

The State of the World's Human Rights; Belgium 2023

Refugees' and migrants' rights

Although the government partially increased the capacity of its reception system, authorities again left thousands of asylum seekers homeless and destitute by denying them access to accommodation. Despite thousands of court decisions, including decisions by the state's highest administrative court and the European Court of Human Rights, the government failed to solve the reception crisis caused by its continued failure to provide sufficient shelter capacity.¹

The Commissioner General for Refugees and Stateless Persons continued to deny international protection to the majority of Afghan asylum seekers, with only 35% obtaining protection. Almost all Afghans remained unable to return to Afghanistan and failed asylum seekers were vulnerable to abuse.

Sexual and gender-based violence

Two new care centres for survivors of sexual violence were opened, bringing the total to 10, with four more planned. Of the survivors seeking help at care centres, 90% identified as women. The average age of people seeking help was 24, and 32% of all victims were aged under 18.

Discrimination

In July, the interior minister issued a new "professional profiling framework of action", which was welcomed as a positive measure to address and stop ethnic profiling by the police.

Detainees' rights

Overcrowding in dilapidated prisons continued, with insufficient access to essential services, including healthcare and sanitary facilities.

In October, the Council of Europe repeated its criticism of structural problems in the prison system, and the lack of effective recourse, and urged authorities to take swift and durable measures to reduce the number of prisoners and improve conditions of detention.

Freedom of expression and assembly

In December, following opposition by trade unions and human rights groups, among others, the government withdrew a proposal that would have allowed judges to impose a temporary general prohibition on participation in public assemblies as a complementary penalty on people convicted of protest-related criminal offences.

In April, 22 Greenpeace activists protested peacefully against fossil fuel investments at the port of Zeebrugge; 14 were arrested and detained for 48 hours. In November, the Bruges court of first instance found them guilty of unlawful intrusion into the critical infrastructure of the port facility. No sentences were handed down.

Irresponsible arms transfers

The Wallonia region continued authorizing arms transfers to states where there was a substantial risk that they could be used to commit or facilitate serious violations of international human rights and humanitarian law. This included to Brazilian police and Nigerian and Indonesian military forces accused of serious human rights violations.

Economic, social and cultural rights

The Federal Institute for the Protection and Promotion of Human Rights and the Combat Poverty, Insecurity and Social Exclusion Service documented that in 253 out of a total of 581 cities and villages there were by-laws regulating begging that contravened human rights.

Right to a healthy environment

In April, a non-exhaustive inventory by the federal government showed that the state annually spends around €13 billion in fossil fuels subsidies, although the actual figure may be as high as €19 billion.

In November, the Brussels Court of Appeal ruled that the federal, the Flemish and the Brussels Capital Region's authorities had failed to implement adequate policies to tackle the climate emergency, and thus had violated the rights to life and to private life of the plaintiffs.

Impunity

In May, a prisoner swap led to the release and transfer home of Belgian aid worker Olivier Vandecasteele who had been held hostage in Iran. The corresponding early release and transfer to Iran of Iranian intelligence agent Assadollah Asadi contributed to a climate of impunity for the extraterritorial targeting of Iranian dissidents for extrajudicial execution, torture and other ill-treatment, and undermined the rights of victims to justice.²

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1. [“Belgium: Urgent action needed to end human rights violations against asylum seekers”](#), 31 October
 2. [“Iran/Belgium: Iran must be held accountable for hostage-taking after overdue release of Olivier Vandecasteele in prisoner swap”](#), 26 May