

**SUBMISSION TO THE  
UN HUMAN RIGHTS COMMITTEE  
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OF ISSUES PRIOR TO REPORTING -  
BELGIUM**

by The Federal Institute for the Protection and Promotion of Human Rights (FIRM-IFDH)

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Federal Institute for the  
protection and promotion  
of Human Rights

## INTRODUCTION

The Belgian Federal Institute for the Protection and Promotion of Human Rights (FIRM-IFDH) is an independent public institution created by the Act of 12 May 2019 in accordance with the Paris Principles on national institutions for the promotion and protection of human rights.<sup>1</sup> It is accredited since 2023 with B status by the Global Alliance of National Human Rights Institutions (GANHRI). Its mandate covers all matters relating to the protection and promotion of fundamental rights at the federal level for which no other independent body for the protection and promotion of human rights has been designated. By the Act of 21 April 2024,<sup>2</sup> FIRM-IFDH has been designated as the national preventive mechanism (NPM) at the federal level within the framework of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). To carry out its NPM mandate, FIRM-IFDH collaborates closely with existing institutions with a visiting mandate (specialised bodies), namely the Central Prison Monitoring Council, Myria – the Federal Migration Centre and the Standing Police Monitoring Committee.

FIRM-IFDH submits this contribution to the United Nations Human Rights Committee, ahead of its adoption of the List of Issues Prior to Reporting for Belgium's seventh periodic report under the International Covenant on Civil and Political Rights. This submission is not exhaustive; rather, it highlights several key concerns that fall within our mandate regarding the implementation of the International Covenant on Civil and Political Rights in Belgium.

## FOLLOW-UP TO THE SIXTH PERIODIC REVIEW

Several of the recommendations made in the Committee's 2019 Concluding Observations remain at least partly unimplemented. In particular, FIRM-IFDH expresses concern about insufficient progress regarding:

### **National Human Rights Institution (Concluding Observations para. 10)**

The Belgian Federal Institute for the Protection and Promotion of Human Rights (FIRM-IFDH) was established by the Act of 12 May 2019, as noted by the Committee in its sixth periodic review. FIRM-IFDH became operational on the 1<sup>st</sup> of February 2021. In 2023, it received B-status accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).

Since its establishment, it has received three additional mandates:

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<sup>1</sup> [Act of 12 May 2019](#) establishing a Federal Institute for the Protection and Promotion of Human Rights, *Belgian Official Gazette*, 21 June 2019.

<sup>2</sup> [Act of 21 April 2024](#) modifying the Act of 12 May 2019 establishing a Federal Institute for the Protection and Promotion of Human Rights, *Belgian Official Gazette*, 3 May 2024.

- 1) It was tasked with the support of whistleblowers who report abuse or fraud in the workplace in the federal public sector and the private sector.
- 2) It was designated the contact point in the fight against strategic lawsuits against public participation (SLAPPs).
- 3) The National Preventive Mechanism (NPM) was established within FIRM-IFDH, in order to visit federal places of detention to prevent ill-treatment.

FIRM-IFDH is competent for matters that are dealt with at the federal level in Belgium. The Act establishing FIRM-IFDH envisages its future interfederalization, i.e. the expansion of FIRM-IFDH's mandate to work on matters that fall within the competence of the communities and regions (hereafter: the federated entities), through a cooperation agreement, a law adopted between the federal authority and one or more of the federated entities. Yet, no such agreement has been drafted. Interfederalization is GANHRI's most important recommendation for FIRM-IFDH to obtain A-status accreditation.

This structural limitation creates a significant gap in human rights protection across large parts of Belgium. While the Flanders Human Rights Institute (VMRI) became operational in 2023 and covers the competence of the Flemish community and region, no equivalent institution exists for the other federated entities, i.e. the French Community, the Walloon Region, the German-speaking Community, the Brussels-Capital Region, the French Community Commission, or the Common Community Commission in Brussels. This structural gap in human rights protection also has direct implications for the functioning of the NPM in Belgium. At present, the only NPM in Belgium has been established within FIRM-IFDH, and its competence is restricted to places of deprivation of liberty under the federal competence, such as prisons, detention centers for foreigners, or police cells. Without interfederalization, significant areas of deprivation of liberty under the competences of the federated entities remain outside its mandate (such as juvenile protection centers, closed facilities for persons with a disability, and elderly homes). None of the federated entities have appointed an NPM to date. The Flemish government, which combines the federated entities of the Flemish Region and the Flemish Community, is preparing legislation to entrust the NPM mandate to VMRI.<sup>3</sup> No similar initiatives are known for the French and German communities, or the Walloon and Brussels-Capital Regions.

Extending FIRM-IFDH's scope through interfederalization to cover the competences of the regions and communities that currently do not have an institution with a broad mandate to

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<sup>3</sup> Flemish Parliament, [Policy and budget explanation from the Flemish Minister for Equal Opportunities](#), Doc. 13-X (2024-2025) nr. 1, p. 24.

promote and protect human rights, would therefore not only strengthen human rights oversight more broadly, but also ensure that the NPM, eventually in combination with a Flemish NPM, can operate comprehensively across all relevant federated entities, in line with international standards.

Furthermore, sufficient resources should be provided for both FIRM-IFDH in general and for the NPM specifically. Decisions by the federal Finance Committee to impose a hiring stop in 2026 and a recruitment freeze for 2027–2029 restrict the ability to hire additional staff. This is particularly significant for the NPM, given its recent establishment and the limitations of its initial resources. Due to budgetary restraints, the current NPM team is limited in number and therefore cannot carry on preventive visits to places of deprivation of liberty with the frequency that is required by OPCAT.

### **Anti-terrorism measures (Concluding Observations para. 12)**

In its sixth periodic review, the Committee noted its concern regarding several legal instruments adopted to prevent and combat terrorism and violent extremism. These instruments included the lack of a clear legal framework regarding professional secrecy, the ambiguous definition of terrorism offences and collection and processing of data in various databases.

The Committee issued several recommendations in its sixth review. The first one asked the State to undergo an assessment of its anti-terrorism legislation and practices. The UN Committee against torture made a similar recommendation in its 2021 periodic review of Belgium, underlying that this assessment should be made by the Belgian federal Parliament.<sup>4</sup> FIRM-IFDH also asked Belgian federal authorities to “*undertake a comprehensive human rights assessment of the impact of the successive additions of terrorism offences*”,<sup>5</sup> as did some civil society organisations<sup>6</sup>. No such assessment has been made since, nor has one been announced.

The Committee also recommended that Belgium provides more legal guarantees for individuals included in various databases related to prevent and combat terrorism and violent extremism. The Belgian federal Parliament adopted a new Act in March 2024<sup>7</sup> that created a unique database for public information relating to terrorism and extremism that were previously divided between several databases. FIRM-IFDH issued an advisory opinion before

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<sup>4</sup> United Nations Committee against Torture, [Final observations on the fourth periodic report of Belgium](#), 71<sup>st</sup> session, 30 July 2021, CAT/C/BEL/CO/4, §24.

<sup>5</sup> FIRM-IFDH, [Parallel report to the Committee against Torture](#), 30 June 2021.

<sup>6</sup> Comité de vigilance en matière de lutte contre le terrorisme (« Committee T »), [2022 Report](#), p. 82.

<sup>7</sup> [Act of 29 March 2024](#) establishing the common database « Terrorism, Extremism and Radicalization process » (« T.E.R. »), *Belgian Official Gazette*, 16 April 2024.

this Act's adoption.<sup>8</sup> It noted several positive developments, including the creation of a stronger legal basis for the database. However, FIRM-IFDH also considered that several key definitions were left too vague; that the right to an effective remedy remained problematic, especially given the case-law of the Belgian Constitutional Court<sup>9</sup>; and that the new database infringes on children's fundamental rights. The Data Protection Authority also published a critical advisory opinion, underlining the difficulties associated with the remedy and the need for a better respect of proportionality.<sup>10</sup>

Other developments regarding anti-terrorism have raised concern. The new Criminal Code, which will start taking effect in April 2026, has created a new offence against "glorification of terrorism",<sup>11</sup> with severe penalties for any person that would "*deny, grossly minimize, seek to justify or approve any of [terrorist] offenses*". FIRM-IFDH has noted that these terms are broadly defined and could apply to a number of statements covered by freedom of expression.<sup>12</sup>

Lastly, the federal government has proposed creating a new legal instrument to allow the government to forbid certain organisations it holds to be a grave threat to national security or the democratic order. Those organisations would be forbidden to hold any public or collective activities, to use means of communication and could allow the government to preemptively close establishments, freeze assets and order – in some cases – the liquidation of the organisation. FIRM-IFDH has raised several concerns about this proposal, including the risk of a disproportionate impact on freedom of association and freedom of expression.<sup>13</sup> Prohibiting an organisation can be compatible with freedom of association but it remains nevertheless a severe infringement on a human right. FIRM-IFDH argues that such a prohibition should be reserved to the courts, as a sanction for the violation of a criminal law and with the much stronger guarantees of criminal prosecution, rather than being used as an administrative measure by the government.<sup>14</sup>

### **Facilitate the repatriation of all children born to Belgian nationals who are in conflict zone (Concluding Observation para. 14)<sup>15</sup>:**

In March 2021, Belgium announced its intention to repatriate all children under the age of twelve in a conflict zone in Syria, including their mothers, and to examine the situation of the older children and their mothers on a case-by-case basis. In the absence of birth certificates

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<sup>8</sup> FIRM-IFDH, [advisory opinion on the draft law establishing a common database "Terrorism, Extremism and Radicalization process"](#), nr. 2/2024, 9 February 2024.

<sup>9</sup> Constitutional court, [nr. 145/2011](#), 22 September 2011, B.86.

<sup>10</sup> Belgian Data Protection Authority, [Advisory Opinion n°97/2023](#), 16 June 2023.

<sup>11</sup> [New criminal Code](#), art. 376-377.

<sup>12</sup> FIRM-IFDH, [Advisory opinion on the proposal for a new Criminal Code](#), nr. 12/2023, 5 October 2023.

<sup>13</sup> FIRM-IFDH, [Advisory opinion on the prohibition of organisations considered to be extremist or radical and dangerous](#), nr. 9/2025, 29 September 2024.

<sup>14</sup> *Ibidem*.

<sup>15</sup> See also: FIRM-IFDH, [Parallel Report to the Committee on Enforced Disappearances](#), 31 May 2024.

to document children's relationship with Belgian nationals, DNA tests may be required.<sup>16</sup> Repatriation was done on a strictly voluntary basis. Between 2019 and 2022, 37 children and 15 women (regarded as foreign combatant terrorists) have been repatriated from the region.<sup>17</sup>

In December 2024 Bashar al-Assad's regime was overthrown. Around that time there were still 13 Belgian men, 8 Belgian women and 9 Belgian children being detained in the camps Al-Hol and Al-Roj.<sup>18</sup> The detention conditions in those camps have been described by Amnesty International as inhumane and life-threatening.<sup>19</sup> It is important to underline that the number of children currently detained in Al-Hol and Al-Roj does not tally with the total number of Belgian children who still find themselves in the region, given that it does not include children whose nationality is difficult to establish<sup>20</sup>, Belgian children who are not in camps, Belgian children over the age of twelve detained in prisons as enemy combatants, children that have disappeared, or the children and their mothers who refused to be repatriated<sup>21</sup>. The actual number could still be significantly higher.<sup>22</sup> In the aftermath of Assad's downfall in Syria, the director of Belgium's Coordination Unit for Threat Analysis (OCAM) called for the repatriation of the remaining 8 Belgian women and 9 Belgian children in the camps Al-Hol and Al-Roj.<sup>23</sup> A few days later, the Belgian Minister of Justice at the time stressed that Belgium had already repatriated some children with their mothers who met the National Security Council criteria and that his government was not planning to repatriate the remaining children and their mothers.<sup>24</sup> The current government did not provide any information regarding new repatriation.

There is need for clear information about the number of Belgians being detained – and the number of Belgian children or children presumed to be born to a Belgian national – in Al Hol,

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<sup>16</sup> United Nations Human Rights Committee, [Information received from Belgium on the follow-up to the concluding observations on its sixth periodic report](#), CCPR/C/BEL/FCO/6, 31 January 2022.

<sup>17</sup> Permanent Mission of Belgium to the United Nations, *Joint statement of the United Nations Special Procedures to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on violence against women and girls, its causes and consequences, the Working Group on discrimination against women and girls - Reply from Belgium*, UA BEL 3/2023, 27 October 2023, p 3; see also the reply from the Deputy Prime Minister and Minister for Justice to question no. 1525 of 22 November 2022 in: Chamber of Representatives, [Questions et réponses écrites](#), QRVA 55 101, [18 January 2023](#), p. 367-368.

<sup>18</sup> See the answer of the Justice Minister in: Chamber of Representatives, [Commission de la Justice, 18 December 2024](#), CRIV 56 COM 056, p. 21.

<sup>19</sup> Amnesty International, [Aftermath: Injustice, Torture and Death in Detention in North-East Syria](#), 17 April 2024, p. 7.

<sup>20</sup> For instance, children begotten by Belgian fathers, but who do not have a birth certificate.

<sup>21</sup> Among other reasons, because they fear to be separated from their children on their arrival in Belgium.

<sup>22</sup> Based on consultations with specialized organisations such as the DGDE, the Belgian French-speaking Children's Ombudsman, and the families of children involved, FIRM-IFDH estimated in 2023 that about 120 children born to Belgian nationals remained in the region, see: FIRM-IFDH and Myria, [Follow-up report on the International Covenant on Civil and Political Rights to the United Nations Human Rights Committee regarding Belgium](#), p. 6.

<sup>23</sup> De Standaard, [Anti-terreurdienst: "Voor onze eigen veiligheid kunnen we Syriëstrijders beter terughalen"](#), 13 December 2024.

<sup>24</sup> Chamber of Representatives, [Commission de la Justice, 18 December 2024](#), CRIV 56 COM 056, p. 21.

Roj and in any other camps or prisons in Syria. The authorities should also provide accurate information about the number of children whose parentage has not been conclusively established and about the grounds for any refusals. Furthermore, Belgium needs to repatriate all Belgian minors or alleged minors, regardless of their age or their involvement in the Syrian conflict, including those who have a Belgian father without a declaration of paternity having been made. Their parents, irrespective of nationality, should also be repatriated, on condition that a parent-child relationship can reasonably be established and that they agree to it. The authorities must renew their efforts to locate and identify the minors believed to be in the region, including outside of those camps and those who are presumed – but are not confirmed – to be deceased. Finally, the government should come up with a procedure to release, repatriate and protect these potentially Belgian children.

### **Judicial follow-up of complaints regarding police violence (Concluding Observations para. 28)**

Despite the recommendation by the Committee against torture in 2021<sup>25</sup>, comprehensive, disaggregated statistical data on complaints, reports of violence and the excessive use of force by the police, administrative and judicial inquiries, prosecutions, convictions and sentences handed down, decisions to discontinue criminal proceedings and decisions not to prosecute, remain unavailable. The judiciary (prosecutors and courts) is currently unable to identify systematically the criminal cases involving police officers,<sup>26</sup> which makes any data-based analysis impossible (e.g. prosecution and conviction rates in this matter).<sup>27</sup> According to NGO's cases of police misconduct remain underreported and underprosecuted. Victims of police violence can be convicted for resistance to the police on the sole basis of statements by officers, including those who had subjected them to illegitimate violence, as stated by the European Court of Human Rights (ECtHR)'s judgment *Boutaffala v. Belgium*.<sup>28</sup> As shown in this case, procedures regarding police violence and procedures based on the offence of resistance to the police are not systematically linked, as recommended by the UN Committee against torture.<sup>29</sup> Due to the lack of accurate judicial data, the extent of this practice cannot be measured.

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<sup>25</sup> Committee against torture, [Concluding observations on the fourth periodic report of Belgium](#), 21/08/2021, CAT/C/BEL/CO/4, para. 8; FIRM-IFDH, [Memorandum: Les droits humains au coeur de la politique. Recommandations pour une politique conforme aux droits humains. Élections fédérales 2024](#), p. 35.

<sup>26</sup> Standing Police Monitoring Committee (Comité P), [Rapport d'enquête sur les violences par et contre la police](#), 2023, § 141-148.

<sup>27</sup> Police Watch Report, [Violences policières : Pour des mécanismes de plainte accessibles, efficaces et indépendants](#), April 2022, p. 10.

<sup>28</sup> European Court of Human Rights (ECtHR), [Boutaffala v. Belgium](#), 28 June 2022, No. 20762/19, paras. 80-91.

<sup>29</sup> Committee against torture, [Concluding Observations on the second periodic report from Belgium](#), 19 January 2009, CAT/C/BEL/CO/2, p. 5.

A bill to introduce a requirement to record and justify strip searches by the police was adopted in 2023 and constitutes a step forward to prevent abuses.<sup>30</sup> In the Brussels judicial district, the public prosecutor's office established a specific procedure based on the Istanbul Protocol<sup>31</sup> in cases where an arrested person complains of violence by the police to the magistrate questioning him/her. Following this procedure, the alleged victim of violence would immediately undergo an examination by a forensic doctor.<sup>32</sup> However, this promising "Istanbul procedure" was discontinued by the Brussels prosecutor in 2025 who intends to replace it by a new procedure.<sup>33</sup>

### Conditions of detention (Concluding Observations para. 34)

For several decades, Belgian prisons have faced structural overcrowding, resulting in multiple findings of violations of the European Convention on Human Rights (ECHR) by the ECtHR.<sup>34</sup> This issue has further deteriorated in recent years. In December 2024, the Committee of Ministers of the Council of Europe called upon Belgium to take "*all required measures to resolve the problem of prison overcrowding everywhere and to put an end to the use of mattresses on the floor.*"<sup>35</sup> It was explicitly emphasised that Belgian authorities should "*focus their efforts on achieving a sustainable reduction in the prison population*", rather than on increasing capacity.<sup>36</sup>

The 2025–2029 Federal Government Agreement<sup>37</sup> and the policy note of the Minister of Justice<sup>38</sup> provides for several measures to reduce overcrowding in Belgian prisons, including:

- the forced return of foreign prisoners to their country of origin, other EU countries, or countries that have concluded a return agreement with Belgium;
- allowing convicted persons to serve their sentence in their country of origin;
- building or renting prisons abroad, following the example of other European countries.

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<sup>30</sup> [Act of 8 November 2023](#) amending the Police Act to introduce a requirement to record and justify strip searches *Belgian Official Gazette*, 24 November 2023.

<sup>31</sup> OHCHR, [Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (2022 edition).

<sup>32</sup> High Council for Justice, [Recommandations concernant le bien-être des personnes détenues dans les bâtiments judiciaires](#), 12 April 2022, pp. 9- 11.

<sup>33</sup> Chambre des Représentants, Commission de la Justice, [Compte rendu intégral, 26 février 2025, CRIV 56 COM 090](#), pp. 84-85.

<sup>34</sup> See the *Vasilescu* group of decisions: ECtHR, [Vasilescu v. Belgium](#), n° 64682/12, 25 November 2014 ; [Sylla v. Belgium](#), n° 37768/13, 16 May 2017 ; [Nollomont v. Belgium](#), n° 36467/14, 16 May 2017 ; and [Pîrjoleanu v. Belgium](#) (decision), n° 26404/18, 16 March 2021.

<sup>35</sup> Committee of Ministers of Council of Europe, [Decision in Vasilescu v. Belgium](#) (Application No. [64682/12](#)), 1514th Meeting, 3-5 December 2024.

<sup>36</sup> *Ibidem*.

<sup>37</sup> Federal government, [Coalition agreement 2025-2029](#), pp. 160-161.

<sup>38</sup> Chambre des représentants, [Note de politique générale Justice](#), 22 avril 2025, pp. 49-50.

While the NPM established within FIRM-IFDH welcomes the government's willingness to look for solutions to prison overcrowding, it also warns of the risks that these measures pose to the rights of persons in detention:<sup>39</sup>

- The forced return of detained persons to their country of origin may expose some to inhuman or degrading treatment or violate their right to privacy and family life.
- Numerous practical obstacles make the implementation of these returns difficult and uncertain: lack of identity documents, diplomatic refusal by certain countries, inability to enforce certain decisions.
- The plans to transfer people to prisons abroad raise serious questions about their access to healthcare, access to a lawyer, the preservation of family ties, and more.

## OTHER ISSUES TO BE CONSIDERED FOR THE LIST OF ISSUES PRIOR TO REPORTING

In this section, FIRM-IFDH underlines a number of key concerns related to the implementation of the Covenant that were not addressed in the sixth periodic review of Belgium but which may nonetheless be of interest to the Committee.

### Right to a fair trial: lack of means, backlog, lack of statistics (article 14 ICCPR)

In Belgium, the length of judicial proceedings is problematic and has already resulted in several condemnations by the ECtHR.<sup>40</sup> As the Council of Europe has pointed out, "*excessive delays in the administration of justice constitute a serious danger, in particular for the respect of the rule of law and the access to justice, resulting in a denial of human rights and fundamental freedoms*".<sup>41</sup> It is not uncommon for some proceedings to take more than ten years before reaching a final resolution. The situation is particularly dire in some jurisdictions. For instance, the ECtHR has found that the problem of excessive length of proceedings was of a structural nature in the judicial resort of Brussels.<sup>42</sup> The Flemish Children's Rights Commissioner KRC also reports that the caseload at the youth prosecution service is far too high, which means that an adequate response to juvenile offenders is not always possible.

So far, efforts to address the problem have had limited impact. Key statistics on the length of some judicial proceedings remain missing, making it harder to effectively address the

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<sup>39</sup> See: NPM, CCSP and Myria, [ÉLOIGNEMENT DES DÉTENUS SANS DROIT DE SÉJOUR : UNE SOLUTION À LA SURPOPULATION CARCÉRALE ? – Préoccupations et points d'attention du Mécanisme National de Prévention](#), 12 October 2025.

<sup>40</sup> ECtHR, 4 November 2008, [Bell v. Belgium](#), No. 44826/05; ECtHR, 5 September 2023, [Van Den Kerkhof v. Belgium](#), No. 13630/19

<sup>41</sup> Council of Europe, Committee of Ministers, [Interim Resolution](#) CM/ResDH(2021)103 - Execution of the judgment of the European Court of Human Rights - Bell against Belgium, 9 June 2021.

<sup>42</sup> ECtHR, 5 September 2023, [Van Den Kerkhof v. Belgium](#), N° 13630/19, § 105.

problem.<sup>43</sup> Staffing remains inadequate despite attempts to objectify needs in that regard.<sup>44</sup> This lack of staffing concerns not only judges but also administrative personnel working alongside judges.

Measures adopted to address the problem are also questionable as to their compatibility with human rights. For instance, authorities have introduced an “*immediate penal transaction*” mechanism which enables police officers to offer a person suspected of having committed an offence to pay a penal transaction. However, the mechanism *de facto* transfers the role of judging into the hands of the executive branch. This challenges the principle of the separation of powers and makes it much more difficult to adequately respect the right to due process. FIRM-IFDH considers that reducing the length of criminal proceedings cannot be achieved at the expense of the right to a fair trial.

### **Administrative enforcement (article 14 ICCPR; article 19 & 21 ICCPR)**

Belgium increasingly resorts to administrative measures restricting human rights, mainly with the stated aim of better protecting public order. Those measures aim not only to punish undesirable behavior once it has been committed, but also to prevent crime. While the objective of those measures is legitimate, they have a disproportionate detrimental effect on human rights, including freedom of expression and association. Two examples can be given:

- In 2022, a circular letter of the Minister of the Interior authorized mayors to impose a preventive ban on demonstrating against certain individuals suspected to be "troublemakers".<sup>45</sup>
- In 2024, the legislator adopted an Act on the municipal administrative approach.<sup>46</sup> It enables municipalities to refuse or revoke operating permits for certain businesses, when there is suspicion that these businesses are being misused for criminal purposes. The Constitutional Court recently upheld this Act, while limiting some of its effects.<sup>47</sup>

These measures present three major problems:

- They are adopted by the executive branch instead of the judicial branch, which threatens the separation of powers;
- They are adopted preemptively without requiring evidence that a person has committed an offence;

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<sup>43</sup> FIRM-IFDH, [Submission to the Committee of Ministers of the Council of Europe concerning the Bell v. Belgium group of cases](#), 30 April 2024.

<sup>44</sup> Collège des cours et tribunaux, « [Nos cours et tribunaux ont besoin de 43 % de juges en plus](#) », communiqué de presse, 20 February 2024.

<sup>45</sup> FIRM-IFDH, [Le droit de manifester, sous pression](#), Annual Report 2024, p. 10.

<sup>46</sup> [Loi relative à l'approche administrative communale](#), à la mise en place d'une enquête d'intégrité communale et portant création d'une Direction chargée de l'Évaluation de l'Intégrité pour les Pouvoirs publics, 15 January 2024, *Belgian Official Gazette*, 7 February 2024.

<sup>47</sup> Constitutional court, [nr. 142/2025](#), 6 November 2025.

- Persons affected by those measures do not have due process rights equivalent to those applicable in courts.

Those measures are part of a broader tendency to extend the powers of administrative authorities to address crime instead of adequately financing the justice system in order to enable it to adequately prosecute offences.

**Systemic non-execution of court decisions by Belgian authorities (article 2 (3), 14), including relating to the right to reception for applicants of international protection (Articles 7)**

Authorities' failure to enforce court rulings is a serious problem in Belgium, undermining the fundamental principles of the rule of law. This problem has become particularly visible since 2021, in the so-called "reception crisis". More than 10,000 court decisions that required the federal state to provide decent reception conditions for applicants for international protection have not been executed by the relevant authorities. As a result, applicants entitled to reception remained destitute.<sup>48</sup> This practice led to Belgium being condemned in 2023 by the ECtHR, which found a systemic failure to enforce final court decisions.<sup>49</sup>

Failure to enforce court decisions also concerns other serious human rights violations found by the ECtHR, the Court of Justice of the European Union, and the European Committee of Social Rights, as well as multiple decisions by national courts. Various areas are affected, ranging from detention conditions<sup>50</sup> and lack of adequate care for prisoners<sup>51</sup> to violations of procedural rights (such as exceeding the reasonable time requirement for judicial proceedings).<sup>52</sup>

Structural non-execution of court decisions by the regional and federal governments in Belgium poses a systemic threat to the credibility of democratic institutions and the rule of law, endangers trust in the justice system, and weakens the protection of human rights.

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<sup>48</sup> Myria and FIRM-IFDH, [Communication to the Committee of Ministers of the Council of Europe concerning the execution of the judgment \*Camara v. Belgium\* \(No. 49255/22\)](#), 2 July 2025, p. 11.

<sup>49</sup> ECtHR, 18 July 2023, [Camara v. Belgium](#), No. 49255/22.

<sup>50</sup> ECtHR, 25 November 2014, [Vasilescu v. Belgium](#), No. 64682/12. See also the [various communications](#) from the Central Monitoring Council for Prisons (CTRG-CCSP) and FIRM-IFDH monitoring this case.

<sup>51</sup> ECtHR, 2 October 2012, [L.B. v. Belgium](#), No. 22831/08; see also: FIRM-IFDH, Unia and CCSP, [Communication to the Committee of Ministers of the Council of Europe concerning the group of cases \*L.B. v. Belgium\*](#), 18 October 2024.

<sup>52</sup> ECtHR, 4 November 2008, [Bell v. Belgium](#), No. 44826/05.

## The right to freedom of peaceful assembly (article 21; article 22)

Although the right to protest is exercised daily in Belgium, usually without unjustified obstruction, concerns are increasingly arising regarding the restrictions imposed on the right to protest, including by the European Commission, that in its recent report on the state of the rule of law in Belgium, reiterated the concerns of civil society and FIRM-IFDH.<sup>53</sup> Increasingly, limitations are being introduced that undermine democratic citizenship and shrink civic space.<sup>54</sup>

The measures and practices concerned comprise, inter alia:

- Overly strict application procedures to hold a protest and preventive individual bans on demonstrating.
- Excessive surveillance measures and arbitrary arrests.
- Threats and intimidation of citizens or journalists when filming the police.<sup>55</sup>
- Administrative fines by municipalities (called “GAS-boetes” or “SAC”<sup>56</sup>) that may have a deterrent effect on participation in demonstrations.
- Risk of criminal prosecution without taking the freedom to demonstrate into account.

The chilling effect of these measures may deter people from exercising their right to demonstrate. As a result, some may refrain from joining a spontaneous gathering, no longer dare to film police interventions, or leave a demonstration early due to excessive checks or arrests. When people withdraw out of fear of control or sanctions, stop participating in demonstrations, or no longer organise them, they are discouraged from making their voices heard. This undermines freedom of expression and threatens the space for public debate.

Furthermore, in the context of several labour disputes between trade unions and several large retail chains, employers made extensive use of unilateral emergency applications asking for summary judgments to prohibit certain strike-related actions without due process rights for the defendants. At least some of those claims were accepted by some courts, despite the fact that Belgium was condemned in 2011 by the European Committee of Social Rights for the

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<sup>53</sup> FIRM-IFDH, [Le droit de manifester, sous pression](#), Annual Report 2024.

<sup>54</sup> European Commission, 2023 Rule of Law Report, [Country Chapter Belgium](#), SWD (2023) 801 final, p. 29

<sup>55</sup> The processing of personal data “for journalistic purposes” applies only to professional journalists according to the Belgian [Act of 30 July 2018 on Data protection](#) (see : FIRM-IFDH, [advisory opinion on the treatment of personal data for journalistic purposes](#), nr. 1/2024, 22 January 2024, pp. 6-8). This too narrow definition violates the freedom of expression. According to the European Court of Justice (ECJ) this exception must apply not only to media undertakings but also to every person engaged in journalism including to citizens disclosing films of the police on internet (ECJ, [Buivids](#), 14 February 2019, C-345/17, § 52-53). According to the ECtHR, “the User-generated expressive activity on the Internet provides an unprecedented platform for the exercise of freedom of expression (...) fostering the emergence of citizen journalism” (ECtHR, [Cengiz and others c. Turkey](#), 1 December 2015, n° 48226/10, § 52).

<sup>56</sup> Gemeentelijke administratieve sancties (in Dutch) – Sanctions administratives communales (in French).

abusive use of unilateral emergency applications to prohibit collective action.<sup>57</sup> The European Committee had found that the failure to summon both parties to the hearing was a violation of the right to a fair trial, and that their recurrent use showed the existence of a structural problem in Belgium. FIRM-IFDH denounced the renewed use of unilateral applications to curtail human rights in an advisory opinion published on May 23, 2023. The authorities have not yet reacted to put an end to this violation of fundamental rights.

### **Civic Space (articles 19; 21 and 22)**

Human rights defenders in Belgium face external pressure, intimidation, and obstacles that hinder their work. In 2024, FIRM-IFDH conducted research into the quality of the civic space in Belgium. In this study *"Space for Human Rights Defenders in Belgium"*<sup>58</sup>, it was revealed that 55% of the 159 organizations that completed the survey had been victim of some form of intimidation or aggression at least once in 2021 or 2022.

These attacks are varied: from legal intimidation (24%) and smear campaigns (22%) to cyberattacks (19%). Additionally, 25% of the participating organizations experienced difficulties in obtaining funding, and 18% faced with problems taking part in the political decision-making process.

Although the organizations indicated in the study that the pressure and threats they face have only a limited impact on their ability to carry out their tasks and defend their social mission, they do report adjusting their working methods. For example, they mainly modify their communication strategy by expressing themselves more cautiously and moderately about the human rights domain in which they operate. At the same time, the aggression and intimidation experienced by staff members can lead to psychological strain, financial insecurity, and an increased sense of vulnerability.

### **Metises, colonization, working group people of African origin (articles 2, 26 and 27)**

A Special Parliamentary Commission was set up in 2020, to examine Belgium colonial's past in Congo, Rwanda and Burundi, its consequences and appropriate responses. The work of the Commission was supported by several extensive expert reports and lead to a concluding report of the Commission, focusing on Belgium's colonial history, reparations, and the link with contemporary racism.<sup>59</sup> However, no political consensus was reached, particularly on whether or not to offer official apologies for the colonial rule and the atrocities that took place during

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<sup>57</sup> European Committee of Social Rights, *C.S.C., F.G.T.B. and C.G.L.S.B. v. Belgium*, Complaint nr. 59/2009, decision on the merits, 13 September 2011.

<sup>58</sup> See : FIRM-IFDH, *Space for Human Rights Defenders in Belgium*, research report, 2024.

<sup>59</sup> Chambre des représentants, *Commission spéciale chargée d'examiner l'état indépendant du Congo (1885-1908) et le passé colonial de la Belgique au Congo (1908-1960), au Rwanda et au Burundi (1919-1962), ses conséquences et les suites qu'il convient d'y réserver – Rapport des Experts*, Doc. 55-1462/002, 26.10.2021.

that period. The Special Commission's mandate ended at the end of 2022 without any conclusion or recommendation being adopted.

Most of the recommendations of the Working Group of Experts on People of African Descent have not been implemented by Belgian authorities. No national action plan against racism has yet been adopted, 24 years after signing the Durban Declaration. Unia, the independent equality body, calls upon the authorities to draw up an ambitious intergovernmental plan to combat racism. Beginning 2025, the federal government announced that the funding of Unia, whose important work is stressed by the Working Group, will be cut with 25%, without any further explanation.<sup>60</sup>

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<sup>60</sup> Belgian federal government, [Accord de coalition fédérale, 2025-2029](#), 12.2.2025, p.83.