

## STATEMENT

### UPR Pre-session on Belgium

Geneva, 12 February 2026

**Delivered by: Federal Institute for the protection and promotion of Human Rights**

#### 1- Presentation of the Organisation

This statement is delivered on behalf of the Federal Institute for the protection and promotion of Human Rights (in short FIRM, or FIHR in English)), an independent national human rights Institution established by Law of 12 May 2019 to promote and protect human rights in Belgium.

The Institute's mandate covers matters relating to fundamental rights that fall within federal competence. As Belgium is a federal state, powers are divided between the federal, regional and community levels of government. Matters falling within the competences of the regions and communities (such as education and housing) are not (yet) covered by FIRM. Federal-level matters that fall under the responsibility of another institute are also excluded from FIRM's mandate (such as discrimination). The priorities outlined in this statement fall within the competence and the mandate of the Institute.

#### 2- National consultations for the drafting of the national report

The Federal Human Rights Institute has not conducted any specific consultations for the drafting of the national reports submitted for the UPR-session.

Nevertheless, the Institute maintains regular contact with civil society organizations and other stakeholders, including in the preparation of advisory opinions and international reports. The information in this report is based on work conducted by the Institute over the past five years, during which such consultations took place regularly.

#### 3- Plan of the Statement

This statement addresses the following issues:

- (1) A national human rights institution fully compliant with the Paris Principles( A status)
- (2) The ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- (3) The structural overcrowding of prisons.

#### 4- Statements

### **i. A national human rights institution fully compliant with the Paris Principles.**

#### ***A. Follow-up to the first review***

During the previous review session many countries made general recommendations regarding the need for Belgium to have a national human rights institution in compliance with the Paris Principles. These were accepted by Belgium.

#### ***B. New developments since the first review***

As mentioned, the institute was established by Law of 12 May 2019. Its secretariat was set up in February 2021.

In March 2023, after nearly two years of activities, FIRM was accredited with a B-status by GANHRI. While several States recommended during the last UPR that Belgium should have an NHRI with A-status, FIRM is not yet fully compliant with the Paris Principles, more in particular since it does not have a mandate to deal with matters under the competence of the regions and communities. To this end, the federal parliament and the parliaments of the regions and communities should adopt a legal tool, called cooperation agreement, to grant FIRM with an inter-federal mandate. This inter-federalization constitutes a key element towards achieving full compliance with the Paris Principles and the achievement of an A status accreditation. It should be noted that the Flemish Community created its own human rights institution in 2023, while no human rights institute currently covers human rights matters under the competence of the other regions and communities of the country. This cooperation agreement should therefore be adjusted to the complexity of Belgium as a federal state and cover these various aspects.

At this stage, and to the best of our knowledge, administrative work on the inter-federalization process has not yet formally begun. Nevertheless, it is important to note that the Federal Government Agreement expresses the intention to obtain A status through a cooperation agreement. This reflects a clear commitment on the part of the Government to move towards full compliance with the Paris Principles.

Furthermore, since the last UPR, the mandate of the institute has been broadened in three significant ways. First, it was given a mandate to provide whistle-blowers with information and with psychological, legal and other support.

Second, FIRM was appointed as the central focal point for combatting strategic lawsuits against public participation (SLAPPs).

Third, it was assigned the mandate of national preventive mechanism, on which I will elaborate further.

### **C. Recommendations**

Achieve full compliance of the National Human Rights Institution with the Paris Principles and thus obtain A status. This full compliance with the Paris Principles should be achieved through the adoption of a cooperation agreement taking into account:

- a) The expansion of the mandate of the Federal Institute for Human Rights to include matters within the competence of the Regions and Communities (except for the Flemish Community, which has its own human rights institution);
- b) The inclusion of the expertise of the various actors within the Belgian institutional landscape in the field of human rights

## **ii. The ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

### **A. Follow-up to the first review**

During the previous review session various countries recommended the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). This was accepted by Belgium.

### **B. New developments since the first review**

By Law of 21 April 2024, the Federal Human Rights Institute was assigned to be the national preventive mechanism at the federal level within the framework of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In order to implement its NPM mandate, the Institute collaborates with 3 institutions with a visiting mandate, being : the Central Prison Monitoring Council (prisons), the Federal Migration Centre Myria (detention centers for migrants)– and the Standing Police Monitoring Committee (police cells). The Belgian federal national

preventive mechanism is mandated to regularly examine the situation of persons deprived of their liberty in any place of deprivation of liberty under the exclusive competence of the federal authorities; to make recommendations to the competent authorities; to formulate advisory opinions on existing or draft legislation; publish visit and thematic reports; and to inform the public.

This mechanism has no competence to visit places of deprivation of liberty under the remit of the regions and communities. This is the case, for instance, for juvenile institutions, closed facilities for people with disabilities and elderly homes. To date, the Belgian regions and communities have yet to establish national preventive mechanisms.

Belgium signed the OPCAT on 24 October 2005. In accordance with Belgium's federal structure, ratification requires the approval of both the federal level and the regions and communities. The latter have all adopted and published the relevant legislation between 2009 and 2017. At the federal level, the ratification law was adopted on 19 July 2018 but has yet to be published in the Belgian Official Gazette and to be deposited with the Secretary-General of the United Nations. To date, the OPCAT has therefore not been ratified yet.

### ***C. Recommendations***

- Take all necessary steps to ratify the OPCAT without reservations and without further delay.
- Work towards the establishment of one or more national preventive mechanisms with the mandate to visit all places of deprivation of liberty, including those under the remit of the regions and communities.

## **iii. The structural overcrowding of prisons**

### ***A. Follow-up to the first review***

During the previous review session, several countries issued recommendations concerning prison overcrowding. All these recommendations have been accepted by Belgium.

### ***B. New developments since the first review***

Since several decades, Belgian prisons face structural overcrowding, resulting in multiple convictions by the European Court of Human Rights. This issue has further deteriorated in recent years. In July 2025, for the 11,040 available places, there were

13,001 detainees, including 237 who sleep on mattresses on the floor. (January 2026 : 13.600 detainees, with about 600 persons sleeping on mattresses on the floor).

In December 2024, the Committee of Ministers of the Council of Europe called upon Belgium to take “all required measures to resolve the problem of prison overcrowding everywhere and to put an end to the use of mattresses on the floor.” It was explicitly emphasised that “to focus their efforts on achieving a sustainable reduction in the prison population”, rather than on increasing prison capacity.

The 2025–2029 Federal Government Agreement and the policy note of the Minister of Justice provide for several measures to reduce overcrowding in Belgian prisons, including:

- the forced return of foreign prisoners to their country of origin, other EU countries, or countries that have concluded a return agreement with Belgium;
- allowing convicted persons to serve their sentence in their country of origin;
- building or renting prisons abroad, following the example of other European countries.

### **C. Recommendations**

- Limit the influx into prisons by promoting the use of alternatives to detention, such as electronic monitoring, conditional release, and other measures that restrict liberty;
- Ensure that alternatives to detention are accessible to everyone, regardless of residence status;
- Ensure that measures aimed at reducing the prison population do not lead to new human rights violations or the erosion of legal safeguards.

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