



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

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Consideration of reports of States parties under article 29 (1) and additional information under article 29 (4) of the Convention

List of priority themes in relation to the additional information submitted by Belgium under article 29 (4) of the Convention

Note by the Committee

1. Having considered the additional information provided by the State party under article 29 (4) of the Convention¹ on 26 April 2021, as well as the information received from the State party² on 8 January 2016 on follow-up to the concluding observations,³ the Committee has decided to focus its next dialogue with the State party on the priority themes and issues set out below.
2. The Committee recalls that additional information submitted under article 29 (3) and (4) of the Convention is considered on the basis of up to four priority themes, identified by the Committee, and that the procedure comprises four phases:
 - (a) Identification, by the country rapporteurs, of priority themes related to the implementation of previous concluding observations and to the evolution of the situation with respect to enforced disappearance in the State concerned, and adoption of the list of priority themes by the Committee plenary;
 - (b) Transmission of the list of priority themes to the State party – the list, to which no written replies are expected from the State party at this stage of the procedure, is not exhaustive and does not indicate all the issues that will be addressed during the dialogue but, rather, serves as a basis for the dialogue;
 - (c) Public dialogue between the Committee and the State party, with active participation by the competent authorities, which, in the case of Belgium, will be held over one three-hour meeting, with official simultaneous interpretation in the working languages of the Committee;
 - (d) Adoption of concluding observations, in which the Committee highlights its concerns and recommendations and indicates the next steps in the procedure.
3. The list of priority themes is public and all interested individuals or organizations can contribute information on the issues raised, in written contributions and in confidential oral exchanges with the Committee.

¹ CED/C/BEL/AI/1.

² CED/C/BEL/CO/1/Add.1.

³ CED/C/BEL/CO/1.



I. Legal framework

4. With regard to paragraphs 16–20 of the additional information submitted by the State party, the Committee notes the bill on the establishment of a new Criminal Code of 2019, particularly articles 87–89 thereof, which make enforced disappearance that does not constitute a crime against humanity a separate offence and provide for a range of penalties according to the presence of mitigating or aggravating circumstances. In this respect, please provide updated information on the adoption and implementation of these provisions, specifying:

- (a) The current status of efforts to establish enforced disappearance as a separate offence;
- (b) The extent to which civil society has been consulted and involved in the development of these legislative standards;
- (c) The aggravating and mitigating circumstances provided for in cases of enforced disappearance;
- (d) The provisions laid down to recognize the continuous nature of the offence and to ensure that cases of enforced disappearance fall within the exclusive jurisdiction of civil courts (arts. 2–8 and 11).

II. Measures taken by the State to protect children and migrants from enforced disappearance

5. In the light of the information contained in paragraphs 49–54 of the additional information submitted by the State party, please specify the measures and mechanisms implemented to prevent illegal intercountry adoptions. In this respect, please describe the measures taken in respect of investigation, consultation with victims' associations, identification of victims and their countries of origin, and recording of information relating to the identity of the persons concerned and their fate (arts. 12, 24 and 25).

6. Please indicate what specific actions have been taken by the police to combat illegal intercountry adoptions and support investigations in this regard, and what reparation measures have been provided for victims of illegal intercountry adoptions in order to comply with the Convention (arts. 12, 14, 15, 24 and 25).

7. Please describe existing and planned measures to enable the State party to gather and provide comprehensive statistics, disaggregated by age, sex, gender identity, sexual orientation, nationality, ethnic origin and religious beliefs, in relation to any disappearance of unaccompanied foreign minors. If such statistics are already available, please transmit them to the Committee (art. 25).

8. Please provide information on the measures that the State party intends to adopt in order to comply with the obligation to search for, and investigate the disappearance of, unaccompanied foreign minors while taking into account the best interests of the child. Please also provide information on current legislation concerning the detention of minors (arts. 12, 17–20 and 25).

9. In view of the continuous nature of the crime of enforced disappearance, please provide information on the procedures for the conduct of investigations and the provision of support in the case of foreign minors who were victims of identity falsification and enforced disappearance during the State party's administration of the Congo between 1908 and 1960 (arts. 12, 24 and 25).

10. Please specify the legislative provisions and measures implemented to ensure cooperation and information-sharing between the public prosecution service, local police services, the Guardianship Service and the Immigration Office in relation to the disappearance of unaccompanied foreign minors. Please also provide details of the steps taken to ensure the implementation of international mutual legal assistance measures in proceedings relating to the disappearance of unaccompanied foreign minors, as well as to

ensure public education and awareness-raising and the prevention of such cases (arts. 14, 15 and 25).

III. Prevention of enforced disappearance and victim support

11. In the light of the reply provided by the State party in its additional information in relation to paragraph 30 of the concluding observations,⁴ the Committee notes that the royal decree on the register of persons deprived of liberty is still in the process of being adopted. In this respect, please indicate what progress has been made to ensure the entry into force of the decree implementing article 33 bis of the Police Functions Act (arts. 17–19).

12. In the light of the information contained in paragraphs 36–45 of the additional information submitted by the State party, please specify the elements contained in training programmes aimed at enhancing the knowledge of State officials with regard to the eradication and prevention of enforced disappearance (art. 23).

13. Taking into account paragraphs 46 and 47 of the additional information submitted by the State party, the Committee notes that the provision of assistance to victims of deliberate acts of violence is conditional on the acts having been committed at least in part in Belgium and that an assessment is made on a case-by-case basis by the Commission for Financial Support for the Victims of Deliberate Acts of Violence and for Voluntary Rescuers when the violent act takes place in two countries. In this regard:

(a) Please specify the measures taken to extend the jurisdiction of the Commission to acts that took place abroad but continued or had effects in Belgium;

(b) Please provide concrete data on the financial support provided to victims, including the number of cases handled, the types of reparation envisaged and the number of beneficiaries (arts. 17–19 and 24).

14. With regard to assistance for victims, please provide clarification as to the existence and content of cooperation agreements with other States on assisting victims of enforced disappearance, searching for, locating and releasing disappeared persons and, in the event of death, exhuming and identifying disappeared persons and returning their remains (arts. 15 and 24).

⁴ [CED/C/BEL/AI/1](#), para. 48.