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**Working Group on the Universal Periodic Review**  
**Twenty-fourth session**  
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### **Draft report of the Working Group on the Universal Periodic Review\***

### **Belgium**

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-fourth session from 18 to 13 January 2016. The review of Belgium was held at the 6<sup>th</sup> meeting on 20 January 2016. The delegation of Belgium was headed by the Deputy Prime Minister and Minister of Foreign Affairs, Foreign Trade and European Affairs, Didier Reynders. At its 10<sup>th</sup> meeting held on 22 January 2016, the Working Group adopted the report on Belgium.
2. On 12 January 2016, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Belgium: China, Georgia and Namibia.
3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Belgium:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/24/BEL/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/24/BEL/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/24/BEL/3).
4. A list of questions prepared in advance by Czech Republic, Germany, Mexico, Netherlands, Norway, Slovenia, Spain, United Kingdom of Great Britain and Northern Ireland and the United States of America was transmitted to Belgium through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Le Vice-Premier Ministre et Ministre des Affaires étrangères et des Affaires européennes dans sa déclaration introductive a précisé que la Belgique accorde une importance particulière à une politique universelle des droits de l'homme. Elle défend leur mise en application au niveau international, au niveau européen et au niveau bilatéral. Pour la Belgique, il est tout aussi primordial qu'elle applique ces principes universels au niveau national. La Belgique est déterminée à s'acquitter pleinement de ses obligations. La protection des Droits de l'homme demande une vigilance constante. L'examen par les pairs est un exercice important pour continuer à protéger et renforcer la mise en œuvre de ces droits fondamentaux.
6. Le Ministre rappelle aussi que la Belgique est un Etat fédéral. La protection des droits de l'homme est donc assurée par plusieurs niveaux de pouvoir. Le rapport national belge est en conséquence le fruit d'une concertation étroite entre les différentes parties constitutives de la Belgique, que ce soit les Communautés, qui ont par exemple la compétence pour l'enseignement ou les questions culturelles, ou les Régions, compétentes notamment pour les matières liées au territoire. C'est également dans ce contexte que la Belgique continue à renforcer le cadre législatif, juridique et politique qui permet aux droits de l'homme d'être protégés dans notre pays. Ce cadre institutionnel implique des

responsabilités à différents niveaux de pouvoir mais aussi une responsabilité partagée sur certains sujets.

7. Le Ministre Reynders souligne que les droits de l'homme sont effectivement soutenus et protégés en Belgique, tant par le cadre législatif en vigueur, que par une mise en œuvre rigoureuse de celui-ci. La Belgique attache une grande importance à ces standards internationaux universels et fait des efforts réels pour leur mise en œuvre. C'est aussi la raison pour laquelle la Belgique fait partie du groupe restreint de pays qui n'accusent aucun retard dans la présentation de ses rapports périodiques aux organes des traités des Nations Unies.

8. La Belgique adhère à la plupart des conventions internationales en matière des droits de l'homme. Depuis le dernier examen périodique, la Belgique a finalisé son adhésion à la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées en 2011 et, en 2014, à deux protocoles instituant des procédures de communications en matière de droits économiques, sociaux et culturels et des droits de l'enfant. Les procédures de ratification pour la Convention d'Istanbul sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique viennent de se conclure et la Belgique devait incessamment déposer formellement sa ratification au Conseil de l'Europe.

9. Le Ministre poursuit son intervention en précisant que la lutte contre toutes les formes de discrimination est au cœur des préoccupations en Belgique. Le gouvernement prend ainsi très au sérieux ses engagements en vue de l'égalité des genres. Cette question fait l'objet d'une attention particulière de tous les niveaux de pouvoir compétents. Différentes législations ont été adoptées afin d'améliorer la représentation des femmes dans la vie professionnelle ou politique. Les progrès enregistrés en conséquence sont encourageants. Une attention particulière a été accordée également à la lutte contre le sexisme et à la promotion de l'égalité par l'éducation. La Belgique vient par ailleurs d'adopter un nouveau Plan national ambitieux et global 2015-2019 pour lutter contre la violence basée sur le genre.

10. Concernant la lutte contre le racisme et la xénophobie, les instruments législatifs et juridiques belges ont été adaptés afin de mieux dépister et de pouvoir incriminer les discriminations et les violences liées à la haine. Le volet formation – que ce soit au niveau de la police ou des enseignants – n'a pas été oublié. La lutte contre la discrimination spécifiques des personnes LGTB a par ailleurs fait l'objet d'une attention spécifique, l'accent ayant été mis tant sur la prévention que sur la protection. Afin de protéger les droits des personnes handicapées, et en ligne avec la Convention en la matière, la Belgique a mis en place un nouveau statut de protection juridique basé sur l'autonomie des personnes handicapées. Entrée en vigueur le 1er septembre 2014, la nouvelle loi sur la capacité juridique part du postulat qu'une personne est capable sauf pour les actes qu'elle aura été jugée, expressément, incapable d'accomplir par le juge de paix. Le nouveau régime est individualisé aux besoins de la personne à protéger. Des mesures ont été prises également pour éviter que des personnes internés, qui de par leur état mental n'ont pas leur place en prison, ne se retrouvent en milieu carcéral. L'ouverture d'un nouveau centre de psychiatrie légale ou la mise en service de sections longs séjour pour internés dans des établissements psychiatriques ont permis de réduire sensiblement le nombre de personnes internés en prison. Les projets se poursuivent avec comme objectif une intégration sociale optimale.

11. Au niveau de la justice, la Belgique a pris une série d'initiatives pour diminuer une surpopulation carcérale. Elle a ainsi investi dans de nouveaux établissements et a effectué des rénovations des structures existantes. Elle a aussi pris des mesures pour augmenter les mesures alternatives à la détention. Les résultats de ces mesures sont encourageants et ont permis de diminuer la surpopulation carcérale de 25% à 8%.

12. Le Ministre mentionne aussi l'adoption, en 2011, de la loi Salduz : celle-ci consacre plusieurs nouveaux droits importants, dont le droit de se concerter confidentiellement avec un avocat avant d'être auditionné ainsi que le droit, pour les personnes privées de leur liberté, d'être assistées par leur avocat lors des auditions et des interrogatoires. Des efforts conséquents ont été entrepris pour garantir une durée raisonnable des procédures judiciaires. De plus, une procédure d'indemnisation existe en cas de durée excessive d'une procédure pénale.

13. La Belgique accorde une attention particulière à la lutte contre la pauvreté et a développé des outils pour mieux cibler les mesures nécessaires, par exemple le baromètre interfédéral de la pauvreté. Afin d'accorder une attention spécifique aux droits des enfants dans ce contexte, un plan national de lutte contre la pauvreté infantile a été approuvé en 2013. Un deuxième plan sera prochainement finalisé.

14. En matière d'asile, le Ministre souligne que chaque demandeur a la possibilité d'introduire une demande d'asile, dans le respect des Conventions internationales en vigueur. Les demandeurs sont informés de leurs droits tout au long de la procédure. La législation belge a été modifiée pour pallier certaines carences constatées par les juridictions internationales et nationales. Le nouveau Centre des Migrations mène une politique active afin de veiller au respect des droits de l'homme dans la politique d'accueil. Des mesures spécifiques ont été adoptées pour protéger les femmes et les mineurs. Ainsi, des réformes ont été introduites pour que les mineurs ne soient plus maintenus dans un centre fermé. Les centres fermés sont utilisés dans le cadre fixé par le droit international, uniquement pour des cas spécifiques encadrés par la loi.

15. A l'instar de nombreux autres Etats membres de l'Union européenne, la Belgique a connu une hausse très importante du nombre de demandes d'asile introduites au cours du 2ème semestre de l'année 2015. Des efforts considérables ont été accomplis dans un laps de temps très court pour renforcer la capacité d'accueil. Le nombre de places au sein du réseau d'accueil est ainsi passé de 18.000 places au mois de juin à près de 33.500 places fin décembre 2015.

16. Depuis 2011, les efforts importants de la Belgique se sont poursuivis afin de lutter contre la traite des êtres humains. Un nouveau Plan d'action national couvrant la période 2015-2019 a été adopté, tandis que trois lois pénales ont été adoptées en 2013, dont l'une élargit la finalité d'exploitation sexuelle et augmente l'arsenal judiciaire pour lutter contre ce fléau.

17. Deux chantiers sont en cours d'élaboration au niveau du gouvernement actuel. Le premier est celui de la définition d'un plan national « droits de l'homme et entreprises » qui devrait être adopté prochainement. Le deuxième est celui de la création, prévue pour la fin de cette législature, d'un mécanisme national indépendant des droits de l'homme, conforme aux principes de Paris. La Belgique dispose de nombreux outils constitutifs d'un tel mécanisme, comme la Commission nationale pour les droits de l'enfants ou le Centre pour l'égalité des chances et des services de médiation indépendants du pouvoir exécutif. Le premier défi est donc d'intégrer les différents mécanismes existants dans un ensemble cohérent et de le compléter, s'agissant des activités non encore exercées.

18. Si les minorités bénéficient de nombreux mécanismes nationaux ou internationaux de protection en Belgique, la Convention-cadre pour la protection des minorités, pour laquelle la Belgique avait, comme d'autres pays, formulé une réserve, n'a pas encore été ratifiée. La réserve formulée par la Belgique est la suivante: « Le Royaume de Belgique déclare que la Convention-cadre s'applique sans préjudice des dispositions, garanties ou principes constitutionnels et sans préjudice des normes législatives qui régissent actuellement l'emploi des langues. Le Royaume de Belgique déclare que la notion de minorité nationale sera définie par la conférence interministérielle de politique étrangère. »

Cette question implique en effet le pouvoir au niveau fédéral et les entités fédérées. Jusqu'à présent, il n'y a pas eu d'accord en Belgique sur une telle définition entre les différents pouvoirs qui doivent donner assentiment au texte. Un Groupe de travail est chargé de continuer d'étudier cette question, notamment en vue de définir le concept de minorité. Quant au protocole 12 à la Convention européenne des droits de l'Homme visant l'élimination de toutes les discriminations, à ce stade, toutes les entités n'ont pas approuvé le traité et la Belgique n'est donc pas en mesure de le ratifier. Le Gouvernement flamand souhaite attendre la jurisprudence de la Cour européenne concernant la portée de ce protocole.

19. Le Ministre aborde ensuite la question du terrorisme, phénomène global qui a pris une ampleur inégalée. La Belgique n'a pas été épargnée, le premier attentat commis en Europe par un djihadiste revenu de Syrie ayant eu lieu à Bruxelles en 2014. La Belgique s'est dotée depuis plusieurs années de nombreuses dispositions en vue de lutter contre le terrorisme. Elle a adopté dès 2006 un plan d'action national pour lutter contre la radicalisation. Celui-ci est en cours de révision. Le renforcement des mesures en matière de lutte contre le radicalisme est un aspect clé de l'accord de gouvernement belge. Il s'agit d'une approche intégrale et intégrée basé sur la collaboration étroite entre les divers acteurs, l'amélioration de l'échange d'information ainsi qu'une combinaison des approches administratives et judiciaires. En 2015, le gouvernement belge a approuvé deux séries de nouvelles mesures de lutte contre la radicalisation. Ces mesures sont à la fois de nature préventive et répressive. En amont, le gouvernement met tout en œuvre pour que l'ensemble des citoyens belges se sentent intégrés et des efforts se poursuivent au niveau de l'éducation. En aval, l'état belge doit assurer la sécurité des citoyens face au risque terroriste. La Belgique tient à prendre ses responsabilités en la matière et continuera à le faire, dans le respect de ses engagements internationaux en matière de droits humains.

20. En conclusion le Ministre Reynders souligne la longue tradition de collaboration de gouvernements belges successifs avec la société civile. Celle-ci est consultée et écoutée régulièrement par toutes les autorités belges. Le rapport UPR a fait l'objet de consultations avec les organisations de la société civile qui ont émis des commentaires critiques détaillés sur plusieurs des thématiques abordées dans le projet et ont souligné les progrès qu'elles estimaient encore nécessaire en Belgique en matière de droits de l'homme. Si la collaboration est intensive, il est clair qu'elle est toujours perfectible. Ayant pris note des remarques de la société civile sur l'approche belge en vue de la rédaction de l'UPR, le gouvernement belge ne manquera pas de voir avec toutes les autorités concernées comment améliorer encore le processus dans le futur. Lors du suivi de la session de l'EPU, elle ne manquera par ailleurs pas d'engager un dialogue constructif avec la société civile.

## **B. Interactive dialogue and responses by the State under review**

21. During the interactive dialogue, 100 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

22. Togo welcomed the ratification by Belgium of several international instruments as well as the measures taken to combat racism and discrimination.

23. Tunisia welcomed the adoption of policies and measures to prosecute acts of discrimination and hate-related violence. It also encouraged Belgium to continue its efforts in favour of the official development assistance.

24. Turkey was concerned about the rise of Islamophobic acts and noted that the religious freedom for Muslims was limited at school, at work and in administration.

25. While acknowledging the efforts undertaken, Ukraine encouraged Belgium to take further measures, in cooperation with the civil society, to monitor and implement UPR recommendations.
26. The United Arab Emirates commended Belgium for its promotion of the rights of vulnerable groups. It was concerned at reports of religious discrimination and Islamophobia.
27. The United Kingdom of Great Britain and Northern Ireland encouraged Belgium to expedite the process of the establishment of a national human rights institution.
28. While noting Belgium's efforts to combat discrimination, the United States of America was concerned with instances of discrimination against members of minority groups.
29. Uruguay considered that the independence of the NHRI's enshrined in the Paris Principles was a fundamental principle to respect and noted that several actors were concerned about overcrowding in prisons.
30. Uzbekistan noted the concern of UN human rights bodies about Islamophobia and Anti-Semitism and the excessive use of force by law enforcement representatives against immigrants.
31. The Bolivarian Republic of Venezuela was concerned by the prison system in Belgium and the overcrowding conditions systematically described by international bodies as cruel, inhuman or degrading treatments.
32. Zambia called upon Belgium to take measures to combat racially motivated violence and ill-treatment by police officers targeting persons with immigrant background.
33. Afghanistan commended Belgium for its training programmes to judges, police officers and other professionals aiming at combating gender-based violence.
34. Albania commended Belgium for the progress achieved in terms of human rights.
35. Algeria welcomed the enactment of new legislation such as the 2013 law which provides for heavier penalties for certain offenses with racial grounds.
36. Angola encouraged Belgium to continue its efforts to improve prison capacity and find alternatives to imprisonment.
37. Argentina welcomed the ratification of the ICPED and the work carried out by the authorities to address racism and discrimination.
38. Armenia welcomed the instruments set up by Belgium in the framework of the fight against racial discrimination, extremism and xenophobia.
39. Australia acknowledged efforts done by the Belgian Centre for Equal Opportunities on the implementation of obligations under CRPD.
40. Azerbaijan welcomed the ratification of several international human rights instruments by Belgium since its first review.
41. Bahrain was concerned about xenophobic speeches by politicians in the media and cases of xenophobia amongst law enforcement bodies.
42. Bangladesh appreciated the actions adopted by Belgium to curb racial discrimination. Nonetheless Bangladesh noted the concern of CERD about acts of Islamophobia.

43. Belarus noted measures to combat racism, extremism and xenophobia but considered that a holistic approach was needed to root out their causes. It noted that priority should be given to addressing a high level of poverty.
44. Benin welcomed the measures undertaken by Belgium to address prison overcrowding situations, improve the conditions of detention and fight against racial discrimination.
45. Botswana welcomed the measures adopted by the French Community for combating racism and discrimination and encouraged Belgium to adopt a national action plan against racism.
46. The Plurinational State of Bolivia welcomed the progress made by Belgium since its first review.
47. Sweden commended the Belgian initiative to reduce violence against women. It noted, however, a high unemployment rate among foreign-born citizens.
48. Bulgaria commended Belgium's commitment to the process and implementation of the UPR and noted that combating racism, extremism and xenophobia remains a priority for Belgium.
49. Burkina Faso commended Belgium for the measures taken to find alternatives to imprisonment, strengthen the rights of persons under criminal investigation and reduce the prison overcrowding.
50. Canada encouraged Belgium to fully implement the national action plan to combat gender-based violence.
51. Chad commended Belgium for its efforts in implementing the UPR recommendations and for the presentation of its mid-term report in 2013.
52. Chile noted Belgium's commitment to human rights and its cooperation with the UN and praised the Government for improving the human rights standards.
53. China noted Belgium's progress ratifying human rights instruments and welcomed plans to combat poverty, gender discrimination, domestic violence, contemporary slavery and refugee and migrant discrimination.
54. Colombia recognized the commitment of Belgium to implement the first cycle recommendations and the Government's efforts to train on human rights the armed forces and judicial officers.
55. Congo urged Belgium to find an agreement to establish a national human rights institution compliant with the Paris Principles.
56. Costa Rica noted the efforts to detect and prosecute cases of discrimination and expressed concern about instances of excessive use of force by law enforcement officials.
57. Côte d'Ivoire encouraged Belgium to continue its programmes against poverty and domestic violence.
58. La Belgique confirme son engagement du gouvernement de créer un mécanisme national indépendant des droits de l'homme dans le courant de la présente législature.
59. Concernant le protocole facultatif à la Convention contre la torture, signée en 2005, la délégation a signalé que la procédure de ratification n'est pas finie mais elle est en cours.
60. Sur la discrimination religieuse, le Ministre a rappelé le cadre juridique dont dispose la Belgique pour protéger la liberté d'expression et la liberté religieuse. La délégation a fait un appel à tous les pays membres des Nations Unies à abolir les lois contre le blasphème et



l'apostasie qui conduisent à des abus inadmissibles à l'encontre de la liberté de religion et d'expression.

61. De même, pour répondre aux préoccupations exprimées par diverses délégations sur les violences policières illégitimes, la délégation a expliqué le cadre légale existant pour les empêcher et les combattre. La Belgique a répondu aussi aux questions concernant le profilage ethnique de la part des forces de l'ordre et a indiqué que la loi interdit toute discrimination fondée sur un certain nombre de critères protégés, comme l'origine ethnique et sanctionne tout policier coupable.

62. Quant à l'écart salarial entre hommes et femmes, la délégation a expliqué que la Belgique dispose d'une réglementation visant à interdire les discriminations fondées sur le sexe pour un même travail.

63. Sur la Convention sur les travailleurs migrants et les membres de leur famille, la Belgique accorde de l'importance au respect des droits des migrants, mais n'est pas en mesure d'y adhérer puisque la convention confère des droits égaux aux travailleurs migrants en situation régulière ou irrégulière. Cette approche se distingue des réglementations aux niveaux européen et national.

64. Cuba recalled that CAT had expressed concern regarding information indicating that law enforcement officers used excessive force to carry out interrogations or detentions.

65. The Czech Republic warmly welcomed the delegation of Belgium and expressed appreciation for Belgium's responses to advance questions.

66. The Democratic Republic of the Congo commended Belgium for the adoption of a law which provides for heavier penalties for certain offenses with racial grounds.

67. Denmark welcomed Belgium's acceptance of the recommendation to ratify OP-CAT, inquired about steps taken to achieve ratification and encouraged establishment of an A-status national human rights institution.

68. Djibouti appreciated positive steps taken by Belgium in the protection and promotion of human rights since the first review.

69. Dominican Republic, considering the efforts of Belgium to improve prisons, invited the Government to learn from the Dominican prison system, used as an example by other countries.

70. Ecuador expressed concern regarding the security approach used against migrants and refugees and the enactment of the Agro-Fuels Law affecting third countries.

71. Egypt commended the creation of family courts, human rights training and inclusive education, expressed concern about racism and regretted lack of a national human rights institution.

72. Estonia noted Belgium's progress in employment equality, reducing the wage gap, combatting gender-based violence and ensuring child rights and called for more consultations with vulnerable groups.

73. Fiji noted the need for progress in establishing a national human rights institution and to address prison overcrowding through improved detention standards.

74. France made recommendations.

75. Georgia encouraged establishing a national action plan on human rights, to continue mid-term reporting on implementation and noted Belgium's ratification efforts and human rights commitment.

76. Germany welcomed Belgium to the Human Rights Council and commended progress made since Belgium's 2011 review and its continued engagement with human rights mechanisms.
77. Ghana lauded Belgium's actions to improve prison conditions, legislation targeting racism, extremism and xenophobia, and Belgium's steps taken toward a national human rights institution.
78. Greece congratulated Belgium for its treaty ratifications, national human rights institution progress, antidiscrimination work, and efforts to fight sexual violence and protect women and children.
79. Honduras welcomed the progress achieved in implementing the recommendations of the first review and the actions undertaken to establish a national human rights institution.
80. Hungary expressed appreciation toward Belgium's UPR implementation, but noted gaps concerning OP-CAT and a national human rights institution and asked about efforts addressing anti-semitism.
81. Iceland praised Belgium's UPR engagement and its mechanisms combating racial discrimination, cautioned against de-facto discrimination and urged quick implementation of its gender-based violence strategy.
82. India commended efforts toward awareness raising and training of judges and police, but noted concern for the reported use of excessive force against immigrants.
83. Indonesia thanked Belgium for its UPR engagement and appreciated steps taken to combat racism, extremism and xenophobia and to protect women, minors and asylum seekers.
84. The Islamic Republic of Iran noted Belgium's right to health measures and expressed concern over increasing racial discrimination, racism, xenophobia, intolerance and Islamophobia.
85. Iraq praised Belgium's implementation of UPR recommendations and lauded efforts to implement human rights consistent with international standards and steps against racism and extremism.
86. Ireland praised Belgium's UPR reporting and implementation and encouraged Belgium to enact specific legislation prohibiting corporal punishment in all circumstances.
87. Israel highlighted past UPR recommendations on prosecution of discrimination and hate-related violence, such as Holocaust denial, LGBTI anti-discrimination action plans, and child rights indicators.
88. Japan welcomed Belgium's gender balance measures in government, the private sector and education and commended protections for women and minors among refugees and migrants.
89. Kazakhstan commended Belgium for ratification of international human rights instruments and for efforts in justice administration and combating contemporary forms of slavery.
90. Kyrgyzstan noted Belgium's efforts to strengthen its legislation to promote and protect human rights and its progress to follow up on the outcome of the UPR.
91. Lebanon expressed appreciation of efforts deployed to promote and protect human rights and welcomed preventive and deterrent measures to fight discrimination and xenophobia.
92. Libya made recommendations.

93. Liechtenstein welcomed efforts towards elimination of discrimination against women and progressive measures to protect the right to privacy.
94. Lithuania commended ratification of international treaties, efforts to create a national human rights institution in compliance with the Paris Principles, and efforts to improve prison conditions.
95. Malaysia noted new legislation that enables action against acts of discrimination and hate-related violence, and improvements in the rights of women, children and persons with disabilities.
96. Mexico commended the efforts to implement UPR recommendations such as the future establishment of a national human rights mechanism in accordance with the Paris Principles.
97. Montenegro welcomed activities on ensuring gender equality, highlighted inclusive educational integration policies for children with disabilities and integration of migrants, and noted concerns regarding child abuse and street children.
98. Morocco congratulated Belgium for ratifying new human rights instruments, particularly the CED, as well as for its efforts to combat racism, intolerance and discrimination.
99. La Belgique a indiqué que l'interdiction de l'incitation à la haine constitue une des limitations légales de la liberté d'expression et que la base légale pour la combattre repose sur 3 lois fédérales : la loi antiracisme; la loi anti discrimination et la loi sur le négationnisme. Par ailleurs, le gouvernement a entamé les préparations pour un Plan d'action national contre le racisme, la xénophobie et l'intolérance.
100. Sur la question de la discrimination, notamment dans le logement et le travail, la délégation a rappelé qu'en droit belge, l'égalité de traitement s'étend à tous les domaines de la vie en société. Afin de lutter contre les discriminations dans les différents secteurs, la Belgique a aussi élaboré des instruments de mesure de la diversité, notamment le Baromètre de la diversité. De même, plusieurs initiatives des pouvoirs publics, d'associations professionnelles et d'entreprises ont pour but de sensibiliser aux risques des pratiques avérées de discrimination à l'embauche et à leurs effets néfastes.
101. Sur le port de signes conventionnels dans l'enseignement, la délégation a précisé qu'il n'existe pas de législation réglementant le port du voile dans les écoles. Il appartient à chaque établissement de décider d'autoriser ou d'interdire ces signes distinctifs. Cependant, les enfants ont toujours accès aux écoles.
102. Quant aux châtiments corporels, bien que la Belgique n'en connaisse pas dans sa législation une interdiction explicite, ces pratiques ne sont pas tolérées.
103. Sur la pratique des mutilations génitales féminines, la Belgique dispose depuis 2000 d'une loi l'incriminant et, depuis juillet 2014, la loi permet de punir, expressément, les personnes pratiquant, facilitant et favorisant toute forme de mutilation génitale féminine, aussi bien que les personnes qui incitent à cette pratique.
104. Namibia applauded measures to combat racism and discrimination taken by the Flemish and French community Governments in 2013 and 2014, respectively.
105. Nepal took note of the liberal nature of the preventive measures to fight racism, extremism and xenophobia.
106. The Netherlands commended action plans against homophobia and transphobia and stressed importance of ensuring respect for human rights standards within the police.

107. Nicaragua recognized the efforts to promote social integration, tolerance and respect for interculturalism, to fight violence and to promote the rights of the youth.
108. Norway commended follow-up to the first review in the field of children's rights, gender equality and combating racism, as well as legal changes made to ratify the Istanbul Convention.
109. Pakistan welcomed Belgium's progress to implement recommendations of the first UPR cycle, and commended ongoing national legislation reforms for strengthening the protection of human rights.
110. Panama welcomed the consultations with civil society for preparing the national report and the legislative amendments to establish equality between men and women in the transmission of the family name to children.
111. Peru acknowledged that Belgium promoted intercultural dialogue expressed in specific education and social policies, and the development of a national policy for migrants and refugees.
112. The Philippines commended Belgium's improvement of policies towards migrants and asylum seekers as well as of its domestic legal framework to protect and promote women's rights.
113. Poland appreciated Belgium's activities in the field of the right to work, and applauded efforts to promote social inclusion, combat discrimination and support persons with disabilities.
114. Portugal welcomed the positive steps taken by Belgium since its last review, including ratification of the optional protocol to the CESCR and of the CED.
115. Republic of Korea commended follow-up to the first review that led to improvements in prison overcrowding, non-discrimination, gender equality and social integration.
116. Republic of Moldova welcomed commitment to ratify OP-CAT, recognised achievements in safeguarding children's rights, and sought comments regarding recent legislation on child euthanasia and sexual abuse of children.
117. The Russian Federation noted efforts to promote the integration of Roma, commended developing the inter-federal poverty barometer and expressed concern about minors becoming victims of sexual harassment.
118. Despite Belgium's efforts, Saudi Arabia was concerned at manifestations of discrimination, racism, xenophobia and islamophobia.
119. Senegal welcomed participatory inclusive approach to drafting the national report, efforts to implement most accepted recommendations and ratification of several international human rights instruments.
120. Serbia commended Belgium's gender mainstreaming strategy and encouraged communication campaigns on gender equality, especially gender-based violence. It encouraged ratification of the Istanbul Convention.
121. Singapore welcomed efforts to combat racism and discrimination, including release of a 2013 joint circular on the policy of identifying and prosecuting discrimination and hate-related violence.
122. Slovakia welcomed initiatives to strengthen legal protection of women and children and applauded efforts to increase accommodation facilities for asylum seekers and migrants. It noted the challenge of prison overcrowding.

123. Slovenia commended ratification of optional protocols to ICESCR and CRC and welcomed improvements on human rights training and education, and on establishing a national human rights institution.
124. South Africa positively noted the 2013 Act, which increased penalties for certain offences in the case of aggravated circumstances based on discriminatory motives, and the National Roma Integration.
125. Spain congratulated Belgium for its compromise on abolishing death penalty and fighting transphobia. It commended its coherence in combating violence against women and girls.
126. Sri Lanka noted the national action plan to fight human trafficking and the extension of rules of guardianship to cover unaccompanied minors in situation of vulnerability.
127. The State of Palestine took positive note of the measures in favour of the rights of persons with disabilities, as well as in the area of Business and human rights.
128. Brazil welcomed the development of action plans against homophobia and transphobia and the incorporation of additional legal protection for transgender people in domestic legislation.
129. Switzerland noted with satisfaction that significant measures had been taken to implement recommendations that were accepted at the first review.
130. Tajikistan noted efforts to implement international human rights obligations and to improve legislation through ratifying international human rights instruments.
131. Thailand commended the role of Belgian Courts upholding human rights law. It welcomed the establishment of several human rights institutions, among others the Interfederal Centre for Equal Opportunities.
132. The former Yugoslavian Republic of Macedonia expressed its concern about cases and forms of hate speech, discrimination and xenophobia.
133. Au cours de son intervention finale, la Belgique a informé que la loi sur l'euthanasie la dépénalise sous trois conditions: le patient doit être capable et conscient au moment de sa demande; celle-ci doit être formulée de manière volontaire, réfléchie et répétée, sans pression extérieure; le patient est dans une situation médicale sans issue et fait état d'une souffrance physique ou psychique constante et insupportable. Aucun médecin n'est contraint de pratiquer une euthanasie. Enfin, une Commission fédérale contrôle et évalue le respect de cette législation.
134. Sur la détention d'étrangers mineurs non accompagnés, la loi prévoit qu'ils ne peuvent plus être maintenus en détention. Lorsque la personne est identifiée comme mineur étranger non accompagné, celle-ci est transférée dans les 24 heures de la notification de la décision relative à la détermination de son âge dans un centre d'observation et d'orientation. Quant aux mineurs étrangers accompagnés ils séjournent dans un lieu d'hébergement ou dans une résidence personnelle, lorsqu'ils ne satisfont pas aux conditions d'entrée et de séjour ou lorsque leur séjour a cessé d'être régulier ou est illégal.
135. En répondant aux questions sur la lutte contre la pauvreté, la délégation a exprimé qu'en 2015, la Belgique a commencé ses travaux d'élaboration du troisième plan fédéral de lutte contre la pauvreté avec de mesures spécifiques en matière de revenus, d'emploi, de santé, de logement, d'accès à l'énergie et aux services publics. Ce plan est en cours de finalisation avec une adoption prévue dans le courant de l'année 2016.
136. La Belgique a considéré que l'évolution technologique des dernières années a pour résultat que le droit à la vie privée est plus que jamais d'actualité. Le gouvernement attache une importance particulière au droit à la vie privée et organise des plates-formes de

concertation où cette problématique est discutée avec les diverses parties prenantes. La Commission indépendante pour la protection de la vie privée joue un rôle important.

137. En guise de conclusion, le Ministre Reynders a remercié les délégations qui ont participé au dialogue interactif pour ses questions et recommandations, a rappelé que la Belgique soutient depuis son début les principes qui forment le socle de l'examen périodique universel et a évoqué les mécanismes internes pour suivre la mise en œuvre des recommandations de l'EPU et d'autres instances internationales des droits de l'homme.

## **II. Conclusions and/or recommendations\*\***

**138. The recommendations formulated during the interactive dialogue/listed below have been examined by Belgium and enjoy the support of Belgium:**

**138.1. Continue efforts to clear the backlog observed in the process of ratification of certain legal instruments, in accordance with the recommendations formulated in its first UPR (Democratic Republic of the Congo);**

**138.2. Make the necessary adjustments to ratify OPCAT (Chile);**

**138.3. Ratify the OPCAT and establish a national preventive mechanism in accordance with the Optional Protocol (Norway);**

**138.4. Ratify OPCAT as rapidly as possible and establish a national preventive mechanism in accordance with it (Kazakhstan);**

**138.5. Ratify OPCAT as soon as possible and establish an independent national preventive mechanism in compliance with OPCAT requirements (Liechtenstein);**

**138.6. Speed up the process of ratification of OPCAT (Togo);**

**138.7. Swiftly ratify OPCAT (United Kingdom of Great Britain and Northern Ireland);**

**138.8. Intensify efforts to ratify the OPCAT (Denmark);**

**138.9. Accelerate the process of ratification of the OP-CAT (The former Yugoslav Republic of Macedonia);**

**138.10. Pursue its efforts to ratify OPCAT (Morocco);**

**138.11. Continue its efforts to ratify OPCAT as soon as possible (Slovenia);**

**138.12. Finalise the ratification of OPCAT (Djibouti);**

**138.13. Consider ratifying OPCAT (Philippines);**

**138.14. Ratify as soon as possible OPCAT (Portugal);**

**138.15. Ratify OPCAT, signed in 2005 (Senegal);**

**138.16. Ratify OPCAT (Tunisia) (Azerbaijan) (Ukraine) (Zambia) (Estonia) (France) (Georgia) (Honduras) (Hungary) (Lebanon) (Lithuania) (Montenegro) (Poland);**

**138.17. Ratify OPCAT (Costa Rica);**

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\*\* The conclusions and recommendations have not been edited.

- 138.18. **Ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence (Albania);**
- 138.19. **Accelerate the ratification of the Istanbul Convention of the Council of Europe (Turkey);**
- 138.20. **Ratify the Istanbul Convention (Montenegro);**
- 138.21. **Move forward in the establishment of a national institution that contributes to the full enjoyment of all rights without discrimination, in accordance with the Paris Principles (Ecuador);**
- 138.22. **Rapidly adopt a legal framework establishing a National Human Rights Institution, in conformity with the Paris Principles (Fiji);**
- 138.23. **Speed up the process of establishing a national human rights institution in conformity with the Paris Principles (Tunisia);**
- 138.24. **Swiftly conclude the process to create a National Human Rights Institution in accordance with the Paris Principles (Hungary);**
- 138.25. **Prioritize the early establishment of a national human rights institution in line with the Paris Principles (Nepal);**
- 138.26. **Step up the process of establishing a national human rights institution (Slovenia);**
- 138.27. **Step up its efforts to establish its national human rights institution that is compliant with the Paris Principles (Philippines);**
- 138.28. **Expedite the creation of the national human rights mechanism that complies with the Paris Principles (Republic of Korea);**
- 138.29. **Expedite the establishment of an NHRI in accordance with the Paris Principles (Denmark);**
- 138.30. **Expedite the establishment of a National Human Rights Institution complaint with the Paris Principles (Georgia);**
- 138.31. **Expedite the establishment of the national human rights institution and make it fully compliant with the Paris Principles (Netherlands);**
- 138.32. **Expedite the creation of a National Human Rights Institution in accordance with the Paris Principles (Egypt);**
- 138.33. **Proceed as soon as possible to the establishment of a national human rights institution in conformity with the Paris Principles (Togo);**
- 138.34. **Establish an NHRI (Morocco);**
- 138.35. **Early establishment of a National Human Rights Institution in Belgium (India);**
- 138.36. **Establish a strong and well-funded national human rights institution that is fully compliant with the Paris Principles (Norway);**
- 138.37. **Establish, as a matter of priority, a National Human Rights Institution which is fully compliant with the Paris Principles (Australia);**
- 138.38. **Establish without further delay a National Human Rights Institution, complying with the Paris Principles (Ireland);**
- 138.39. **Establish a national human rights institution fully compliant with Paris Principles, as Belgium committed to in the previous review (Kazakhstan);**

- 138.40. Establish a Paris compliant national human rights institution (Namibia);
- 138.41. Establish a National Human Rights Institution fully compliant with the Paris Principles (Bulgaria);
- 138.42. Establish a National Human Rights Institution in full accordance with the Paris Principles (Germany);
- 138.43. Establish a national human rights institution in accordance with the Paris Principles (Azerbaijan) (Chad) (Pakistan) (South Africa);
- 138.44. Establish a national human rights institution in accordance with the Paris Principles, to promote and protect fundamental rights and guarantees (Panama);
- 138.45. Establish a national human rights institution in conformity with the Paris Principles on the status of national institutions for the promotion and protection of human rights (Portugal);
- 138.46. Establish an institution for the promotion and protection of human rights consistent with the Paris Principles (Chile);
- 138.47. Establish a national human rights mechanism pursuant to the Paris Principles, by drawing up a cooperation agreement between the different Belgian entities, without affecting the operation and independence of existing institutions that have a human rights mandate (France);
- 138.48. Continue with the process of dialogue necessary to ensure the establishment of a National Human Rights Institution (Uruguay);
- 138.49. Fully implement the Government agreement to create a national human rights mechanism that complies with the Paris Principles (Lithuania);
- 138.50. Consider the establishment of a National Human Rights Institution, in conformity with the Paris Principles (Indonesia);
- 138.51. Adopt measures to create a national human rights institution in conformity with the Paris Principles (Bahrain);
- 138.52. Complete the process of the establishment of a National Human Rights Institution (Kyrgyzstan);
- 138.53. Engage civil society in the follow-up implementation process of the UPR recommendations (Poland);
- 138.54. Increase efforts to promote gender equality in the economic and political fields (Japan);
- 138.55. Continue working on the harmonization of national policies and laws relating the rights of women in accordance with the international human rights instruments to which it is a party (Nicaragua);
- 138.56. Ensure laws safeguarding women's rights are effectively enforced, including the law banning female genital mutilation (Botswana);
- 138.57. Continue efforts to alleviate discrimination and support inclusion efforts for members of minority groups (United States of America);
- 138.58. Take stronger measures at the federal level to combat racism, xenophobia, intolerance and discrimination on religious grounds (Cuba);



- 138.59. Take additional measures to fight against racism, extremism and xenophobia (Kyrgyzstan);
- 138.60. Intensify its efforts in fighting against discrimination and intolerance, especially towards Muslims, immigrants and people of African descent (Tunisia);
- 138.61. Continue to strengthen its engagement with community leaders to build community support at all levels for measures to protect those most vulnerable to racism and discrimination (Singapore);
- 138.62. Step up measures to curb acts of racism, extremism and xenophobia and undertake efforts to improve interracial, intercultural and interreligious dialogue and sensitivity (Malaysia);
- 138.63. Combat effectively all manifestations of Islamophobia and promote tolerance, intercultural dialogue and respect for diversity in the society (Azerbaijan);
- 138.64. Focus further on preventing religious intolerance, by strengthening measures to prevent and combat Islamophobia while implementing the circular on Flemish citizenship and integration policy (Bangladesh);
- 138.65. Continue to effectively implement the relevant legislation to counter discrimination and hate-crimes based on ethnicity and religion (Singapore);
- 138.66. Study whether a national action plan to combat racism should be adopted (Belarus);
- 138.67. Implement public awareness campaigns to promote tolerance and respect for cultural diversity and to counter prejudice, stereotypes, discrimination, racism, and Islamophobia (United Arab Emirates);
- 138.68. Take the necessary steps, firstly, to better protect all victims of xenophobic discrimination, especially Islamophobia and secondly, to conduct awareness campaigns to counteract amalgams between migrants, Muslims and terrorism (Algeria);
- 138.69. Deepen awareness measures regarding the fight against discrimination, in particular by ensuring the investigation and punishment of acts of a discriminatory nature (Argentina);
- 138.70. Develop and implement education and awareness raising campaigns to promote diversity and respect, while condemning racism and xenophobia (Canada);
- 138.71. Continue to apply and respect human rights in the implementation of counter-terrorism measures, notably for the rights to privacy, freedom of expression and movement (Republic of Korea);
- 138.72. Ensure that domestic measures in the fight against terrorism and all forms of extremism uphold the fundamental rights (Thailand);
- 138.73. Ensure effective coordination at the federal, regional and community levels when monitoring the incidence of unlawful ethnic profiling and racism, especially in the context of recent terrorist threats (Iceland);
- 138.74. Improve police training in order to raise awareness against racial profiling (Turkey);

- 138.75. Continue its efforts to improve conditions in detention facilities in line with the Bangkok Rules (Thailand);
- 138.76. Maintain endeavours to decrease overcrowding of prisons and detention facilities through continued facility construction and improvements by other means (United States of America);
- 138.77. Enhance its efforts to prevent prison overcrowding (Djibouti);
- 138.78. Continue to decrease prison over-crowding by providing new and adequate detention facilities (Germany);
- 138.79. Continue efforts to reduce prison overcrowding in the context of the Master Plan 2008-2012-2016 (Greece);
- 138.80. Step up efforts to improve conditions in prisons, in particular in relation to overcrowding (Slovakia);
- 138.81. Continue to improve conditions in its prisons, including in relation to overcrowding and specific facilities for offenders with mental health disorders (Australia);
- 138.82. Take effective steps to improve prison conditions and to reduce overcrowding (Azerbaijan);
- 138.83. Continue to improve the measures so that adequate access to health care and rehabilitation services needed are in place for detained psychiatric patients (Canada);
- 138.84. Develop and implement a comprehensive and coordinated strategy to fight domestic violence, particularly violence against women (Cuba);
- 138.85. Fully implement its national action plan to combat intimate partner violence and other forms of domestic violence (Sweden);
- 138.86. Continue giving priority attention to domestic and gender-based violence, in particular rape and other crimes of sexual violence, at all levels, including such caused by police and the judiciary (Bulgaria);
- 138.87. Follow up on national policies to support victims of intra-family violence (Dominican Republic);
- 138.88. Adopt as soon as possible and effectively implement the national action plan 2015-2019 against gender-based violence (Kazakhstan);
- 138.89. Make the necessary efforts for the ratification of the Fifth National Action Plan 2015-2019 (Dominican Republic);
- 138.90. Continue its efforts in the area of women's rights and ensure the effective implementation of the 6th national action plan on the fight against gender-based violence (Iceland);
- 138.91. Provide the most recent national plan to fight violence against woman and girls, for the 2015-2019 period, with sufficient funds to ensure its effective implementation (Spain);
- 138.92. Continue efforts to implement the national action plan against all forms of gender-based violence (France);
- 138.93. Continue its focus on domestic and gender-based violence and ensure the effective implementation of the national action plan in this regard (Serbia);

- 138.94. Facilitate the effective access to justice for women in cases of sexual harassment (Greece);
- 138.95. Increase the number and capacity of shelters for women who are victims of violence and ensure that all women have non-discriminatory access thereto (Liechtenstein);
- 138.96. Take measures to fight against and prevent child ill-treatment, in particular abuse of street children (Portugal);
- 138.97. Strengthen the coordination between the different authorities intervening in the combat against trafficking, including those in charge of assisting and protecting victims, in particular children (France);
- 138.98. Adopt measures to strengthen its mechanisms to combat trafficking, with a special focus on trafficking of boys and girls for sexual exploitation (Honduras);
- 138.99. Increase the efforts to combat trafficking and smuggling of persons, through the effective implementation of its National Action Plan (Panama);
- 138.100. Explore additional legislative and policy measures to prevent trafficking of children for sexual purposes (Serbia);
- 138.101. Continue ongoing efforts to combat human trafficking in line with the National Action Plan to combat trafficking of human beings and the international commitments (Sri Lanka);
- 138.102. Reinforce identification of child trafficking victims and ensure that referral and assistance mechanisms are provided and adapted to the victims' needs and best interests (Republic of Moldova);
- 138.103. Continue strengthening the mechanisms for assistance to victims of trafficking, with special emphasis on children victims of this crime (Colombia);
- 138.104. Continue efforts on the international level in the fight against impunity (Armenia);
- 138.105. Consider abolishing the requirements for medical interventions for transgender people who wish to obtain legal recognition of their gender (Israel);
- 138.106. Amend the legislation to allow the change of the civil identity without need of previous surgery (Spain);
- 138.107. Strengthen national understanding and tolerance to counter manifestations of religious discrimination (Tajikistan);
- 138.108. Continue efforts to ensure that Jews and Muslims can practice their religion freely (United States of America);
- 138.109. Encourage the participation and representation of citizens in all sectors of the society regardless of their origin or religion (Saudi Arabia);
- 138.110. Enhance gender mainstreaming activities with a focus to increase women's participation in decision making and address the gender pay gap (Malaysia);
- 138.111. Consolidate the gender equality in the professional field by applying the principle "equal pay for equal work" in the pay system, to reduce wage gaps linked to gender, which consequently leads to differences on retirement pensions between men and women (Algeria);

- 138.112. **Adopt concrete measures to eliminate differentiation at work and reduce inequality by ensuring the strict implementation of the 2012 Law aimed at reducing wage inequality based on sex (Panama);**
- 138.113. **Enforce legislation that prohibits discrimination, particularly based on gender, race and belief, to improve the economic opportunities and conditions of work for women and minority groups (Malaysia);**
- 138.114. **Take early and adequate action to curb structural discrimination against persons of foreign origin in the field of employment (India);**
- 138.115. **Adopt measures to ensure the employment of youth and also other vulnerable groups of the population, including persons with disabilities and migrants (Russian Federation);**
- 138.116. **Persevere in the fight against child poverty and render it a national priority (Costa Rica);**
- 138.117. **Continue to promote the access of vulnerable groups to education (Angola);**
- 138.118. **Continue programmes on human rights education, including on prevention (Armenia);**
- 138.119. **Continue its efforts in the area of human rights education and training, especially with activities aimed at implementing the third phase of the World Programme for Human Rights Education (Slovenia);**
- 138.120. **Adopt a national plan of action focusing on persons with disabilities (Estonia);**
- 138.121. **Further develop policies related to inclusion of people with disabilities, especially regarding inclusive education (Israel);**
- 138.122. **Continue on the path of effective realization of the rights of persons with disabilities and take further steps to promote the recruitment and employment of persons with disabilities (State of Palestine);**
- 138.123. **Improve access to public services for people with a disability, particularly educational and postal services (Australia);**
- 138.124. **Establish an accessibility strategy for persons with disabilities through a national plan (Spain);**
- 138.125. **Carry on with the education coverage, especially the integration of children with disabilities (Dominican Republic);**
- 138.126. **Continue its efforts to prevent discrimination against the Roma population (Peru);**
- 138.127. **Accelerate the implementation of the national strategy for Roma integration and fight against discrimination in employment, education and healthcare (Benin);**
- 138.128. **Adopt effective measures to implement the national strategy for Roma integration and to combat discrimination against this category of population in employment, education and health care (Russian Federation);**
- 138.129. **Promote and protect the rights of indigenous peoples, peasants and other people working in rural areas (Bolivia (Plurinational State of));**

- 138.130. **Protect small-scale farming in the country and implement plans designed to preserve it (South Africa);**
- 138.131. **Make further efforts to enhance integration in general, through inter alia addressing unemployment among young and foreign-born citizens, and in particular to prevent radicalisation (Sweden);**
- 138.132. **Ensure fully safety and security of migrant workers and their families (Bangladesh);**
- 138.133. **Increase the measures to prevent and punish domestic violence, particularly against migrant women (Colombia);**
- 138.134. **Ensure that the protection against violence affecting refugees becomes a visible policy of the Government (Colombia);**
- 138.135. **Increase development assistance to reach the target of 0.7 percent of the gross national product in the interests of the sustainable development of developing countries (China).**
139. **The following enjoy the support of Belgium, which considers that they are already implemented or in the process of implementation:**
- 139.1. **Guarantee direct applicability of ICESCR in the domestic legal order (Egypt);**
- 139.2. **Adopt a national action plan on gender mainstreaming (South Africa);**
- 139.3. **Adopt legislation to combat discrimination, racism, extremism and xenophobia (Honduras);**
- 139.4. **Take effective measures to prevent public officials, when performing their duties, to discriminate against individuals on the basis of religion or belief (Saudi Arabia);**
- 139.5. **Prosecute perpetrators of xenophobic and hate crimes (Pakistan);**
- 139.6. **Enhance its efforts on the full implementation of the CAT (Indonesia);**
- 139.7. **Ensure all persons who are held in custody have the benefit, from the very outset of their deprivation of liberty, of all the fundamental legal safeguards (Iran (Islamic Republic of));**
- 139.8. **Conduct an impartial investigation of all cases of ill-treatment and excessive use of force by law enforcement officials, including on racial grounds (Uzbekistan);**
- 139.9. **Investigate all allegations of excessive use of force, racially motivated violence and ill-treatment by law enforcement officials and bring those responsible into justice (Azerbaijan);**
- 139.10. **Take all measures to immediately put an end to racially motivated violence and ill treatment by police officers of persons with an immigrant background (Iran (Islamic Republic of));**
- 139.11. **Ensure that all persons deprived of liberty are held in humane conditions, including in line with the UN Basic Principles for the Treatment of Prisoners and the Standard Minimum Rules for the Treatment of Prisoners (Bulgaria);**

- 139.12. Conduct active reforms in the fight against prison overcrowding (Angola);
- 139.13. Adopt measures to place detainees suffering mental illness in establishments that are separate from common prisons (Uruguay);
- 139.14. Continue to adopt legislative and executive measures against gender-based violence, with special attention to migrants (Sri Lanka);
- 139.15. Prohibit all corporal punishment of children in all settings, including in the home (Estonia);
- 139.16. Consider developing legislation and agreements which allow for alternatives to imprisonment in cases of minor offenses (Uruguay);
- 139.17. Ensure that the processing of personal data be conducted in compliance with national and international standards and obligations, and that any violations be investigated and redress provided to victims (Liechtenstein);
- 139.18. Develop a specific action plan for people with disabilities at the national level and establish advisory councils in harmony with federal policies and the federated entities (Congo);
- 139.19. Ensure a supported decision-making mechanism for people with disabilities (Israel);
- 139.20. Review the legislation and adopt measures to ensure equal access to education for disabled children, children with special education needs, children foreigners or from poor families and/or minorities (Mexico);
- 139.21. Take additional measures for the access for migrants in an irregular situation to healthcare services (Greece);
- 139.22. Ensure that migrant women could seek protection from domestic violence and halt deportation procedures in this context (Albania);
- 139.23. Reconsider all its policies in relation to refugees and asylum seekers so that they are not deprived from their fundamental and social rights, in particular to ensure that children and unaccompanied minors are not detained or placed in adult detention centres (Afghanistan);
- 139.24. Restrain detention of asylum seekers to exceptional cases, always seeking the judicial review of these detentions, in accordance with human rights international law (Chile);
- 139.25. Following the recommendation of Mexico during the previous cycle regarding the systematic abolition of the detention of migrants and asylum seekers, adopt measures to implement the recommendations of the UNHCR and ensure that the access to justice for foreigners does not have negative consequences regarding their stay in the country, even in cases of acts based on xenophobia and racial discrimination (Mexico);
- 139.26. Adopt legal and administrative measures aimed at guaranteeing the principle of non-refoulement, in order to prevent extradition or return of asylum seekers and migrants who are at risk of being subject to torture or ill-treatment (Argentina).
140. The following recommendations will be examined by Belgium which will provide responses in due time, but no later than the thirty-second session of the Human Rights Council in June 2016:

- 140.1. **Ratify OPCAT and establish without delay an effective national preventive mechanism with adequate personnel and financial resources (Czech Republic);**
- 140.2. **Intensify the work aimed at the ratification of the Council of Europe Framework Convention for the Protection National Minorities signed by Belgium in 2002 (Hungary);**
- 140.3. **Ratify the Framework Convention for the Protection of National Minorities, signed in 2001, following on Council of Europe resolution 1301 (Switzerland);**
- 140.4. **Accelerate and strengthen legislative and educational actions to combat discrimination in all its forms (Djibouti);**
- 140.5. **Enhance and activate laws and legislation in order to combat all forms of discrimination, racism and xenophobia (Lebanon);**
- 140.6. **Activate efforts to eradicate the expressions of hatred, persecution and harassment on ethnic, cultural and linguistic grounds through partnerships and establishing trust and dialogue between religions and cultures and see this as of respecting human rights (Tajikistan);**
- 140.7. **Banish any forms of racism, discrimination and xenophobia in political discourse, media and social life (China);**
- 140.8. **Adopt measures to criminalize the incitement to imminent violence on the basis of religion and belief (Saudi Arabia);**
- 140.9. **Develop a national strategy against racial discrimination, xenophobia and islamophobia based on a dialogue with NGOs (Turkey);**
- 140.10. **Strengthen the national plans and policies to prevent acts of discrimination and violence motivated by racial and/or religious hatred, xenophobia, homophobia and gender grounds (Chile);**
- 140.11. **Adopt a national action plan against racism, racial discrimination, xenophobia and related intolerance, including religious intolerance and discrimination (Brazil);**
- 140.12. **Adopt a comprehensive national action plan to combat racism and discrimination (Uzbekistan);**
- 140.13. **Adopt a national action plan against racism (South Africa);**
- 140.14. **Adopt a national action plan against racism; ban all organizations that promote and incite racial discrimination; and adopt clear measures to effectively combat racially motivated violence by the law enforcement officers (Botswana);**
- 140.15. **Strengthen legislation against discrimination by adopting a national action plan against racism, racial discrimination, xenophobia and intolerance (Côte d'Ivoire);**
- 140.16. **Adopt a national plan owned by the different entities against racism, racial discrimination, xenophobia and intolerance (France);**
- 140.17. **Adopt an inter-federal plan to combat racism, racial discrimination, xenophobia and related intolerance (Iran (Islamic Republic of));**
- 140.18. **Take further action to put in place measures to monitor, detect and condemn manifestations of racism, discrimination and xenophobia and adopt a**

**national plan addressing and combating racism and discrimination against ethnic minorities (Namibia);**

140.19. **Establish a comprehensive plan and a system for recording and monitoring developments in the area of preventing xenophobia and discrimination, including hate speech and hate crimes (Norway);**

140.20. **Put a political plan and a clear strategy to ensure that overlooked ideas about Islamophobia, xenophobia and intolerance are accounted for those who work in public office and civil service (Bahrain);**

140.21. **Implement the resolution 16/18 on combatting intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief (Bahrain);**

140.22. **Pay particular attention to protecting from discrimination and treating appropriately older persons in the society (Tajikistan);**

140.23. **Consider recruiting independent experts to its Standing Committee for Police Monitoring from outside the police, in line with the 2014 recommendations of the Committee Against Torture (Australia);**

140.24. **Strengthen control and supervision mechanisms for the police, particularly through the Standing Committee for Police Monitoring and its Investigation Service (Costa Rica);**

140.25. **Carry out an evaluation on ethnic profiling within the police organisation (Netherlands);**

140.26. **Enhance efforts to alleviate prison overcrowding and improve the overall conditions in places of detention, including assessing the impact and effectiveness of measures adopted thus far to address this issue (Czech Republic);**

140.27. **Provide more specialized detention centres for mentally ill or addict detainees that respect their special needs and circumstances (Germany);**

140.28. **Guarantee women effective access to justice in cases of harassment and sexual and domestic violence, and adopt legislation against gender violence (Venezuela (Bolivarian Republic of));**

140.29. **Develop additional measures to provide assistance to victims of sexual abuse and sexual violence (Russian Federation);**

140.30. **Introduce a law explicitly prohibiting corporal punishment of children in all settings (Poland);**

140.31. **Develop a national data collection system in the area of the fight against child poverty (Canada);**

140.32. **Consider debating and adopting the framework of the law on the right to food (Bolivia (Plurinational State of));**

140.33. **Adopt a national legal framework for the rights of people with disabilities regarding accessibility, care, education and employment (Turkey);**

140.34. **Fully respect the human rights of asylum seekers, refugees and migrants and to address intolerance, violence by police officers and discrimination in the areas of employment and housing (Japan);**

140.35. **Ensure that its policies, legislation, regulations and enforcement measures effectively serve to prevent and address the heightened risk of**



business involvement of abuses in conflict situations, which includes situations of foreign occupation (State of Palestine).

141. The recommendations below did not enjoy the support of country Belgium and would thus be noted:

141.1. Undertake a revision of its reservations to the ICCPR and other core international human rights treaties with a view to deepen and broaden the human rights protection in the country (Czech Republic);

141.2. Make the necessary adjustments to ratify ICRMW (Chile);

141.3. Continue its efforts to ratify the ICRMW (Indonesia);

141.4. Consider favourably acceding to ICRMW (Peru);

141.5. Consider ratifying ICRMW (Philippines) (Sri Lanka);

141.6. Accede to ICRMW (Turkey) (Azerbaijan) (Uruguay) (Algeria) (Ecuador) (Ghana) (Honduras) (Senegal);

141.7. Ratify ICRMW (Algeria) (Azerbaijan) (Egypt) (Ghana) (Honduras) (Senegal);

141.8. Ratify the UNESCO Convention against Discrimination in Education (Tunisia) (Benin) (Côte d'Ivoire) (Ghana) (Honduras) (Portugal);

141.9. Such a legal framework will provide for the prosecution of human rights violations in national courts (Fiji);

141.10. Expedite the process of establishing a fully functioning Independent National Human Rights Institution that is fully compliant with the Paris Principles by the end of 2017 (United Kingdom of Great Britain and Northern Ireland);

141.11. Further advance its national efforts on the promotion and protection of human rights through, among others, developing a comprehensive Human Rights National Action Plan (Indonesia);

141.12. Initiate visits of the Human Rights Council special procedures on the right to education and adequate housing and food with a view to developing more effective measures to drop poverty levels (Belarus);

141.13. Take other legislative measures to declare illegal organisations that incite racial discrimination (Democratic Republic of the Congo);

141.14. Continue the revision of anti-terrorism and data protection legislation and policies and repeal the provisions that contravene the applicable international law in areas such as due process and imprisonment; and develop measures to prevent and combat racial profiling by law enforcement bodies (Mexico);

141.15. Ensure that the legal definition of torture is in line with CAT (Egypt);

141.16. Investigate and punish in an exemplary fashion cases of disproportionate use of force, racial violence and ill treatment by law enforcement officers and effectively address racism, discrimination and incitement to racial and religious hatred (Venezuela (Bolivarian Republic of));

141.17. Reform comprehensively the prison system and respect the UN minimum standards for the Treatment of Prisoners. It is fundamental that the

authorities guarantee the rights of persons deprived of their liberty, from the moment of their detention (Venezuela (Bolivarian Republic of));

141.18. Review detention conditions so that these be in conformity with the UN Standard Minimum Rules for the Treatment of Prisoners and that this be achieved before the publication of the third national report (Fiji);

141.19. Eliminate all forms of violence against women in detention places by some members of the judicial police and the need to prosecute them and avoid impunity (Libya);

141.20. Adopt specific legislation on domestic violence, especially violence against women and children (Iran (Islamic Republic of));

141.21. Adopt specific legislation on domestic violence, especially violence against women (Brazil);

141.22. Consider adopting specific legislation on domestic violence and violence against women (Israel);

141.23. Consider the recommendation of the Committee on Economic, Social and Cultural Rights to adopt specific legislation on domestic violence, particularly against women (Nicaragua);

141.24. Positively consider adopting specific legislation on domestic violence, especially violence against women, with a view to ensuring synergy with the implementation of the national action plan 2015-2019 for combating gender-based violence (Republic of Korea);

141.25. Reduce the high number of persons in preventive detention and limit its systematic use through alternative options to detention (Venezuela (Bolivarian Republic of));

141.26. Provide protection for the family as the natural and fundamental unit of the society (Egypt);

141.27. Search the consent of Belgian Muslims on any initiative to codify the practice of Islam (Turkey);

141.28. Eliminate religious discrimination, including prohibitions on wearing religious symbols or clothing (United Arab Emirates);

141.29. Rescind the decision to prohibit the peaceful expression of religious beliefs, including the wearing of religious symbols in schools, in line with the freedom of religion or belief guaranteed by the UDHR, the CRC, and the European Union's Guideline on Freedom of Religion or Belief 2013 (Malaysia);

141.30. Decriminalise defamation (Ireland);

141.31. Review the norms on defamation in the context of the international frameworks related to freedom of expression and opinion (Peru);

141.32. Put an end to all forms of discrimination by employers against workers from religious minorities in the public and private sectors, including the adoption of internal regulations banning the wearing of clothes representing a religion or a culture (Libya);

141.33. Continue its efforts in providing migrants, including those in irregular situation and migrant children, access to health, education, and other social services at par with its nationals (Philippines);

141.34. **Halt the systematic use of detention of asylum seekers at the borders (Egypt);**

141.35. **Comply with the recommendations of the Committee on Economic, Social and Cultural Rights to prepare studies on the impact on the human rights of local communities in third countries of agro-fuel projects promoted by Belgian companies (Ecuador);**

141.36. **Implement the recommendations of the Committee on Economic, Social and Cultural Rights, specifically recommendations 21 and 22 (Bolivia (Plurinational State of)).**

142. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## Annex

### Composition of the delegation

La délégation de la Belgique a été présidée par le Vice-Premier Ministre et Ministre des Affaires Etrangères, du Commerce extérieur et des Affaires Européennes, S.E.M. Didier REYNDERS et composée des membres suivants:

- S.E.M. Bertrand DE CROMBRUGGHE, Ambassadeur, Représentant permanent de la Belgique auprès de l'Office des Nations Unies à Genève;
- M. Bart OUVRY, Ministre Plénipotentiaire, Directeur droits de l'homme et démocratie, SPF Affaires Etrangères;
- M. Karl DHAENE, Ministre Conseiller, Représentant permanent adjoint de la Belgique auprès de l'Office des Nations Unies à Genève;
- Mme Sibille DE CARTIER, Conseillère, Cellule Stratégique du Ministre des Affaires Etrangères;
- M. David MARECHAL, Porte-parole du Ministre des Affaires Etrangères;
- M. Didier VANDERHASSELT, Porte-parole, SPF Affaires Etrangères;
- Mme May PERSOONS, Conseillère, Cellule Stratégique du Ministre-président du Gouvernement flamand et Ministre flamand de la Politique extérieure et du Patrimoine immobilier;
- M. Alfons VANHEUSDEN, Conseiller, Cellule Stratégique du Ministre de la Justice;
- Mme Lynn VERRYDT, Conseillère, Cellule stratégique de la Secrétaire d'Etat à la Lutte contre la pauvreté, à l'Egalité des chances, aux Personnes handicapées, et à la Politique scientifique, chargée des Grandes villes adjointe au ministre des Finances;
- M. Philippe WERY, Chef du Service des droits de l'Homme, DG Législation, libertés et droits fondamentaux, SPF Justice;
- Mme Alexandra ADRIAENSSENS, Directrice, Ministère de la Communauté française, Direction de l'Egalité des Chances;
- Mme Véronique JOOSTEN, Adjointe du Directeur droits de l'homme et démocratie, SPF Affaires Etrangères;
- M. Pierre GILLON, Premier Secrétaire d'Ambassade, Représentation permanente de la Belgique auprès de l'Office des Nations Unies à Genève;
- M. Kris DIERCKX, Conseiller, Délégué du Gouvernement flamand auprès des organisations multilatérales à Genève;
- M. Henri MONCEAU, Haut représentant 'Droits fondamentaux, société de l'information et économie numérique', Délégation Wallonie-Bruxelles à Genève;
- Mme Véronique DE BAETS, Attachée, Institut pour l'égalité des femmes et des hommes;
- Mme Nathalie DE NUL, Attachée Juriste, Département flamand des Affaires étrangères -division de la politique;

- Mme Stéphanie HAUTOT, Attachée, Division des Affaires internationales, SPF Emploi, Travail et Concertation sociale;
  - Mme Chantal GALLANT, Attachée, Service des droits de l'homme, DG Législation, libertés et droits fondamentaux, SPF Justice;
  - Mme Sylvie KORMOSS, Attachée, Cellule internationale, SPF Intérieur;
  - Mme Audrey MONCAREY, Attachée pour la Communauté française de Belgique et de la Région wallonne à Genève;
  - M. Paul-Henri PHILIPS, Attaché, Service Public Régional de Bruxelles, Direction des Relations extérieures;
  - Mme Sandrine ROCHEZ, Conseillère juridique, Police fédérale, Commissariat général, Direction de la coopération policière internationale;
  - Mme Colette VAN LUL, Attachée, Bureau d'Etudes, Direction générale de l'Office des étrangers, SPF Intérieur.
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