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CONTENTS

1.	INTRODUCTION	3
2.	FOLLOW-UP TO THE PREVIOUS REVIEW	3
3.	THE FAILURE TO PROVIDE RECEPTION FOR PEOPLE SEEKING ASYLUM (ARTICLES 2, (1) AND (3), 3, 7, 14 AND 26)	6
4.	SEX WORKERS' HUMAN RIGHTS (ARTICLE 2(1), 3, 8, 15, 22 AND 26)	7
5.	ABORTION (ARTICLES 2(1), 6 AND 7)	8
6.	CRIMES UNDER INTERNATIONAL LAW (ARTICLES 2, 6, 14 AND 15, AS WELL AS G.C. N°36)	8
6.1.	Preventing impunity for crimes under international law	9
6.2.	Reparations for MÉTIS people	9
7.	THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY (ARTICLE 21)	9

Amnesty International submits this briefing to the UN Human Rights Committee, in advance of the adoption of the List of Issues Prior to Reporting for Belgium's seventh periodic report under the International Covenant on Civil and Political Rights ('the Covenant'). This submission is not an exhaustive account of Amnesty International's concerns but highlights several of the organization's key concerns in relation to the implementation of the Covenant in Belgium.

1. INTRODUCTION

Amnesty International submits this information to the UN Human Rights Committee, ahead of the 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 an exhaustive account of Amnesty International's concerns but highlights several of the organization's key concerns in relation to the implementation of the Covenant in Belgium.

2. FOLLOW-UP TO THE PREVIOUS REVIEW

Several of the recommendations made in the Concluding Observations by the Committee in 2019¹ remain at least partly unimplemented. In particular, Amnesty International expresses concern about none or insufficient progress with regard to:

- **Conditions of detention** (Concluding Observation para. 34): Overcrowding in dilapidated prisons continued and worsened, with insufficient access to essential services, including healthcare and sanitary facilities. Although international and national monitoring bodies have repeatedly raised alarm, the situation has continued to deteriorate, and Belgium has failed to take appropriate measures to address these urgent issues.²
- **Ethnic profiling** (Concluding Observation para. 16): Some positive steps to combat ethnic profiling by police were taken,³ but Belgium still has no explicit legal prohibition of ethnic profiling nor a

¹ Human Rights Committee (CCPR), Concluding observations on the sixth periodic report of Belgium, 6 December 2019, CCPR/C/BEL/CO/6.

² See, for instance, Committee against Torture (CAT), Concluding Observations on the fourth periodic report of Belgium, 25 August 2021, CAT/C/BEL/CO/4, paras 17-18. The Committee urges Belgium to reduce prison overcrowding by limiting admissions and expanding non-custodial measures, to restrict the use of pretrial detention and promote alternatives, to use prison sentences only as a last resort, to improve detention conditions in line with international standards, and to ratify the Optional Protocol to the Convention Against Torture (OPCAT) to establish a national torture prevention mechanism. See also Committee of Ministers of the Council of Europe, 1514th meeting (3-5 December 2024) (DH) - H46-12 Vasilescu v. Belgium (Application No. 64682/12), CM/Del/Dec(2024)1514/H46-12, December 2024, <https://search.coe.int/cm/?i=0900001680b29665>.

The Committee of Ministers also expressed deep concern about Belgium's continued detention of internees in "prison psychiatric wings" without proper mental health care. See: Committee of Ministers, Press Release: The Committee of Ministers adopts an interim resolution urging Belgium to resolve the structural problem of prolonged detention of internees in prison, without adequate care, 9 December 2024, <https://www.coe.int/en/web/execution/-/the-committee-of-ministers-adopts-an-interim-resolution-urging-belgium-to-resolve-as-soon-as-possible-the-structural-problem-of-the-prolonged-detention-of-internees-in-prison-without-adequate-care>

The Belgian Central Monitoring Council for Prisons also raised alarm in April 2025, noting that overcrowding had reached a critical level - with 13,689 detainees for 11,040 places - due in part to a 2022 policy requiring the execution of all short prison sentences, previously often served under electronic monitoring. See Belgian Central Monitoring Council for Prisons, "Les prisons craquent sous la surpopulation" ["Prisons bursting at the seams due to overcrowding"] (in French), 18 April 2025, https://ccsp.belgium.be/wp-content/uploads/2025/04/CP_Les-prisons-craquent-sous-la-surpopulation.pdf.

³ A positive step forward was the adoption of the federal anti-racism action plan in July 2022, which includes over 70 measures, some directly targeting ethnic profiling. See Sarah Schlitz, *Mesures fédérales du Plan d'Action National contre le Racisme 2021 – 2024* [Federal measures under the National Action Plan against Racism 2021–2024] (in French), 15 July 2022, https://equal.belgium.be/sites/default/files/actieplannen/1287310327_1657904935134.pdf, pp. 78-80. Furthermore, several initiatives have been taken by policymakers and police forces to address ethnic profiling. In 2020, the local police zones of Ghent, Antwerp, Brussels-North, and Mechelen-Willebroek signed a 'professional profiling framework' to guide officers in conducting identity checks lawfully, effectively, and fairly. See Bruzz, "Politiezone Noord werkt samen met drie andere zones rond professioneel profileren" ["Police zone North collaborates with three other zones on professional profiling"] (in Dutch), 8 July 2020, <https://www.bruzz.be/samenleving/politiezone-noord-werkt-samen-met-drie-andere-zones-rond-professioneel-profileren-2020>. In 2021, Ecolo and Groen submitted a bill proposing a general prohibition of discrimination and a mandatory recording system for identity checks in the Police Act; however, this bill is currently stalled. See Chambre de Représentants de Belgique, Proposition de loi modifiant la loi du 5 août 1992 sur la fonction de police en vue d'instaurer une obligation d'enregistrement et de motivation des contrôles d'identité [Law proposal amending the law of 5 August 1992 on the police function with a view to introducing an obligation to record and justify identity checks] (in French and Dutch), 3 February 2021, <https://www.lachambre.be/FLWB/PDF/55/1777/55K1777001.pdf>; Earlier in 2023, former Interior Minister Verlinden issued a circular encouraging all Belgian police zones to widely implement the professional profiling framework. See Service Public Fédéral Intérieur, Circulaire CP 5 fixant le cadre de référence relatif au profilage et au contrôle professionnel [Circular CP 5 establishing the reference framework for profiling and professional checks] (in French), 7 July 2023, https://etaamb.openjustice.be/fr/circulaire-du-07-juillet-2023_n2023043797.

mandatory system for recording identity checks, using stop forms.⁴ Furthermore, no legislative changes have been introduced to allow for the collection of disaggregated data by ethnicity.

- **National Human Rights Institution** (Concluding Observation para. 10): Since this Committee's previous review, there have been important changes to Belgian human rights monitoring mechanisms, in particular at the federal level and at the Flemish regional level.⁵ Nonetheless, Belgium still lacks a National Human Rights Institution that is fully compliant with the Paris Principles.
- **Refugees, asylum-seekers and non-refoulement:** Amnesty International observes a severe deterioration in the protection of the rights of refugees, asylum seekers, and migrants in Belgium. A particularly stark illustration of this decline is the persistent failure of the Belgian state, since October 2021, to provide adequate reception for asylum seekers, as further detailed in section 3. In addition, Belgium has not fully implemented the recommendations made by this Committee concerning **detention for migration-related reasons** (Concluding Observation para. 30, a). Though a legal ban on the detention of (families with) children was passed in May 2024,⁶ the current federal coalition agreement states that the new government will 'evaluate' the law after two years.⁷ In view of recent public statements by the Minister of Asylum and Migration, suggesting the need for a revision of the ban,⁸ Amnesty International is concerned that the prohibition to detain children for migration-related purposes might come under attack. Government plans also point to an increased use of immigration detention to facilitate returns, including the establishment of additional closed detention centres.⁹ Amnesty International urges Belgium to clarify how it ensures that detention is used strictly as a measure of last resort, how it plans to strengthen alternatives to detention, and what safeguards are in place to uphold the ban on detaining children, as well as families with children. Further Amnesty International recommends that Belgium take steps to also prohibit detention for migration related purposes for other categories of people, specifically: recognized refugees, families, pregnant people, people with disabilities and survivors of trafficking. Concerns about adherence to the principle of **non-refoulement** (Concluding Observation para. 32) have continued, including over the reliance on diplomatic assurances against torture or other ill-treatment.¹⁰

⁴ These recommendations have also been made by the Committee on the Elimination of Racial Discrimination and the CAT. See Committee on the Elimination of Racial Discrimination (CERD), Concluding observations on the combined twentieth to twenty-second periodic reports of Belgium, 21 May 2021, CERD/C/BEL/CO/20-22, paras 15-16 and CAT, Concluding Observations on the fourth periodic report of Belgium, previously cited, paras 9-10. During Belgium's last Universal Periodic Review in 2021, various countries formulated recommendations towards the state to prevent and combat ethnic profiling. See Human Rights Council, Report of the Working Group on the Universal Periodic Review Belgium, 14 July 2021, A/HRC/48/8.

⁵ For an overview of the changes, see Amnesty International, *Belgium: Submission to the UN Committee on the Rights of Persons with Disabilities: 31st Session, 12 August – 5 September 2024* (Index: EUR 14/8313/2024), July 2024, <https://www.amnesty.org/en/documents/eur14/8313/2024/en/>, pp. 10-13.

⁶ Belgium, Wet tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen en van de wet van 12 januari 2007 betreffende de opvang van asielzoekers en van bepaalde andere categorieën van vreemdelingen inzake het aanklappend terugkeerbeleid [Law amending the Law of 15 December 1980 on Access to the Territory, Residence, Establishment and Removal of Foreigners (Aliens Act), and the Law of 12 January 2007 on the Reception of asylum-seekers and certain other categories of foreigners (Reception Act) regarding the persistent return policy], 12 May 2024, https://www.stradalex.com/nl/sl_src_publ_leg_be_moniteur/toc/leg_be_moniteur_nl_10072024_1/doc/bs2024006654; However, the ban does not extend to the 29 "return houses" in Belgium, where families can still be held under a regime similar to that of closed detention, including accelerated procedures and limited appeal rights. Additionally, the law does not offer guarantees for family unity, allowing for the separate detention of adult family members, including in cases where families arrive at different times or are apprehended at the border. Moreover, unaccompanied minors intercepted at the border may still be detained if there is uncertainty about their age. For more information, see <https://www.vreemdelingenrecht.be/nieuws/nieuw-aanklappend-terugkeerbeleid> and <https://movecoalition.be/wp-content/uploads/2024/05/Detentie-van-kinderen-om-migratieredenen-eindelijk-bij-wet-verboden-mei-24.pdf>

⁷ Belgian federal government, Accord de coalition fédérale 2025-2029 [Federal coalition agreement 2025-2029] (in French), 31 January 2025, https://www.belgium.be/sites/default/files/resources/publication/files/Accord_gouvernemental-Bart_De_Wever_fr.pdf, p. 180.

⁸ See, for instance, De Standaard, "Minister van Asiel en Migratie Anneleen Van Bossuyt: 'We gaan verbod op opsluiten van gezinnen met kinderen misschien moeten herzien'" ["Minister for Asylum and Migration Anneleen Van Bossuyt: 'We may have to review the ban on detaining families with children.'"] (in Dutch), 18 March 2025, <https://www.standaard.be/politiek/minister-van-asiel-en-migratie-anneleen-van-bossuyt-we-gaan-verbod-op-opsluiten-van-gezinnen-met-kinderen-misschien-moeten-herzien/51338226.html>

⁹ Belgische Kamer van volksvertegenwoordigers, Beleidsnota – Asiel en migratie/Note de politique générale – Asile et migration [Policy note on asylum and migration] (in French and Dutch), 24 April 2025, DOC 56 0856/038, <https://www.dekamer.be/doc/FLWB/pdf/56/0856/56K0856038.pdf>, p. 10.

¹⁰ See, for instance, Amnesty International, *Belgium – Submission to the UN Committee Against Torture, 71st Session, 12-30 July 2021* (Index: EUR 14/4290/2021), July 2021, <https://www.amnesty.org/ar/wp-content/uploads/2021/07/EUR1442902021ENGLISH.pdf>, pp. 7-10.

Despite the severity of the human rights crisis in Afghanistan, the Office of the Commissioner General for Refugees and Stateless Persons continued to deny international protection to the majority of Afghan asylum seekers. In 2024, only 39% of those applying were granted protection.¹¹ In the same year, the Immigration Office also issued 2,621 return decisions to people of Afghan nationality.¹² Amnesty International considers that all forced returns to Afghanistan at present would be in breach to the principle of non-refoulement and warns against the execution of any of the return orders. The organisation is also concerned that those who are denied international protection and cannot return to Afghanistan are led into a situation of legal uncertainty, that exposes them to a risk of human rights abuses.

Belgium should ensure that all returns, including of individuals considered to pose a threat to national security, fully comply with international human rights obligations, particularly with the obligation to carry out a thorough, individualized risk assessments that upon return the person would not be exposed to risks of serious human rights violations (non-refoulement) and that returnees are afforded fair and effective procedures. Amnesty International also calls on Belgium to take a clear and human rights-compliant position in ongoing EU discussions on the proposed expanded use of “safe third country” and “safe country of origin” concepts, which in its proposed form¹³ risks undermining access to asylum and increasing the risk of refoulement.¹⁴

- **Intersex children’s rights** (Concluding Observation para. 22): Since this previous Committee’s review, no steps have been taken to end the performance of irreversible medical procedures, especially surgical operations, on intersex children who are not yet capable of giving their full, free and informed consent.¹⁵ Amnesty International urges Belgium to take the necessary legislative, administrative and other measures to guarantee the body integrity, autonomy and self-determination of individuals with variations of sex characteristics and to ensure that no child is subjected to non-emergency, invasive and irreversible surgery or procedures with harmful effects. Non-emergency, invasive and irreversible genital surgery or hormone treatment on infants and children with variations in sex characteristics should only be considered when they are able to meaningfully participate in decision making and give their full, free and informed consent.¹⁶
- **Sexual violence** (Concluding Observation para. 24): Despite the considerable progress made in this area by Belgium, women and girls who experience sexual violence still face multiple barriers to filing complaints and there is a need for reliable data and research on different forms of sexual violence.¹⁷ Amnesty International calls on Belgium to ensure adequate training of law enforcement forces regarding sexual violence, including by implementing mandatory initial and continuing specific trainings on the care of victims of sexual violence and collect and make available disaggregated data on sexual violence, including information on incidence, anonymized

¹¹ Office of the Commissioner General for Refugees and Stateless Persons, *Asylum statistics December 2024*, 16 January 2025, <https://www.cgrs.be/en/news/asylum-statistics-survey-2024>, p. 10.

¹² Immigration Office, *Décisions de retour – Statistiques annuelles, 2015-2024 [Return decisions – Annual statistics, 2015–2024]* (in French), https://dofi.ibz.be/sites/default/files/2025-04/STAT_OQT-BGV_FR_2024.pdf

¹³ European Commission, Proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level, 16 April 2025, 2025/0101(COD), <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52025PC0186>; European Commission, Proposal for a regulation of the European Parliament and the Council amending Regulation (EU) 2024/1348 as regards the application of the ‘safe third country’ concept, 20 May 2025, 2025/0132(COD), 20 May 2025, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52025PC0259>

¹⁴ Amnesty International, “EU: New ‘safe third country’ proposals cynical attempt to downgrade rights and offload asylum responsibilities”, 20 May 2025, <https://www.amnesty.org/en/latest/news/2025/05/eu-new-safe-third-country-proposals-cynical-attempt-to-downgrade-rights-and-offload-asylum-responsibilities/>

¹⁵ Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the eighth periodic report of Belgium, 1 November 2022, CEDAW/C/BEL/CO/8, para. 23(c).

¹⁶ Office of the High Commissioner for Human Rights, OHCHR Technical Note on the Human Rights of Intersex People: Human Rights Standards and Good Practices, 3 November 2023, <https://www.ohchr.org/en/documents/tools-and-resources/ohchr-technical-note-human-rights-intersex-people-human-rights>; See also Amnesty International, “Élections - Justice de genre et intersectionnelle” (in French), 27 March 2024, <https://www.amnesty.be/campagne/elections-2024/elections-justice-genre-intersectionnelle>

¹⁷ CEDAW, Concluding observations on the eight periodic report of Belgium, 1 November 2022, CEDAW/C/BEL/CO/8, p. 8 previously cited, para. 28 (b).

victim profiles and outcome of judicial follow-up.¹⁸ Belgium should also continue to roll out the sexual violence care centres throughout the country, ensure their adequate funding and strengthen their accessibility from an inclusive and non-discriminatory perspective, especially for people with disabilities, migrant and undocumented people, LGBTQIA+ people and children.¹⁹

3. THE FAILURE TO PROVIDE RECEPTION FOR PEOPLE SEEKING ASYLUM (ARTICLES 2, (1) AND (3), 3, 7, 14 AND 26)

Since October 2021, Belgian authorities have failed to provide reception to thousands of people seeking international protection, and to protect their human rights, including access to healthcare and hygiene facilities to all people applying for asylum on an equal basis. Since then, thousands of people – mainly racialised individuals – have been placed on a waiting list to receive reception, which, as of April 2025, counted 2,487 people.²⁰ Many of them are being forced to sleep on the streets, in makeshift tents or in squats, often in unsafe and unsanitary conditions.²¹

In April 2025, Amnesty International documented how this failure severely affects asylum seekers' health, dignity and ability to access the asylum system, the labour market and education.²² The exposure to inadequate living conditions may constitute a violation of the prohibition on cruel, inhuman or degrading treatment (Art. 7 ICCPR), as recognised by the European Court of Human Rights (ECtHR) in *N.H. and Others v. France*.²³ This Committee has also affirmed that, as part of their duty to protect the right to life, states should ensure access to essential goods and services — including shelter, food, water and healthcare, which Belgium has consistently failed to do since 2021.²⁴

Authorities have disproportionately denied reception to single male asylum seekers, deemed to be less “vulnerable.”²⁵ While the government's policy does not explicitly differentiate by race, it results in discriminatory outcomes based on race, gender, and other grounds (Art. 2, para. 1, Art. 3 and Art. 26 ICCPR).²⁶ To overcome this, Belgium should inter alia ensure transparency by collecting and publishing statistics on reception, disaggregated by race, ethnic origin and nationality, and include data on the average waiting times for people to access reception since 2021.

Since 2021, Belgian courts have issued over 10,000 rulings ordering the state to provide reception, with daily penalties for non-compliance.²⁷ The court orders were not fully implemented: in most cases, Belgium failed to immediately provide reception and the state has not paid a single penalty. In 2023, the

¹⁸ CEDAW, Concluding observations, previously cited, para. 26(c) and 28(c).

¹⁹ Amnesty International, Belgium, “Élections - Justice de genre et intersectionnelle”, [“Elections - Gender justice and intersectionality”] (in French), 27 March 2024, <https://www.amnesty.be/campagne/elections-2024/elections-justice-gendre-intersectionnelle>.

²⁰ Myria and the Commission on Home Affairs, Security, Migration, and Administrative Affairs, *PV réunion de contact protection internationale/Verslag contactvergadering internationale bescherming* [Report of contact meeting ‘International Protection’] (in French and Dutch), 23 April 2025, https://www.myria.be/files/20250423_PV_r%C3%A9union_contact_-_contactvergadering.pdf, p. 30.

²¹ Amnesty International, *Unhoused and unheard - How Belgium's persistent failure to provide reception violates asylum seekers' rights* (Index: EUR 14/9161/2025), 1 April 2025, <https://www.amnesty.org/en/documents/eur14/9161/2025/en/>, chapter 2.

²² Amnesty International, *Unhoused and unheard*, previously cited.

²³ European Court of Human Rights (ECtHR), *NH and Others v. France*, 2 July 2020, Applications 28820/13, 75547/13 and 13114/15, Chamber judgment, <https://hudoc.echr.coe.int/fre/?i=001-203645>

²⁴ CCPR, General Comment 36 on article 6: right to life, 30 October 2018, CCPR/C/GC/36, para. 26.

²⁵ Fedasil, “Pas d'accueil pour les hommes isolés” [“No accommodation for single men”] (in French), 30 August 2023, <https://www.fedasil.be/fr/actualites/accueil-des-demandeurs-dasile/pas-daccueil-pour-les-hommes-isoles>; On 13 September 2023, the Council of State, Belgium's highest administrative court, suspended the decision and stated that Belgian law “does not allow the [government] to deprive a category of asylum seekers, consisting of single men, of the right to reception in order to resolve the difficulties it claims to be facing.” In response, the former State Secretary for Asylum and Migration Nicole de Moor announced that she would ignore the ruling and continue to implement the suspension for single men in practice. This policy is still in effect today. See Conseil d'Etat, Arrêt [Judgment] (in French), 13 September 2023, 257.300, <https://www.raadvst-consetat.be/arr.php?nr=257300>.

²⁶ Amnesty International, *Unhoused and unheard*, previously cited, pp. 9 and 29.

²⁷ Myria and the Commission on Home Affairs, Security, Migration, and Administrative Affairs, *PV réunion de contact protection internationale/Verslag contactvergadering internationale bescherming* [Report of contact meeting ‘International Protection’], 23 April 2025, https://www.myria.be/files/20250423_PV_r%C3%A9union_contact_-_contactvergadering.pdf, p. 30.

ECtHR also condemned Belgium for failing to execute one such court order, noting the authorities’ “systemic failure” to enforce those decisions.²⁸ In July 2024, the Committee of Ministers found that the steps taken by the government were insufficient.²⁹

By blatantly ignoring thousands of court decisions, Belgium is also acting in violation the right to a fair trial (art. 14 ICCPR) and the right to an effective remedy (Art. 2.3 ICCPR). In *Camara*, the ECtHR has recalled the need to interpret the right to a fair trial in light of the principle of the rule of law, and underscoring that legal certainty — including respect for final court decisions — is a fundamental element of the rule of law.³⁰

In 2025, a new federal government was installed in Belgium. Amnesty International notes that no significant steps have been taken to ensure reception is provided to all those who seek international protection in Belgium and fears that the government’s plans risk further exacerbating the situation for people seeking asylum.³¹

4. SEX WORKERS’ HUMAN RIGHTS (ARTICLE 2(1), 3, 8, 15, 22 AND 26)

Amnesty International welcomes the major progresses made to advance the rights of sex workers in Belgium in the recent years. In March 2022, as part of a broader reform of Belgium’s Criminal Code and its provisions on sexual violence, sexual acts and consent, which Amnesty International has welcomed, the country’s Parliament passed the “Law amending the Penal Code with regard to sexual criminal law”, which decriminalised sex work in the country, making it the first European country to do so.³²

Further, in May 2024, the country’s Parliament passed a “Law laying down provisions on sex work under an employment contract”, which entered into force on 1 December 2024. It was already possible to work as an independent sex worker before this legislative development but thanks to this law, sex workers are now able to work under an employment contract, recognising the right of employed sex workers to labour law protections in Belgium, as well as their access to social protection and social security. The law guarantees that sex workers are protected against occupational risks in the workplace and can, for example, report concerns about their treatment by an employer. Sex workers are also entitled to protection of wages and parental leave.³³

Despite the significant progresses, Amnesty International urges Belgium to continue to meaningfully engage with sex workers’ unions and organizations, including migrants’ rights organisations, during the evaluation process of the implementation of the 2024 Law, including current sex workers and those from marginalized groups and facing discrimination on the basis of, for example, sexual orientation, gender, gender identity, race, ethnicity, disability, homelessness, drug use and migrant status.³⁴

Belgium should also extend the protections of the 2022 and 2024 Laws to sex workers engaging in sex work in informal and outdoor settings and extend their protections to undocumented migrant sex workers in Belgium.³⁵

²⁸ ECtHR, *Camara v. Belgium*, 18 July 2023, Application 49255/22, Chamber judgment, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-226093%22%5D%7D>, para. 118.

²⁹ Council of Europe: Committee of Ministers, *Camara v. Belgium (Application No. 49255/22): Supervision of the Execution of the European Court’s Judgments*, CM/Notes/1507/H46-6, 19 September 2024, <https://www.refworld.org/jurisprudence/coeministers/2024/en/148775>

³⁰ ECtHR, *Camara v. Belgium*, previously cited, para. 117.

³¹ Amnesty International, Belgium, “Amnesty’s initiële reactie op het federale regeerakkoord” [“Amnesty’s initial response to the federal coalition agreement”] (in Dutch), 6 February 2025, <https://www.amnesty-international.be/nieuws/amnestys-initiele-reactie-op-het-federale-regeerakkoord>.

³² Amnesty International, *Belgium: Amnesty International’s Submission to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) on Belgium’s Sex Workers’ Rights Laws* (Index: EUR 14/9108/2025), 7 March 2025, <https://www.amnesty.org/en/documents/eur14/9108/2025/en/>, p. 4.

³³ Amnesty International, *Submission to GREVIO on Belgium’s Sex Workers’ Rights Laws*, previously cited, p. 12.

³⁴ Amnesty International, *Submission to GREVIO on Belgium’s Sex Workers’ Rights Laws*, previously cited, p. 15.

³⁵ Amnesty International, *Submission to GREVIO on Belgium’s Sex Workers’ Rights Laws*, previously cited, p. 15.

5. ABORTION (ARTICLES 2(1), 6 AND 7)

Access to safe and legal abortions is not guaranteed for all women, girls and people who can get pregnant. According to Belgian law, voluntary pregnancy termination is limited to 12 weeks after conception and requires a compulsory six-day reflection period and the legal obligation to inform any person requesting an abortion about adoption and the various ‘care options’ available.³⁶ If these provisions are not respected, the law provides for criminal punishment for both the woman who had a voluntary pregnancy termination and the person providing an abortion.³⁷ As a result, every year around 400 people who have the necessary resources to do so and are in need of abortion care outside of the overly restrictive legal framework, are compelled to travel to the Netherlands which has longer time limits for accessing legal abortions and no compulsory waiting period.³⁸ The need to undertake such a journey entails costs, and additional stress, and is predicated on holding the legal documents or status to travel abroad, among other obstacles that may deprive some people entirely of access to abortion.³⁹

People seeking abortions in Belgium continue to face other barriers, such as the shortage of abortion care providers.⁴⁰ Notably undocumented people, asylum seekers who are not housed in the state’s reception system and people facing homelessness are subjected to additional obstacles. People in these situations, can access abortion under the ‘Emergency Medical Assistance’ mechanism. However, organisations providing support to these groups of people, such as *Médecins du Monde*, have expressed concerns that the current process is invasive, unnecessarily bureaucratic and too long – it can take up to 66 days – impeding access to timely abortion care.⁴¹

Amnesty International urges Belgium to fully decriminalise abortion and remove all obstacles that restrict access to safe and legal abortion, most notably for the most marginalised groups.⁴² Belgium should ensure that access to abortion care is in line with its international human rights obligations on the right to health, that includes access to timely and appropriate healthcare for everyone without discrimination.

6. CRIMES UNDER INTERNATIONAL LAW (ARTICLES 2, 6, 14 AND 15, AS WELL AS G.C. N°36)

³⁶ Belgium, Loi relative à l'interruption volontaire de grossesse, abrogeant les articles 350 et 351 du Code pénal et modifiant les articles 352 et 383 du même Code et modifiant diverses dispositions législatives [Law on voluntary termination of pregnancy, repealing Articles 350 and 351 of the Penal Code and amending Articles 352 and 383 of the same Code and amending various legislative provisions], 15 October 2018, https://etaamb.openjustice.be/fr/loi-du-15-octobre-2018_n2018014460.html, Article 2.

³⁷ Belgium, Loi relative à l'interruption volontaire de grossesse, previously cited, Article 3.

³⁸ Commission nationale d'évaluation de l'application de la loi du 15.10.2018 relative à l'interruption de grossesse, *Rapport à l'attention du Parlement – 1er Janvier 2022-31 Décembre 2023* [Report to Parliament – 1 January 2022 to 31 December 2023] (in French), March 2025, https://organesdeconcertation.sante.belgique.be/sites/default/files/documents/cie_ivg_-_rapport_2022-2023_mars_2025.pdf, p. 19: “According to data from the Health Care Inspectorate (Ministry of Public Health, Welfare and Sport) in the Netherlands, specialised clinics performed 452 abortions in 2022 and 417 abortions in 2023 on women residing in Belgium”.

³⁹ Amnesty International, Belgium, “Nous devons encore avorter aux Pays-Bas” [“We still have to have abortions in the Netherlands”] (in French), 19 September 2024, <https://www.amnesty.be/infos/actualites/article/belgique-nous-devons-avorter-pays>

⁴⁰ See, for instance, RTBF, “Sans médecins formés aux IVG, l'accès à l'avortement est menacé” [“Without doctors trained in abortion, access to abortion is under threat”] (in French), 28 September 2023, <https://www.rtf.be/article/sans-medecins-formes-aux-ivg-l-access-a-l-avortement-est-menace-11263108> and RTBF, “#Investigation : interruption volontaire de grossesse, l'enjeu d'une loi” [“#Investigation : #Investigation: voluntary termination of pregnancy, the challenge of a legislation”] (in French), 19 March 2025, <https://www.rtf.be/article/investigation-interruption-volontaire-de-grossesse-l-enjeu-d-une-loi-11516676>

⁴¹ See Médecins du Monde Belgique, *Note d'intention - Accès à l'interruption volontaire de grossesse (IVG) et à l'aide médicale urgente (AMU) pour les femmes sans accès aux soins en Belgique* [Statement of intent - Access to voluntary termination of pregnancy (VTP) and emergency medical assistance (EMA) for women without access to healthcare in Belgium] (in French), June 2022, https://medecinsdumonde.be/system/files/publications/downloads/Dossier_IVG_FR_DEF_WEB%28002%29.pdf, pp. 8, 13 and 18.

⁴² Amnesty International, “L'avortement est un droit. Parlementaires, changez la loi !” [“Abortion is a right. Parliamentarians, change the law!”] (in French), July 2024, <https://www.amnesty.be/veux-agir/agir-ligne/petitions/avortement-belgique>

6.1. PREVENTING IMPUNITY FOR CRIMES UNDER INTERNATIONAL LAW

Amnesty International notes Belgium's continued attention to strengthen international law and legal instruments with regards to preventing impunity for crimes under international law. Its role in the adoption of the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes against Humanity, War Crimes and other International Crimes and the fact that Belgium will act as this Convention's depository, are testament to these efforts. It would be good to learn about the state's efforts to ratify and implement this important convention into national law, as well as the next steps Belgium is planning in the prevention of impunity.

6.2. REPARATIONS FOR MÉTIS PEOPLE

In a landmark decision, Belgium was convicted of crimes against humanity for acts committed during colonisation. In December 2024, the Brussels Court of Appeal recognised the responsibility of the Belgian State in the abduction and systematic racial segregation of Métis children under Belgian colonial rule.⁴³ Amnesty International considers this ruling should pave the way for full recognition of the atrocities committed during colonisation and their ongoing harmful effects on the lives of survivors and their descendants. Notably, the state should share information as to the steps it plans to take to comply with the recommendations issued by the Committee on Enforced Disappearances in April 2025, where concrete actions were recommended for Belgium to "identify and support the victims of alleged instances of enforced disappearance and the wrongful removal of children perpetrated during the Belgian colonial era and uphold their rights to truth, justice and reparation, [...]".⁴⁴

7. THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY (ARTICLE 21)

Amnesty International is concerned about the realization of the right to freedom of peaceful assembly (Art. 21 ICCPR) in Belgium. Threats include, at the municipal level, overregulation, including an authorization regime incompatible with the full enjoyment of the right and overuse of administrative sanctions and, at the federal level, the introduction of new criminal provisions and punishments.

Many municipalities in Belgium require citizens to make an application for an official permit to hold an assembly.⁴⁵ In several municipalities examined by Amnesty International, police laws consider demonstrations or public gatherings to be forbidden unless authorized through prior written permission

⁴³ Brussels Court of Appeal, Arrêt définitif [Final judgment] (in French), 2 December 2024, nr. 2022/AR/262, https://rcn-ong.be/wp-content/uploads/2024/12/Appel-Bruxelles-02.12.2024-AFFAIRES-DES-METIS_Anonyme.pdf

⁴⁴ Committee on Enforced Disappearances, Concluding observations on the additional information submitted by Belgium under article 29 (4) of the Convention, April 2025, CED/C/BEL/OAI/1, points 28-29.

⁴⁵ Federal Human Rights Institute (FHRI), *Rapport annuel 2024 – Le droit de manifester, sous pression* [Annual Report 2024 – The right to protest under pressure] (in French), 16 June 2025, <https://federaalinstituutmensenrechten.be/sites/default/files/2025-06/Rapport-annuel-2024-IFDH.pdf>, pp. 8 and 9.

from the municipal authorities.⁴⁶ As this Committee has stated: “Having to apply for permission from the authorities undercuts the idea that peaceful assembly is a basic right.”⁴⁷

Peaceful demonstrators who do not comply with certain police regulations – for instance by failing to request authorisation or by failing to comply with so-called ‘neutral’ zones – risk unwarranted administrative sanctions and dispersal.⁴⁸ The enforcement of authorisation regimes has led to police unlawfully dispersing peaceful protests and using unnecessary force.⁴⁹

In 2023, a draft law that proposed, among other measures, a provision to ban so-called “rioters” from participating in protests was under discussion for months before the government eventually backed down and withdrew the bill.⁵⁰ In January 2025, the introduction of such an infraction was included in the federal coalition agreement.⁵¹ The Federal Human Rights Institute and civil society actors have expressed concerns that such a provision risks undermining the right of peaceful assembly and the right to strike.⁵²

Belgium’s new Criminal Code, which enters into force in April 2026, introduces an offence that punishes “malicious interference with the authority of the State”.⁵³ NGOs, civil society organizations, trade unions⁵⁴ and the Federal Human Rights Institute⁵⁵ expressed serious concern in relation to this offence saying it would lead to undue restrictions on the right of peaceful assembly and risks criminalizing legitimate forms of protests⁵⁶ and in particular could be used to penalize peaceful acts of, or calls for, civil disobedience and have a chilling effect on the rights to freedom of expression and peaceful assembly.

⁴⁶ See, for instance, City of Antwerp, Politiecodex [Police Code] (in Dutch), <https://www.antwerpen.be/assets-proxy/8ed55487-00ff-4494-a0d0-1f8d84d99a0f>, Article 102: “It is prohibited to set up public meetings and demonstrations outdoors and/or on public spaces, without written and prior permission from the mayor”; City of Brussels, Règlement general de police commun aux 19 communes bruxelloises/Gemeenschappelijk algemeen politiereglement voor alle 19 Brusselse gemeenten [Common general police regulations for all 19 municipalities in Brussels] (in French and Dutch), https://www.brussel.be/sites/default/files/bxl/Reglement_de_police_-_Politiereglement.pdf, Article 41: “Unless authorized by the competent authority, it is forbidden...”; City of Ghent, Codex politiereglementen Stad Gent gesanctioneerd met een gemeentelijke administratieve sanctie [Code of Police Regulations of the City of Ghent sanctioned with a municipal administrative penalty] (in Dutch), <https://apidg.gent.be/supporting/dss-public/v1/sharedfiles/ae085ab0-18a8-4287-90d1-81cbef3d9c83>, Article 1(1): “an open-air public meeting can only take place after prior authorization from the mayor”; City of Namur, Règlement général de police [General Police Regulation] (in French), <https://www.namur.be/fr/ma-ville/administration/services-communaux/service-juridique-general/reglements/reglement-general-de-police-rgp>, Article 2: “Any demonstration on the public highway is forbidden, except with written authorization from the mayor”; City of Liège, Règlement de police concernant l’organisation de manifestations ou de cortèges sur la voie publique ainsi que de manifestations en salle ou en plein air accessibles au public, [Police regulations concerning the organisation of demonstrations or processions on public roads and indoor or outdoor events open to the public] (in French), <https://www.liege.be/fr/vie-communale/services-communaux/securete/bureau-de-police-administrative/reglements/reglement-de-police-relatif-a-lorganisation-de-manifestations-ou-corteges-sur-la-voie-publique-et-manifestations-en-salle-ou-en-plein-air>, Article 2: “prior authorisation is required”.

⁴⁷ CCPR, General Comment 37 on Article 21 (Right of peaceful assembly), 17 September 2020, CCPR/C/GC/37, para. 70.

⁴⁸ FHRI, *Rapport annuel 2024 – Le droit de manifester, sous pression* [Annual Report 2024 – The right to protest under pressure] (in French), 16 June 2025, <https://federaalinstituutmensenrechten.be/sites/default/files/2025-06/Rapport-annuel-2024-IFDH.pdf>, pp.14 and 15.

⁴⁹ See for instance: Amnesty International, Belgium, “Dispersion survenue à la manifestation devant l’ambassade d’Israël” [“Dispersion at protest outside Israeli embassy”] (in French), 29 May 2024, <https://www.amnesty.be/infos/actualites/manif-ambassade-israel-bruxelles>. See also: Amnesty International, *Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries*, 8 July 2024, www.amnesty.org/en/documents/eur01/8199/2024/en/ p.118.

⁵⁰ See *Projet de loi visant à rendre la justice plus humaine, plus rapide et plus ferme III* [Draft bill to make justice more humane, faster and more decisive III] (in French and Dutch), 25 April 2023, <https://www.dekamer.be/FLWB/PDF/55/3322/55K3322001.pdf>, pp. 32-39. See also: Euractiv, “Belgian justice minister to legislate against rioters despite party objections”, 17 May 2023, <https://www.euractiv.com/section/politics/news/belgian-justice-minister-to-legislate-against-rioters-despite-party-objections/> and Politico, “Van Quickenborne bill’ threatens Belgian democracy, activists say”, 5 October 2023, <https://www.politico.eu/article/van-quickenborne-bill-threaten-belgium-democracy-activists-say/>

⁵¹ Belgian federal government, *Accord de coalition fédérale 2025-2029*, previously cited, pp. 26 and 138.

⁵² See for instance: Amnesty International, Belgium, “Amnesty’s initiële reactive op het federale regeerakkoord,” previously cited and FIRM-FIDH, *Advies over het gerechtelijk betogingsverbod* [Advice on the Judicial Protest Ban]. 20 February 2023, <https://institutfederaaldroitshumains.be/nl/advies-over-het-gerechtelijk-betogingsverbod>

⁵³ New Article 547 of the Belgian Penal Code.

⁵⁴ See, for instance: ABVV-FGTB. Press release: *Kwaadwillige aantasting gezag van de staat wordt strafbaar: recht op protest wordt bedreigd* [Malicious interference with the authority of the State to be punishable: Right to protest under threat]. 13 February 2024, <https://abvv.be/kwaadwillige-aantasting-gezag-van-de-staat-wordt-strafbaar-recht-op-protest-wordt-bedreigd>

⁵⁵ Federal Institute for the protection and promotion of human rights, *Advies nr. 04/2023* [Advice nr. 04/2023] (in Dutch), 20 February 2023, <https://institutfederaaldroitshumains.be/sites/default/files/2023-05/Advies%202023-04%20-%20Gerechtelijk%20betogingsverbod%20%281%29.pdf>

⁵⁶ Federal Institute for the Protection and Promotion of Human Rights, *Avis sur le Livre II du Code pénal* [Opinion on Book II of the Penal Code] (in French), 5 October 2023, <https://federaalinstituutmensenrechten.be/fr/avis-sur-le-livre-ii-du-code-penal>; Amnesty International, Belgium, “Réforme du code pénal : Action « Protect the protest » au Parlement fédéral” [“Reform of the Penal Code: « Protect the protest » action at the Federal Parliament”] (in French), 21 February 2024, <https://www.amnesty.be/infos/actualites/droit-penal-action-parlement>; Amnesty International, Belgium, “Atteinte méchante à l’autorité de l’État : une menace pour le droit de protester” [“Malicious attack on the authority of the state: A threat to the right to protest”] (in French), 25 January 2024, <https://www.amnesty.be/infos/actualites/article/atteinte-mechante-autorite-etat-menace-droit-protester>

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