

The State of the World's Human Rights; Belgium 2024

New criminal offences risked undermining the right to freedom of expression. Arms transfers to Israel were halted but repression against pro-Palestinian protesters was on the rise. Asylum seekers were left homeless and Afghan asylum seekers were denied protection. Prison conditions remained dire although some progress was made in establishing oversight. Provisions for care for survivors of sexual violence were strengthened and the country's policies on people with disabilities were reviewed internationally. The state was ordered to pay reparations for crimes against humanity during colonial rule.

Freedom of expression

In February, parliament adopted a new criminal code. It criminalized some acts, including a malicious attack on the authority of the state, glorification of terrorism and lese-majesty (an offence of showing a lack of respect for the sovereign), which would undermine freedom of expression.

Freedom of peaceful assembly

Municipalities continued to require prior authorization for public gatherings, a disproportionate restriction of the right to protest.¹ In May, police used a water cannon and tear gas to disperse a peaceful demonstration near the Israeli embassy protesting against human rights violations in Gaza. The mayor of Uccle district had ordered the protest to be broken up as the organizers had not obtained prior authorization.

In September, civil society organizations warned against increasing repression against pro-Palestinian demonstrators, highlighting the use of administrative sanctions against peaceful protesters for failing to comply with unlawful municipal authorization regimes. Around 70 people who had participated in or sympathized with the occupation of a university building in the capital, Brussels were summoned for questioning in a criminal investigation into membership of a group "inciting segregation and racism".²

Refugees' and migrants' rights

Authorities continued to leave thousands of asylum seekers homeless and destitute by denying them access to accommodation.

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. Statistics published in December indicated that only 39% of those applying were granted protection. Most of the Afghan nationals who did not obtain international protection were unable to return to Afghanistan and were vulnerable to abuse due to their irregular migration status.

Sexual and gender-based violence

On 18 April, parliament adopted a law on care centres for survivors of sexual violence which established a legal basis for such centres, safeguarded funding and ensured collaboration between hospitals, the police and the public prosecutor's office.

Detainees' rights

The new criminal code adopted in February stipulated that custodial sentences should be used only as a last resort.

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

In April, a federal preventive mechanism against torture and other ill-treatment was established, bringing ratification of the Optional Protocol to the UN Convention against Torture one step closer.

Rights of people with disabilities

In September, the Committee on the Rights of People with Disabilities recommended, among other things, that Belgium develop and enact an effective deinstitutionalization strategy; ensure mobility policies meet the specific needs of people with disabilities, including older people; and ensure that people with disabilities have a sufficient income to lead a dignified life.³

Irresponsible arms transfers

In February, the Walloon regional government suspended export licences of military material to Israel, after an open letter sent by civil society organizations. In December, media reported that the Walloon regional government had resumed issuing export licences for military material to the United Arab Emirates despite significant human rights concerns.

Sexual and reproductive rights

Political parties continued to block a vote in parliament on a proposal aiming to improve access to abortion services and bring the laws into closer compliance with the 2022 WHO Abortion Care Guideline.

Right to truth, justice and reparation

On 2 December, the Court of Appeals of Brussels recognized the responsibility of the Belgian state for the crime against humanity of abduction and systematic racial segregation of *Métis* children (those of mixed African and European ancestry) under Belgian colonial rule in the Democratic Republic of the Congo. The court ordered reparations to be paid to the five appellants.

Right to a healthy environment

In May, a non-exhaustive inventory by the federal government showed that in 2021 the state spent EUR 15.5 billion in fossil fuels subsidies; the actual figure was higher still.
