persons; and defending the rights of LGBTQIA+ persons around the world.

206. The Flemish government has also been working for years to improve the well-being and acceptance of LGBTQI+ persons. This is part of the horizontal action plans for equal opportunity, which include measures to support the LGBTQI+ civil society, support and assistance services, meeting places, safer spaces and actions to combat stereotypes and certain types of speech. In recent years, the Flemish government has conducted several surveys on violence and discrimination against LGBTQI+ persons in order to address this issue.

207. The federal State and the federated entities have passed anti-discrimination legislation that guarantees the rights of transgender persons and protects them from discrimination on the grounds of sex, gender identity, gender expression and medical or social transition.

208. The Act of 25 June 2017 reforming the regulations applicable to transgender persons concerning references to a change in registered sex in civil status records and their effects came into force on 1 January 2018. Since then, transgender persons no longer have to meet medical criteria to have their registered sex and first name officially amended in civil status records and the population register. Registered sex and first name can be amended through a purely administrative procedure performed by a civil status officer. The procedure, which consists of two sworn statements (with a waiting period between them), is available to individuals who believe that the sex listed on their birth certificate does not correspond to their personally felt gender identity. Minors may change their first name from the age of 12 and amend their registered sex from the age of 16.

209. The Act of 20 July 2023 amending various provisions on changes to sex registration, which took effect on 1 October 2023, introduced minor adjustments to the civil status procedure. Transgender persons must still appear before a civil status officer twice, but it is no longer necessary to submit two sworn statements; a single statement is sufficient.

²⁴ Act of 5 May 2014 establishing filiation for female co-parents (*Moniteur belge*, 7 July 2014).

²⁵ Inter-Federal Action Plan 2021–2024 “Towards an LGBTQI+ Friendly Belgium” available at equal.belgium.be.

²⁶ Brussels Plan for the Inclusion of LGBTQIA+ Persons 2022–2025.

²⁷ Brussels Code on Equality (*Moniteur belge*, 16 April 2024).

210. Furthermore, the procedural changes brought in by the Act of 20 July 2023 were intended to take gender fluidity into account. Transgender persons can now change their registered sex and first name multiple times using the same procedure.

211. The Flemish Community and Region, the French Community and the Brussels-Capital Region have amended their legislation to equate discrimination based on gender identity or gender expression with discrimination based on sex.²⁸ The goal is to provide protection from discrimination for all transgender persons, not only those who are planning to undergo, are undergoing or have undergone gender reassignment treatment. These two grounds have also been introduced into revised legislation on the prevention of workplace hazards.²⁹

212. The Act of 31 July 2023 amended the Criminal Code to criminalize conversion therapy, thus establishing criminal penalties for any practice involving physical intervention or the exertion of psychological pressure where the perpetrator believes or claims that the practice is intended to suppress or alter a person's actual or perceived sexual orientation, gender identity or gender expression.

213. Various support and awareness-raising measures have been taken in this context, including the set-up of a toll-free helpline, the establishment of a centre of expertise by the Flemish Community (www.transgenderinfo.be) and the issuance, by the Institute for Equality between Women and Men, of a brochure for transgender and non-binary persons to inform them of their rights, in June 2024, and a brochure titled "Embracing Diversity: Understanding Intersex Persons", in May 2025.

D. Gender equality and combating discrimination on the basis of sex or gender

1. General framework

214. The Belgian Constitution has expressly guaranteed the principle of gender equality since February 2002. In addition, lawmakers in the various legislatures are encouraged to adopt specific measures to ensure the equal enjoyment of rights and freedoms by all citizens and to promote equal access by women and men to elected and public office.

215. All levels of government legislate and draw up their own policies on gender equality within their respective competences.

216. The various levels of government adopted legislation between 2007 and 2008 to combat gender-based discrimination, including discrimination on the grounds of pregnancy, maternity, birth and sex reassignment. Since then, lawmakers have expanded or modified the protected characteristics, which currently include the following: sex, pregnancy, medically assisted reproduction, childbirth, breastfeeding, maternity, family responsibilities, gender identity, gender expression, sex characteristics³⁰ and medical or social transition. Compounded discrimination and intersectional discrimination have been prohibited since 2023. The Act of 22 May 2014 on combating sexism in public spaces states that any person who, through his or her behaviour or actions, in public or in the presence of witnesses, implies

²⁸ The Decree of 28 March 2014 amending the Decree of 13 July 2007 on promoting more balanced participation by men and women in the advisory bodies and administration of the Flemish authorities and the Decree of 10 July 2008 on the establishment of a Flemish policy framework for equal opportunities and equal treatment, the Decree of 13 November 2015 amending the Decree of 12 December 2008 on combating certain forms of discrimination and the Brussels Code on Equality (*Moniteur belge*, 16 April 2024).

²⁹ The Act of 28 February 2014 supplementing the Act of 4 August 1996 on employee welfare in the workplace with regard to the prevention of psychosocial risks in the workplace, including violence and psychological or sexual harassment, and the Act of 28 March 2014 amending the Judicial Code and the Act of 4 August 1996 on employee welfare in the workplace with regard to judicial proceedings.

³⁰ See Non-discrimination and equality above.

that another should be regarded as inferior, belittled or sexually objectified on account of his or her sex may be punished. Furthermore, the Civil Code was amended in June 2014 to ensure that men and women have equal rights in passing surnames on to their children and adopted children.

217. The institutional mechanisms in place to combat gender-based discrimination and promote gender equality have been strengthened substantially.

218. The Institute for Equality between Women and Men was set up at the end of 2002 at the federal level to ensure respect for equality between women and men and to combat any form of gender-based discrimination or inequality. In addition to its role as an equality body (see above), it supports the implementation of policies to promote gender equality and combat gender-based violence at the federal level.

219. The gender mainstreaming strategy has been institutionalized by all levels of government. It entails various obligations on the part of government members and administrations, such as the breakdown of statistics by sex, the development of gender indicators and the implementation of gender budgeting. For instance, the Federal Act of 12 January 2007 (known as the “gender mainstreaming law”) requires gender to be systematically integrated as a cross-cutting issue into public policy.

220. At the level of the Brussels-Capital Region, an action plan for the period 2022–2025 has been adopted and every future regional government is legally required to develop an action plan in this area. Furthermore, the Region has established the Brussels Council for Gender Equality, an advisory body on regional policies composed of representatives of civil society.

2. Gender equality in employment and the decision-making process

221. Eliminating the wage gap between women and men has been a top priority for politicians, employers and unions in Belgium for several years. The Act of 22 April 2012³¹ was adopted with a view to eliminating the wage gap by making it visible and ensuring that it becomes a permanent feature of dialogue between labour and management during negotiations at the cross-industry, sectoral and company levels. Various implementing decrees were adopted in 2013 and 2014.³² The Act is currently being revised as part of the implementation of the European Union Pay Transparency Directive.³³

222. A report on the wage gap is published annually. According to data from 2024 based on the figures from 2022,³⁴ women earn, on average, 8% less than their male counterparts for the same number of hours worked. Without adjusting for hours worked, this figure rises to 19.9%, indicating that women work fewer hours than men, which is often because they are more likely to be forced to work part-time.

223. In Belgium, a series of measures have been taken to achieve a better work-life balance. High-quality public childcare services and public healthcare services for other dependants are provided. Flexible working arrangements are encouraged, such as four months of parental leave, which may be split up and is non-transferable. Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU was transposed into Belgian law by

³¹ Act of 22 April 2012, amended by the Act of 12 July 2013 on the amendment of legislation intended to eliminate the wage gap between men and women, in force as of 1 July 2013.

³² Royal Decree of 17 August 2013 implementing chapter 4 (2) of the Act of 22 April 2012 to eliminate the wage gap between men and women (this Decree concerns the oversight of sectoral job classifications); Royal Decree of 25 April 2014 on the analytical report on the structure of wages; Royal Decree of 25 April 2014 on the mediator for eliminating the wage gap between men and women; Ministerial Decree of 25 April 2014 establishing the model forms to be used as a basis for the analytical report on the structure of wages.

³³ Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (Text with EEA relevance).

³⁴ http://igvm-iefh.belgium.be/fr/publications/lecart_salariel_entre_les_femmes_et_les_hommes_en_belgique_rapport_2017.

amending legislation at both the federal and federated entity levels. In 2023, childbirth leave in Belgium was doubled from 10 days to 20 days for fathers, co-mothers and co-parents.

224. Belgium has also adopted a range of measures to increase women's participation in decision-making processes in various areas. Women have made great progress in the area of political decision-making thanks to the introduction, in 2002, of the requirement for parity in electoral lists, pursuant to various laws and decrees, with the top two places taken by a person of each sex. Various pieces of legislation are in place to ensure the balanced representation of men and women in the public administration, advisory bodies and certain public management and administrative bodies. In the private sector, the Act of 28 July 2011 on ensuring the presence of women on the boards of directors of autonomous public enterprises, listed companies and the National Lottery introduced a quota system whereby at least one third of all seats on a given board of directors must be reserved for the underrepresented gender. Failure to comply with this provision may be punished through the revocation of appointments or the suspension of financial benefits.

3. Combating gender-based violence

225. Belgium ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) in March 2016. The Convention offers States an instrument to help them to take measures in four broad areas: the prevention of violence, the protection of victims, the prosecution of perpetrators and the elaboration of cross-cutting, comprehensive and coordinated policies.

226. On 26 November 2021, Belgium adopted a new national action plan to combat all forms of gender-based violence for the period 2021–2025,³⁵ covering intimate partner violence, sexual violence, female genital mutilation, forced marriage, honour-related violence and prostitution. It is underpinned by the implementation of the Istanbul Convention.

227. Under the new plan, which involves the federal authority, the communities and the regions, Belgium is committed to implementing more than 201 new measures centred on the following seven priority areas: (1) adopting a conceptual reference framework on gender-based violence; (2) implementing an integrated policy that brings together all sectors and civil society to take joint action against gender-based violence and collect quantitative and qualitative data to enhance understanding of that problem; (3) preventing gender-based violence by raising awareness, providing education and training and holding perpetrators accountable, while addressing the drivers of such violence; (4) protecting, assisting and supporting victims of gender-based violence and those in their immediate circle, including children exposed to such violence, by placing the primary emphasis on them; (5) adapting and modernizing criminal policy regarding gender-based violence, paying particular attention to the protection of victims and their recognition as such; (6) taking gender-based violence into account in asylum and migration policy; and (7) taking action to combat gender-based violence at the international level. One of the plan's priorities is combating sexual violence, as reflected in particular by the opening of seven new sexual violence support centres in addition to the three centres opened in November 2017. The Act of 26 April 2024 on sexual violence support centres governs the operation, funding and approval of such centres with a view to ensuring that any victim can quickly visit one. It regulates the roles of the centres' various partners, the services provided, victims' rights and the processing of personal data. The majority of the Act's articles entered into force on 1 January 2025.

228. The French-speaking entities (the French Community, the Walloon Region and the French Community Commission) have prepared an intra-French-speaking plan to combat violence against women.³⁶ This plan has been incorporated into the national plan. The Brussels-Capital Region has adopted a regional plan to combat violence against women.

³⁵ https://igvm-iefh.belgium.be/fr/publications/plan_daction_national_de_lutte_contre_les_violences_basees_sur_le_genre_2021_2025.

³⁶ They focus their efforts on the following objectives: (1) pursuing a comprehensive policy against gender-based violence and collecting quantitative and qualitative data on all forms of violence; (2) strengthening outreach and awareness-raising efforts among the public, relevant professionals and young people; (3) protecting and supporting victims; and (4) monitoring and working with perpetrators.

Since the adoption of the Brussels Code on Equality, it been a legal requirement for every new government to adopt such a plan. Both plans afford particular attention to combating violence against women and girls with disabilities. The first Flemish action plan to combat sexual violence ran from 2020 to 2024. Given the success of, and the positive evaluation received by, this plan, the Flemish government decided to renew it and expand it to include other forms of gender-based violence, including sexual violence, abusive sexual behaviour, domestic violence, female genital mutilation and honour-related violence. The Flemish Community has nine shelters, with at least one in each province. A tenth shelter will open its doors in late 2025. Safe houses are regional networks that bring together law enforcement, justice and social services officials. They work together under the same roof to combat domestic violence in an effective, sustainable and coordinated manner.

229. In Belgium, the criminalization of acts of domestic violence is regulated by various pieces of legislation.³⁷ Female genital mutilation has been a criminal offence since 2000,³⁸ forced marriage has been a criminal offence since the adoption of the Act of 25 April 2007 and forced legal cohabitation has been a criminal offence since the adoption of the Act of 2 June 2013.³⁹ The Act of 23 February 2012 extended the list of offences under article 458 bis of the Criminal Code, which provides that persons bound by professional secrecy have a circumscribed and conditional right to report acts of domestic violence to the Crown prosecutor. In addition, the Act of 15 May 2012 introduced a new procedure for the removal of persons who pose a risk to others from the family home that covers situations where acts of violence have not yet been committed. The Act of 15 June 2012 establishes that persons who fail to comply with such orders temporarily prohibiting residence in situations relating to domestic violence are liable to penalties. The Act of 5 May 2019 strengthened this Act by extending the period of the prohibition from 10 to 14 days and establishing the emergency procedure as the sole procedure. The Act of 14 November 2019 establishes that certain sexual offences are not subject to a statute of limitations when the victim is a minor. The Act of 31 July 2020 establishes that judges and prosecutors must undergo training on sexual and domestic violence. To better address sexual offences, the Act of 21 March 2022 reformed criminal law in that area, legally defining and giving a central role to the concept of consent, providing new definitions of sexual offences and increasing penalties in certain cases. For the first time, incest was explicitly defined in the Criminal Code as a separate aggravated sexual offence. The Act of 6 November 2022, further provides that, where there is solid evidence that violence, threats or any other form of pressure is being or has been used by one party against the other, the judge may not order judicial mediation without first obtaining the

³⁷ The Act of 24 November 1997 stipulates that physical violence against a spouse or domestic partner is an aggravating circumstance. In addition, the Criminal Act of 28 January 2003 increases to a maximum of one year's imprisonment the penalty for aggravating circumstances defined in article 410 of the Criminal Code. Furthermore, the Act of 4 July 1989 amending certain provisions on the offence of rape expanded the definition of rape. Spousal rape is subject to prosecution and conviction in the same way as other forms of rape and constitutes an aggravating circumstance. The Act of 29 February 2024 introducing the new Criminal Code, scheduled to enter into force on 8 April 2024, establishes a tougher stance on domestic violence, including violence committed against a partner, by introducing that context as an aggravating element (formerly "aggravating circumstance"), resulting in a harsher sentence, in cases of acts of violence, sexual violence (including sexual abuse, rape, voyeurism, non-consensual distribution of sexual content and non-consensual distribution of sexual content with malicious intent or for financial gain), murder, torture and inhuman treatment. The Act of 21 March 2022 had already increased the penalties for sexual violence under the Criminal Code in force at that time. In addition, the definition of the concept of partner has been expanded in the new Criminal Code and in the Act of 21 March 2022 on criminal law relating to sexual offences. The requirement of cohabitation has been removed and the definition now also covers dissolved marriages and relationships that have ended.

³⁸ The Act of 28 November 2000 on the protection of minors under criminal law (art. 409 of the Criminal Code). Since July 2014, the law provides explicitly for the punishment not only of those practising, facilitating or supporting, with or without the victim's consent, any form of female genital mutilation, but also of anyone who advocates or incites that practice.

³⁹ The Act of 2 June 2013, in its criminal component, increased the punishments incurred for the offences of forced marriage (art. 391 sexies of the Criminal Code) and sham marriage (art. 79 bis of the Act of 15 December 1980) and defined forced legal cohabitation (art. 391 septies of the Criminal Code) and simulated legal cohabitation (art. 79 ter of the Act of 15 December 1980) as offences.

victim's consent. The Act of 6 December 2022 added article 78 ter, establishing that a discriminatory motive is treated an aggravating factor for all offences, to the Criminal Code and expanded the list of legally protected characteristics. The Act of 2 March 2023 requires judicial officials to provide victims with information regarding any judicial decision taken concerning the pretrial detention of suspects accused of a serious or less serious offence that threatens or harms the victims' physical and/or mental integrity or that of third parties whom the victims represent. Victims must also be notified when the offenders are released.

230. In addition, Belgium enacted the Act of 13 July 2023, aimed at preventing and combating femicide, gender-based murder and the violence that leads to them. This Act provides, for the first time, a legal definition of femicide, gender-based murder and coercive control, and contains provisions aimed at preventing them.

231. On 13 June 2023, Belgium ratified International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190).

232. The Act of 4 May 2020⁴⁰ prohibits the dissemination of nude or sexual images without the consent of the person depicted. The Act clearly defines what constitutes this behaviour, which ranges from taking images without consent to sharing them on online platforms or social media, or via messaging services. The Institute for Equality between Women and Men can bring legal action and assist victims of voyeurism and non-consensual dissemination of nude or sexual images, just as the European Centre for Missing and Sexually Exploited Children does for minor victims.

233. Furthermore, combating violence in general is a priority for the police. The National Security Plan for the period 2022–2025 defines domestic and sexual violence as a distinct cross-cutting issue that requires the implementation of a specific programme, coordinated by a programme manager, which must be subject to both quantitative and qualitative monitoring. The Framework Note on Comprehensive Security for the period 2022–2024 sets out the same priorities.⁴¹

E. Rights of persons with disabilities

234. Belgium ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol on 2 July 2009. Since then, the competent authorities have developed monitoring mechanisms in accordance with article 33 of the Convention. To support periodic reporting, various focal points have been established at different levels of government to implement the recommendations issued to Belgium by the Committee on the Rights of Persons with Disabilities in September 2014 and September 2024. In addition:

- An inter-federal coordination mechanism has been established under the Federal Public Service for Social Security
- With regard to independent mechanisms, an agreement has been reached between the Federal Government and the various communities and regions – with the exception of the Flemish Community and Flemish Region – to entrust the tasks set out in article 33 (2) of the Convention to Unia (with regard to Flemish competences, these tasks are carried out by the Flemish Institute for Human Rights)
- With regard to civil society participation, there is close collaboration with persons with disabilities and their representative organizations and with associations promoting equal opportunities, combating discrimination and defending human rights. Each level of government has its own advisory council, thereby ensuring the effective participation of civil society representatives of persons with disabilities in the development and implementation of public policies

⁴⁰ The Act of 4 May 2020 aimed at combating the non-consensual dissemination of images and recordings of a sexual nature.

⁴¹ https://justice.belgium.be/fr/publications/note_cadre_de_securite_integrale_2022_2024.

235. These accomplishments are all consistent with a wide-ranging and coherent policy to ensure greater respect for the human rights of persons with disabilities. The Interministerial Conference on Disability, which brings together the ministers responsible for disability affairs, social affairs and equal opportunities, was established and then relaunched in December 2021. It aims to coordinate disability-related policies between the different levels of government, thereby ensuring a more consistent implementation of measures for persons with disabilities. These initiatives are guided by the Inter-federal Disability Strategy for the period 2022–2030.⁴²

236. In 2021, article 22 ter was added to the Belgian Constitution, thereby enshrining, at the constitutional level, the right of persons with disabilities to full and effective inclusion in society and their right to reasonable accommodation. These provisions complement the principles of equality and non-discrimination enshrined in articles 10 and 11 of the Constitution. At the federal level, the Act of 10 May 2007 on combating certain forms of discrimination prohibits all forms of direct, indirect, compounded, intersectional or associative discrimination or incitement to discriminate or intimidate on the grounds of, among other things, disability or state of health. It requires reasonable accommodation to be provided for persons with disabilities. Denial of such accommodation can itself be considered an act of discrimination. It allows victims of discrimination to claim their rights and take their case to the civil courts (labour court, business court or court of first instance). In addition to the protections described above, the legislation of the Brussels-Capital Region recognizes the right of informal caregivers of persons with disabilities to reasonable accommodation related to that disability.

237. Unia and the Flemish Institute for Human Rights are responsible for dealing with cases of discrimination, including discrimination based on disability. In mid-2009, Unia began to use a new electronic system (METIS) to record and process reports and individual cases submitted under anti-discrimination legislation. Data on these cases are presented in its annual and activity reports. The collection of reports of discrimination is therefore centralized in Belgium. Five local contact points have been opened in the Walloon Region.

238. Notwithstanding the division of powers between the federated entities and the federal authority in relation to disability, political thinking and legislative initiatives have all been headed in the same direction, that is, towards the greater inclusion of persons with disabilities in society and a greater consideration of their needs in a number of areas of life (disability mainstreaming, also known as “handstreaming”, which means ensuring that all public policies take account of disability-specific issues). This approach is fully consistent with the paradigm shift embodied in the Convention on the Rights of Persons with Disabilities. This principle of ensuring that disability issues are taken into account in all public policies has become a legal requirement at the federal level⁴³ and at the level of the Brussels-Capital Region.⁴⁴

239. From the viewpoint of equal opportunities for all, and given the specific requirements of persons with disabilities, special attention has been paid to efforts to enhance the accessibility of services, including digital services, the built environment, public transport and information and communication technology (development of mandatory standards), communication (establishment of sign-language interpretation services), respect for emotional life (training of professionals), the employment of persons with disabilities (action to forestall unemployment traps, measures to promote employment, return-to-work policies, civil service job quotas, career counselling, adaptation of workstations), social inclusion

⁴² Inter-federal Disability Strategy for the period 2022–2030: <https://socialsecurity.belgium.be/fr/publications/strategie-interfederale-handicap-2022-2030>.

⁴³ Since the enactment of the Act of 7 May 2024 (<https://www.ejustice.just.fgov.be/eli/loi/2024/05/07/2024202856/justel>). This Act requires every future federal Government to adopt a federal disability action plan within 12 months of taking office, with concrete measures to be implemented by each member of the federal Government and the active involvement of civil society representatives of persons with disabilities and the independent mechanism.

⁴⁴ The Brussels-Capital Region has adopted a regional disability-mainstreaming plan. Since the adoption of the Brussels Code on Equality, it been a legal requirement for every new government to adopt such a plan.

(volunteer activities), housing (platforms for advice on adaptation, supported housing), and also support for students with functional limitations (inclusion measures, not only in special education but also in general education and higher education).

Annex

Hierarchy of courts in Belgium

