



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"

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ICJ Oral Intervention on the Adoption of the Outcome Document of the Universal Periodic Review of Belgium

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Madam President,

The International Commission of Jurists (ICJ) welcomes Belgium's acceptance of many of the recommendations of the Working Group related to protecting the rights of asylum seekers. These include recommendations on the effectiveness and transparency of the asylum process and strengthened access to legal advice (Recommendations 100.51 and 100.56); on adherence to the principle of *non-refoulement* (Recommendation 100.57); and on providing adequate housing and living conditions for asylum seekers, in particular women asylum seekers and children (Recommendations 100.52, 100.53, 100.54 and 100.55).

Implementation of these recommendations warrants urgent attention, given the problems in the EU system for the management of asylum claims under the Dublin Regulation. Concerning the universally applicable principle of *non-refoulement*, the European Court of Human Rights found in *M.S.S. v Belgium and Greece* that Belgium had violated the rights of an asylum-seeker by automatically transferring him to Greece, without first verifying that Greece's asylum procedure afforded sufficient protection against further removal to a country where he faced risks of serious violation of human rights.

In October 2010, Belgium implemented a freeze on the automatic transfer to Greece of asylum applicants under the Dublin Regulation. The ICJ welcomes the maintenance of this freeze following the European Court decision. However, this *ad hoc* solution does not provide a sufficiently clear and reliable basis for protection against *refoulement*. Belgium should take steps to formally abolish mechanisms of automatic expulsion that fail to take into consideration the principle of *non-refoulement*.

The ICJ wishes to express its concern that the Belgium has not accepted several recommendations, including that it accede to the International Convention on the Protection of the Rights of all Migrant Workers and their Families (Recommendations 103.1; 103.2; 103.3; and 103.4). The ICJ urges Belgium to reconsider this response and to ratify the Convention, which provides essential protections for the human rights of migrant workers.

I thank you.

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