

Amnesty International Report 2021/22; The State of the World's Human Rights; Belgium 2021

Irregular migrants lacked adequate access to housing, health and education. Allegations of racial profiling by police continued. Inhumane prison conditions persisted. The police used excessive force to disperse peaceful demonstrators. Belgium adopted an action plan to combat gender-based violence. The Wallonia region continued to authorize arms transfers to parties to the Yemen conflict. A court in Brussels ruled that the authorities had failed to combat climate change.

Background

In July, an international investigative journalism initiative known as the Pegasus Project revealed that several Belgian citizens and high-ranking politicians had been targeted by NSO Group's Pegasus spyware. Peter Verlinden, a journalist known for his work on human rights in Rwanda, and his wife were also targeted.

Refugees' and migrants' rights

In January, the federal minister for justice agreed to extradite a man to Ingushetia in the Russian Federation, despite a serious risk of torture and other grave human rights violations. At the end of the year, the extradition decision was still pending before a court.¹

From late May until 21 July over 400 irregular migrants conducted a hunger strike demanding better treatment and regularization. On 15 July, the UN Special Rapporteurs on extreme poverty and human rights and on the human rights of migrants concluded that the estimated 150,000 irregular migrants in Belgium were exposed to abuse and discrimination at work in the informal sector, as well as in their access to housing, healthcare, education and justice. Following the visits of the Special Rapporteurs, the government proposed assessing the individual situation of the protesters to determine whether they could obtain residency rights. In November, five of the former hunger strikers filed a complaint against the Belgian state for not honouring the commitments made to them.

In the first seven months of the year, six Afghan nationals were forcibly returned to Afghanistan, despite the continued widespread insecurity and high levels of poverty in the country. After the Taliban takeover, no further people were forcibly returned to Afghanistan.

Every day from mid-October until the end of December tens of asylum seekers were not provided with access to housing as the numbers exceeded reception capacity.

Discrimination

Racial, ethnic and religious minorities

Civil society groups continued to receive allegations of racial profiling by the police. In May, the CERD Committee urged the authorities to prohibit racial profiling, introduce the use of stop forms and improve the collection of disaggregated data. In May, the government rejected recommendations made during the UN's UPR process to explicitly prohibit racial profiling.

Older people

In September, a survey commissioned by Amnesty International found that 27% of people over 55 experienced abuse and that seven out of 10 faced prejudice because of their age in the French-speaking part of Belgium.

In October, the equality body UNIA confirmed that older people in care homes were at greater risk of suffering abuses of their human rights during the pandemic.

Inhumane detention conditions

Overcrowding in dilapidated prisons continued, with insufficient access for people deprived of their liberty to basic services, including healthcare and sanitary facilities. In May, the state rejected a UPR recommendation to ensure that the prison population remained below prison capacity.

Excessive use of force

In January, police used unnecessary and excessive force to disperse about 100 peaceful protesters who opposed police violence and impunity. Police arrested 245 people, including many passers-by who were not taking part in the protest. Some of the people arrested, including children, reported being ill-treated while in detention. At the end of the year, an investigation into allegations of ill-treatment by police was ongoing.

In July, the UN Committee Against Torture expressed concerns regarding ill-treatment and excessive use of force by the police, including against detainees and protesters.

Gender-based violence

In June a large-scale survey conducted by Ghent University indicated that two thirds of the Belgian population had experienced sexual violence in their lives; 81% of women and girls aged 16-69 reported having been victims of such violence. At the end of November, a national action plan against gender-based violence was adopted.

Irresponsible arms transfers

The Wallonia region continued to authorize arms transfers to members of the Saudi-led coalition in Yemen, despite the substantial risk that these arms could be used to commit or facilitate serious violations of international human rights and humanitarian law.

Failure to prevent climate change

In June, the Brussels Court of First Instance ruled that both the federal and the federated authorities had failed to implement adequate policies to tackle the climate emergency and had thus violated the rights to life and to private life of the plaintiffs.

1. [*Belgium: Submission to the UN Committee Against Torture 71st Session, 12-30 July 2021 \(Index: EUR 14/4290/2021\), 15 June*](#)

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