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## AI – Amnesty International

### Amnesty International Report 2022/23; The State of the World's Human Rights; Belgium 2022

An improved criminal law introduced a consent-centred approach to rape and other sexual violence. Asylum seekers were left destitute and Afghan asylum seekers were denied international protection. A state-owned weapons manufacturer continued irresponsible arms transfers. A bilateral treaty with Iran raised concerns about impunity. Structural discrimination against non-nationals and racial and ethnic minorities was documented. Prisoners were detained in inhumane conditions and the state was ordered to remedy its violations of the principle of non-refoulement.

#### Sexual and gender-based violence

In June, new criminal provisions about rape and other sexual violence that centre around the concept of consent, entered into force. The law also decriminalizes sex work.

Two new care centres for survivors of sexual violence were opened, bringing the total number of operational facilities to seven, with at least three more planned.

#### Refugees' and migrants' rights

Scores of asylum seekers continued to be left homeless and destitute by the denial of access to housing, due to insufficient shelter capacity.

In March, the Commissioner General for Refugees and Stateless Persons resumed refusals of international protection for Afghan asylum seekers, claiming that there was “no longer a real risk of becoming a victim of random violence” in Afghanistan and that subsidiary protection on humanitarian grounds was not warranted. In October, the Commissioner reported that only 52.2% of Afghan asylum seekers receive international protection.

Despite being at risk of refoulement, ill-treatment amounting to torture in detention and unlawful killings, Afghan refugees in Iran faced unreasonable administrative obstacles accessing protection in Belgium. Several months after refugees seeking to travel to Belgium had submitted applications for humanitarian visas, the Belgian authorities announced that applications would only be considered if re-submitted in Pakistan.

## Irresponsible arms transfers

In December, Amnesty International and other civil society organizations commenced litigation against FN Herstal, an arms manufacturer fully owned by the Walloon region, challenging the company's continued arms sales to states that are likely to use the weapons to commit serious human rights violations and violations of international humanitarian law.<sup>1</sup>

## Impunity

In July, Belgium ratified a treaty with Iran that allows for the transfer of sentenced nationals. International and Iranian civil society called on Belgium to ensure this treaty does not entrench impunity and ensures accountability for serious human rights violations and unlawful acts committed by the Iranian authorities extraterritorially.<sup>2</sup> In December, the Constitutional Court of Belgium partially suspended implementation of the treaty and was due to rule on its annulment in early 2023.

## Discrimination

Studies by the Interfederal Centre for Equal Opportunities (Unia) published in March and June found structural discrimination against people of African descent in housing and persistent structural and direct discrimination against non-nationals in the labour market.

In March, the NGO Ligue des Droits Humains reported that a foreign national or a person with dual nationality was more likely to experience acts of violence during arrest, police custody or as a witness than a Belgian national.

## Inhumane detention conditions

Overcrowding in dilapidated prisons continued, with insufficient access to essential services, including healthcare and sanitary facilities for people deprived of their liberty.

In June, the Council of Europe's Committee of Ministers expressed its "deep concern" at the structural overcrowding and worsening situation in Belgian prisons and urged the authorities to rapidly adopt solutions to improve the conditions of detention.

## Torture and other ill-treatment

In September, the Brussels Court of Appeals ordered the government to pay EUR 100,000 compensation to Nizar Trabelsi and request his transfer back to Belgium from the USA where his prison conditions violated the absolute prohibition of torture and inhumane and degrading treatment. Nizar Trabelsi was extradited, in violation of the principle of non-refoulement and interim measures ordered by the European Court of Human Rights, to the USA after completing a 10-year sentence in a Belgian prison on terrorism-related charges.

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1. "Belgium: Walloon arms trade: a new lawsuit will target FN Herstal", 21 June (French only)

2. "Belgium must ensure new treaty with Iran does not entrench impunity", 5 July

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Austrian Red Cross  
Austrian Centre for Country of  
Origin and Asylum Research and  
Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041  
Wien  
T +43 1 589 00 583  
F +43 1 589 00 589  
[info@ecoi.net](mailto:info@ecoi.net)

Contact  
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