

INTRODUCTION

This report results from the shared work of 6 associations representative of the French speaking population living in the whole of Flanders, inclusive of the outskirts of Brussels and the entity of Fourons.

At the occasion of the second Universal Periodic Review these associations joined together in a “Coalition of the Francophone Associations in Flanders”.

There are over 300,000 citizens with French as a mother tongue living in Flanders.

This francophone minority in Flanders (5% of the actual population) is not always recognized as such, nor is it protected by the Council of Europe Framework Convention for the Protection of National Minorities.

The Belgian State has not yet ratified the Framework Convention notwithstanding having signed it about 15 years ago. The Flemish Government has declared several times and yet again recently, in its government agreement, that it would refuse ratifying the Convention. Of course, in its immense majority, the Flemish Parliament is on the same wavelength.

In the absence of recognized rights, notably subventions for their cultural and sports activities, and that an end be put to the incessant administrative annoyance emanating from the Flemish Region both towards the francophone inhabitants of communes with special linguistic status (“communes with facilities”) and towards communes “without facilities”, the French-speaking population in Flanders feels under the threat of forced assimilation.

In order to finally obtain recognition and the protection of their cultural and linguistic rights, the French speaking citizens of Flanders call upon the International Community. Can the International Community remain indifferent ? And tolerate that certain human rights (notably those of national minorities) are not implemented in parts of Belgium, e.g. Flanders ? Belgium nevertheless presents itself as a democratic country, respecting human rights. Should it not reconsider its approach concerning the recognition of national minorities on its territory?

I. PROTECTION OF NATIONAL MINORITIES

1. Following its first Universal Periodic Review (UPR) in 2011, Belgium did not formulate a clear reply to the following recommendation : “Ratify, pursuant to the recommendation of the Committee on Economic, Social and Cultural Rights, the Council of Europe Framework Convention for the Protection of National Minorities” (Russian Federation).

2. Belgium still has not made clear whether it accepted or rejected this recommendation, thus buying a position whereby it neither implements the Convention, nor stands at international level for the consequences of rejecting it.

3. Since the nineties, the protection of national minorities, as part of Human Rights protection, has become a major preoccupation of both the United Nations (United Nations Minorities Declaration of 1992) and the Council of Europe (Framework Convention for the Protection of National Minorities of 1993). Notwithstanding this major progress, as far as the promotion of human rights is concerned, Belgium is dragging its feet.

4. As of September 1998 (Columberg Report), the Council of Europe asked Belgium at least seven times to ratify the Framework Convention, and more specifically so through Resolution 1301 of 26 September 2002, following Mrs. Nabholz-Haidegger’s Report, recommending that Belgium and its competent parliamentary assemblies : “ in a spirit of tolerance, ratify the Framework Convention

without further delay, ensuring that all minorities identified by the Assembly are duly recognised as such on the state, local and regional level, and refrain from making a reservation incompatible with the content of the Framework Convention”.

5. Within the framework of a political agreement on State reform (Lambermont Agreement), Belgium finally signed the Framework Convention for the Protection of National Minorities on 31 July 2001. However, with two reservations :

a) “that the implementation of the Convention should not cause prejudice to the provisions, the guarantees, or constitutional principles, nor to the legislative and decretal norms that presently regulate language use”. As one can readily understand by simply reading this reservation, the Council of Europe declared it nil on the base of the Vienna Convention on the Law of Treaties (1969 and 1986).

b) “that the concept of national minority be defined by the Inter-ministerial Conference of Foreign Policy (ICFP)”. This is a consultation forum between the Federal State and the Federated Entities at regional and community level on matters of foreign policy within the Ministry of Foreign Affairs. This Conference met a number of times on the subject, at times with the assistance of experts, nevertheless not reaching any conclusion, and for a very good reason : the Flemish representatives systematically blocked the issue.

6. The second reservation cannot be accepted as such. It amounts to a procedural precondition designed to prevent the issue from being solved. The goal has been reached. However, without stating it in full, the Parliamentary Assembly of the Council of Europe nullified this reservation, on the basis of the work of the Venice Commission, whose experts are of world repute. Item 18 of Resolution 1301 (September 2002) states : “The Assembly thus finds that the following groups are to be considered as minorities in Belgium within the context of the framework convention : at State level, the German-speaking community; at regional level, the French-speakers in the Dutch-language region and in the German-language region, and the Dutch-speakers and German-speakers in the French-language region”. All has been said. The minorities in Belgium were already identified. The ICFP work was superfluous.

7. Supporting what was happening at the ICFP level (blockage by the Flemish representatives), in 2009 the Flemish Government announced in a formal manner, by way of its Government declaration, approved by the Flemish Parliament, that it will not lend its assent to ratifying the Framework Convention. This declaration was renewed in 2014, thus fairly recently, after the installation of the new Flemish Government following the latest elections. In order to be able to ratify the Framework Convention, the Belgian State needs to have the assent of the Regional and Community Parliaments in addition to the assent of the Federal Parliament.

8. In the 21st century, the era of promotion and respect of Human Rights, it is not normal and not acceptable that Flanders, as a region of Belgium, through the quasi unanimous voice of its elected representatives, negates the reality of a French speaking minority living in Flanders, deprives this minority from the cultural and linguistic rights its members are entitled to and should enjoy and refuses to abide by the democratic principles implemented today in the rest of the world. Does Flanders by this attitude want to exclude Belgium, and thus also exclude itself from the community of the democratic and civilised nations ? Can one not expect some maturity and proper intellectual honesty, as well as tolerance and respect of Human Rights from the Flemish elected representatives?

9. A solution to this seemingly everlasting dossier cannot indefinitely be put on hold. The issue has already been dodged for too long. The French speaking inhabitants of Flanders encounter strong difficulties to practice their mother tongue and to actively participate in their culture. In the end, it will turn out to be impossible ! Isn't it the Flemish politicians' calculation to gradually assimilate these French speaking inhabitants ? Who evidently do not want to...

10. Since when has this problem been put to sleep ? Since the years 1962-1963, when a linguistic regime on a territorial basis was established by law, with a few exceptions (the communes with special

linguistic status, commonly called “communes with facilities”), far too few to satisfy and respect the existing minorities. This law should be amended and its reach should be stretched, in order to grant “facilities” on cultural and linguistic matters to the recognized minorities (as an exception to the rule of linguistic territoriality). It should be noted that in the Region of Brussels-Capital City, enjoying a full bilingual status, the Flemish minority constitutes 5% to 10% of the population, depending on the various studies. Not much more than the proportion of French-speakers in the whole of Flanders, where they have no rights whatsoever, except marginally in some communes with facilities.

11. RECOMMENDATION N° 1 : To ratify the Framework Convention for the Protection of National Minorities, following the Council of Europe 1301 Resolution, without reservation and without further delay, with the assent of the Belgian Parliament and of the Regional- and Community Parliaments, inclusive of the Flemish Parliament.

II. IDENTIFICATION OF NATIONAL MINORITIES

12. In order to get out of this dead end, now already lasting for nearly 15 years (blockage at the level of the ICFP and blockage by the Flemish Parliament and the Flemish Government), in what manner can one actually and factually identify the national minorities, i.e. the Belgian citizens having the right, wherever they live, to be protected by the provisions of the Framework Convention ?

13. Since 2010, in its document entitled “Minority Rights : International Standards and Guidance for Implementation”, the United Nations clearly stated on page 2, Chapter 1, Definition A : “Who are minorities under international law ?” : “It is often stressed that the existence of a minority is a question of fact and that any definition must include both objective factors (such as the existence of a shared ethnicity, language or religion) and subjective factors (including that individuals must identify themselves as members of a minority)”. Not long ago, on 26 November 2014, the United Nations in Geneva organised their Annual Forum on Minority Issues. At item 10, page 4 of the final document (Recommendations), the United Nations even more precisely sets out its new approach on how to determine whether there is a national minority to be protected. Let us refer to the document : “Recognition of minority status is not solely for the State to decide. In accordance with the authoritative interpretation by the Human Rights Committee of the United Nations, the existence of minorities should be established by objective criteria. All efforts should be made to ensure that the principle of self-identification is respected”. A little further in this recent UN document, at item 24, page 7, States are recommended to introduce the necessary census processes. Such an instrument previously existed in Belgium under the form of a decennial census. It was abrogated in the early sixties upon request of the Flemish MPs at the National Parliament, where they were and still constitute the majority.

14. Thus, the procedures to be adhered to in order to establish bona fide which minorities can and should benefit from the Framework Convention protection are self-identification and the collection of objective data. Where there is good faith and objectivity, there is no room for political negotiation or limb compromises !

15. In the case of Belgium, it is not difficult to determine self-identification and objective data. In Flanders, there are French-speaking elected representatives who come forward as such at the elections (including the demand for ratification of the Framework Convention in their electoral programme). This is an indisputable objective fact : their electorate are indeed French speakers. The election of French speaking representatives is a proof that French speaking inhabitants support them.

16. Today, for the fourth term in the run, there is a francophone member of parliament elected in the electoral district of Flemish Brabant. In the same vein, there are today 5 French speaking elected representatives at the Provincial Council of Flemish Brabant, belonging to various parties but grouped together on the same list (U.F. Union francophone). This clearly demonstrates that in this Province there are French speaking voters who want their rights and their identity of French speakers to be

represented at political level. Moreover, there are also numerous French speakers (several tens) elected in the Municipal Councils in about fifteen communes of Flemish Brabant, mainly in the outskirts of Brussels, often grouped on a common list notwithstanding their belonging to various political parties. In a number of these communes, at least in 5 of them, they constitute the majority at the Municipal Council. They thus have a high number of aldermen and 4 burgomasters openly coming out as French speakers, on top of being bilingual, for they do not despise the other language, the language of their Flemish fellow citizens. However, it should be known that, in the present state of affairs, these French-speaking elected representatives are all forbidden to speak French during the public meetings of the Municipal Councils. The same is true for the French speaking representatives at the Provincial Council and at the Flemish Parliament !

17. One should also note that the entity of Fourons, situated at the north of Liège and previously belonging to Wallonia, has been forcibly transferred to Flanders, in the Province of Limburg, on the basis of a political compromise disrespecting the acquired rights of the local citizens. There also, there still is a significant minority of French speaking elected representatives and French speaking aldermen, following the specificities of the electoral law concerning the communes with facilities also applying in Fourons.

18. It is therefore clear that where still possible the francophone national minority living in Flanders self-identifies itself at each election.

19. Self-identification of a minority can also express itself through other means than the presence of elected representatives in democratic assemblies. Citizens may indeed self-identify themselves spontaneously, by setting up associations, more precisely French speaking associations, which gather numerous members, edit a periodic review to the benefit of several thousand readers and inform on the calendar of a number of French speaking cultural events taking place in Flanders. The latter are more difficult to organise, due to the lack of subsidies from the Flemish political authorities and because of hostile demonstrations having a deterrent effect, organised by Flemish extremist groups, often leading to the Flemish political authorities forbidding the scheduled cultural event to take place (even when this event does not take place in the open, in the public domain, but in a closed room where an entrance fee is requested). The “Association pour la Promotion de la Francophonie en Flandre” (APFF) encourages events and activities of this nature and thus stands for francophone self-identification in Flanders.

20. On a smaller scale, meaning to say locally, in the outskirts of Brussels and in the entity of Fourons, cultural associations of French speaking Belgians organise events and set up a local cultural life in French. This also is to be considered as self-identification. A number of these associations joined in the present initiative vis-à-vis the United Nations.

21. Among the objective criteria establishing that there definitely is a francophone minority in Flanders (and not only because of the recent tendency of the Brussels population to move into the outskirts of Brussels), one should point out that the “Encyclopaedia of the Flemish Movement”, written by a group of intellectuals at the forefront of defending and promoting Flanders and the Flemish people, one can read in its 1973 edition : “That there is a small francophone minority in Flanders since many a century, is an established fact”, and in its most recent edition of 1998 : “Since centuries, in Flanders there is a small part of the population speaking French”. One should pay tribute to the objectivity of these Flemish intellectuals. Unfortunately, they were not emulated by the Flemish group of experts or civil servants from the ICFP, nor by the Flemish elected representatives sitting in the Regional Parliament and in the Federal Parliament, who appear to ignore what these intellectuals recognized at an already hot, but less decisive time than today. It is known nowadays that the Council of Europe made stark recommendations (notably in 2002), still not put into effect. The French speaking citizens of Flanders, inclusive of those living in Flemish Brabant, supported by the main francophone parties, are resolutely asking that the Framework Convention for the Protection of National Minorities be implemented in Belgium.

22. Moreover, one should highlight the fact that, according to a poll realised not long ago (2009) by the Institute “Dedicated Research”, one arrives at an estimated 310,000 French speaking inhabitants (with French as a mother tongue) presently living in Flanders, i.e. 5% of the total population of the Flemish Region. The Flemish politicians refuse to know anything about it. They even abrogated the decennial census 50 years ago !

23. Finally, let us recall that the Parliamentary Assembly of the Council of Europe has in any case, at item 18 of Resolution 1301 of 26 September 2002, clearly identified which minorities have to be considered as such in Belgium within the context of the Framework Convention.

24. **RECOMMENDATION N° 2 : Considering the lack of agreement on the existence of minorities at the Regions level since about 15 years, to refer on the one hand to item 18 of the Council of Europe 1301 Resolution of 26 September 2002, and on the other hand to self-identification according to the criteria set forth by the UN, in order to define the national minorities having to imperatively benefit from implementing the Framework Convention in Belgium.**

III. PROTOCOL N° 12

25. In view of the fact that Protocol N°12 to the European Convention on Human Rights introduces a general ban on any type of discrimination, inclusive of discrimination on the basis of language.

26. In view of the fact that the latest governmental declaration intends to promote and defend the protection of human rights, more specifically so engage in “setting the proper framework for the Universal Periodic Review at the United Nations Human Rights Council, of which the second cycle for Belgium is scheduled early 2016”.

27. In view of the fact that, on the other hand, Protocol N° 12 to the European Convention on Human Rights has been approved by all Belgian competent parliamentary assemblies (Federal State and Federated Entities), with the exception of the Flemish Parliament, who stubbornly refuses to.

28. We are therefore, in our capacity of representatives of civil society, entitled to expect that the Belgian State will, in the report it is due to submit on 26 October, resolutely commit itself to ratifying Protocol N°12. Or otherwise continue to be hostage of a federated entity, the Flemish Region, who refuses that the democratic standards should progress in a country such as Belgium, the seat of the European Institutions, needless to say !

29. **RECOMMENCATION N° 3 : In order to suppress any type of discrimination, to ratify Protocol N°12 to the European Convention on Human Rights with the assent of the Flemish Parliament.**

IV. CREATION OF A NATIONAL HUMAN RIGHTS INSTITUTION (NHRI)

30. As surprising as this may be, there is no NHRI in Belgium yet. There is an Inter Federal Centre for Equal Opportunities and the Fight Against Racism and Discriminations, a Federal Centre for the Analysis of Migratory Flows, the Protection of the Fundamental Rights of Foreigners and the Fight against Human Trafficking, an Institute for Gender Equality, a National Commission for the Protection of Children’s Rights, a Commission for the Protection of Private Life, a College of Federal Mediators and Mediators of the Federated Entities...

31. One can thus state that Belgium already has a broad range of organisations for the promotion and the defence of Human Rights at its disposal and that it already has made progress in this respect. However, the lack of coordination between these sector-based domains is blatant and gives the

impression of a bric-à-brac with no overarching organisation having status A in accord with the United Nations provisions, whereas other fields are not yet taken into consideration. The Inter Federal Centre in charge of combatting discrimination cannot be referred to for a complaint against discrimination based on language.

32. Following the 2011 Universal Periodic Review, Belgium accepted the Recommendation to “establish a national independent institute for the Protection of Human Rights in conformity with the Paris Principles”. This subject is “on the drawing board” since. A working group has been set up in order to “develop an overarching federal Institute for the Protection of Human Rights”. In October 2014, the present Government recollected the objective of Belgium to implement a “national mechanism for the Protection of Human Rights in conformity with the Paris Principles”.

33. However, due to several blockages, nothing tangible has been achieved so far. Considering the long discussions started years ago, it has now become imperative that this “mechanism” finally be put in place and that the creation of a National Human Rights Institution in conformity with the Paris Principles be carried out.

34. This should be an independent overarching institution with status A, pluralist, open to civil society, coordinating the whole of the Human Rights domains already under examination by the existing organisations and having specialised sections to scrutinize all domains mentioned, but also domains not yet recognized, such as the fight against linguistic discrimination.

35. International pressure can greatly help the socio-cultural and sports NGOs who are victim of linguistic discrimination to make quicker and further progress in promoting Human Rights in the linguistic field. In this respect, we strongly count on the interest, the support and the questioning of the Council of Europe, and of the United Nations, in the framework of the UPR. In order to finally get out of this status quo, your Organisation, with its international recognition for upholding Human Rights, can usefully stimulate the Federal Entities, the Government and the Federal Parliament to overcome the difficulties inherent to a complex federal State such as Belgium

36. It should be noted that during the consultation of civil society on 12 June 2015, the francophone socio-cultural organisations established in the outskirts of Brussels or in Flanders received the support of many important NGOs for the creation of a National Human Rights Institution. In brief, the signatory Associations advocate combatting socio-cultural inequalities, in particular linguistic discrimination, to the benefit of all Belgians, thus also to the benefit of the Flemish minority in the French speaking Region of Belgium.

37. By way of an example, in the book published by Luc Pire in 2008 “French speakers in the outskirts of Brussels – Our solutions” (pp. 16-25), one will find cases of discrimination and of vexations suffered by the French speaking population in daily life, notably in the outskirts of Brussels. Many of these examples are still actual and we would like to just mention a few of them :

- quasi impossibility for the French-speaking citizens of Flanders to have access to social housing;
- refusal to grant subsidies for cultural activities to francophone cultural associations, thus depriving them from financial means to support their activities and to engage personnel;
- obligation for the elected representatives at municipal level to solely speak Flemish at the Municipal Councils;
- impossibility for the communes commonly known as “without facilities” to obtain administrative documents in French (building permission, etc.), for job seekers to be assisted in French, to interact in French with people confronted with poverty asking for help from the “Centre Public d’Aide Sociale” (CPAS/OCMW – Public Welfare Center);
- still today, refusal by the responsible authorities to appoint a burgomaster elected in a “commune with facilities” comprising a large francophone majority;
- cancer screening campaigns in Flemish alone;

- strong pressure by the Flemish authorities upon shop keepers, restaurant owners, etc. for them to use Flemish rather than French on their sign boards, menus (!), publicity, etc. this being contrary to the Constitution.

38. **RECOMMENDATION N° 4 : To speed up, after several years of discussion, the process of effectively creating and setting up as early as possible, and in compliance with the Paris Principles, a National Human Rights Institution (NHRI) having status A. This overarching institution has to insure consistency and coordination between all existing organisations, but should also encompass a pillar for combatting linguistic discrimination.**

V. COOPERATION WITH CIVIL SOCIETY

39. Whereas during its Universal Periodic Review (UPR) of 2011, Belgium accepted recommendation 100.24 : “Continue its close cooperation with civil society in the follow-up to the UPR session” (Austria) and recommendation 100.25: “Facilitate the active involvement of civil society stakeholders, including human rights non-governmental organizations, in follow-up to the review” (Portugal), it has to be said that, in our view, Belgium did not abide by its commitments.

40. We do not consider that Belgium closely cooperated with civil society either. At its mid-term update in 2013, when it came to drafting the mid-term update report, civil society was only consulted once, at the end of the process, during an hour and a half only. This left us with just one minute per recommendation ! Let us add that civil society could only gain access to the draft report one week before. Civil society’s role cannot be reduced to endorsing a report written in-house from A to Z.

41. In our view, a preparatory meeting with civil society should have been held before drafting the mid-term update report. The decision to only broach the recommendations which had been accepted by Belgium, freezing the recommendations concerning the minorities, should have been taken in accord with civil society. Then one could have spoken of close concertation and transparency, as Belgium had committed itself to for the methodology of its 2011 national report. The “Association pour la Promotion de la Francophonie en Flandre” (APFF) would have had the time to react, to point out that France, for whom the minorities issue is also a delicate question, had seized the opportunity of its 2010 mid-term update to clearly define its position towards minorities in a chapter entitled “Rights of the individual and minorities issues”.

42. In the framework of the 2016 UPR, at the occasion of consulting civil society in order to prepare Belgium’s second national report, the French speaking associations of Flanders, who were consulted on 12 June, learned that the new report Belgium is due to submit to the United Nation for 26 October ultimately would not broach the minorities issue either because the Belgian authorities once more decided to only keep to the 2011 accepted recommendations.

43. At this meeting held on 12 June, the French speaking associations from Flanders indicated that with resorting to such proceedings Belgium did not abide by the United Nations directives. As a matter of fact, in its resolution A/HRC/RES/16/21 the United Nations clearly states that : “The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the developments of the human rights situation in the State under review”. There is therefore no reason for the national report to solely limit itself to the accepted recommendations. To take stock of the minorities issue, isn’t it analysing the developments of Human Rights in our country, as the United Nations sets forth ?

44. At this stage of the proceedings, we do not know whether Belgium will reconsider its decision.

45. **RECOMMENDATION N° 5 : To closely cooperate with civil society at each stage of the Universal Periodic Review, notably by consulting civil society on the subjects to be broached and to be set out in the national reports.**

VI. INFORMING CIVIL SOCIETY

46. The Federal Public Service (FPS) Foreign Affairs, in charge of coordinating Belgium's national report in the framework of the Universal Periodic Review (UPR), dedicates a page of its internet site to cooperation with civil society (NGOs). It highlights that "the role played by civil society, including the NGOs and the media, is essential to the proper functioning of our democratic system, as well as to the protection of Human Rights".

47. In addition : "The Federal Public Service (FPS) Foreign Affairs attaches great importance to the existence of a dialogue with the various representatives of civil society (...)". Follows a series of informations destined to civil society concerning human rights and international fora : United Nations, Council of Europe, European Union...

48. On first sight, we could only rejoice about this space dedicated to cooperation with civil society. However, taking a closer look, we found that the information was not updated. Not the slightest mention of Belgium's second UPR in 2016, nor the slightest trace of consultation with civil society on 12 June 2015. No on-line form to enable participation. The said page which could have functioned as a hub for promoting the proceedings established by the United Nations still talks about the 2012 UPR in the future ! This is really a missed opportunity to properly inform civil society about the workings of the defence of human rights.

49. **RECOMMENDATION N° 6 : To inform civil society on human rights as thoroughly as possible by regularly updating the internet site of the Ministry of Foreign Affairs in order to enable civil society to participate more easily in the various processes set up by the UN, among them the Universal Periodic Review (UPR).**

VII. LIST OF RECOMMENDATIONS

1. To ratify the Framework Convention for the Protection of National Minorities, following the Council of Europe 1301 Resolution, without reservation and without further delay, with the assent of the Belgian Parliament and of the Regional- and Community Parliaments.

2. Considering the lack of agreement on the existence of minorities at the Regions level since about 15 years, to refer on the one hand to point 18 of the Council of Europe 1301 Resolution of 26 September 2002, and on the other hand to self-identification according to the criteria set forth by the UN, in order to define the national minorities having to imperatively benefit from implementing the Framework Convention in Belgium.

3. In order to suppress any type of discrimination, to ratify Protocol 12 to the European Convention on Human Rights, with the assent of the Belgian Parliament and of the Regional- and Community Parliaments, inclusive of the Flemish Parliament.

4. To speed up, after several years of discussion, the process of effectively creating and setting up as early as possible, and in compliance with the Paris Principles, a National Human Rights Institution (NHRI) having status A. This overarching institution has to insure consistency and coordination between all existing organisations, but should also encompass a pillar for combatting linguistic discrimination.

5. To closely cooperate with civil society at each stage of the Universal Periodic Review, notably by consulting civil society on the subjects to be broached and to be set out in the national reports.

6. To inform civil society on human rights as thoroughly as possible by regularly updating the internet site of the Ministry of Foreign Affairs in order to enable civil society to participate more easily in the various processes set up by the UN, among them the Universal Periodic Review (UPR).

VIII. RESUME EN FRANÇAIS

INTRODUCTION

Ce rapport est le fruit du travail de 6 associations représentatives de l'ensemble des francophones de Flandre, en ce compris la périphérie de Bruxelles et l'entité des Fourons.

Elles se sont regroupées, à l'occasion du deuxième Examen Périodique Universel de la Belgique, en une "Coalition des associations francophones de Flandre".

Il y a plus de 300.000 citoyens, de langue maternelle française, qui vivent en Flandre.

Cette minorité francophone en Flandre (5% de la population) n'est toujours pas reconnue comme telle ni protégée par la Convention-cadre du Conseil de l'Europe pour la protection des minorités nationales.

L'Etat belge n'a pas encore ratifié la Convention-cadre, près de 15 ans, après l'avoir signée. D'ailleurs, le Gouvernement flamand a déclaré plusieurs fois et récemment encore dans son accord de Gouvernement qu'il refuserait cette ratification. Dans son immense majorité, le Parlement flamand est évidemment sur la même longueur d'ondes.

En l'absence de droits reconnus, notamment de disposer de subventions pour leurs activités culturelles et sportives, et que soit mis définitivement fin aux tracasseries administratives imposées par la Région Flamande tant dans les communes à statut linguistique spécial (les communes à facilités) que dans les communes dites "sans facilités", les francophones de Flandre se sentent menacés d'assimilation forcée.

Pour obtenir enfin la reconnaissance et la protection de leurs droits culturels et linguistiques, les francophones de Flandre appellent à l'aide la Communauté internationale. Celle-ci peut-elle rester indifférente et tolérer que certains des droits de l'homme (notamment ceux des minorités nationales) ne s'appliquent pas dans une partie de la Belgique, la Flandre ? La Belgique se présente pourtant comme un pays démocratique, respectueux des droits de l'homme, mais ne devrait-elle pas s'interroger sérieusement quant à sa politique en termes de reconnaissance des minorités nationales sur son territoire ?

RECOMMANDATIONS

1. Ratifier sans réserve et sans nouveaux délais, avec l'assentiment du Parlement belge et des parlements régionaux et communautaires, y compris celui de la Région flamande, la Convention-cadre pour la protection des minorités nationales, en suivant la résolution 1301 du Conseil de l'Europe.

2. Constatant, depuis près de 15 ans, l'absence d'accord sur l'existence de minorités au niveau des Régions, se référer d'une part au point 18 de la résolution 1301 du Conseil de l'Europe du 26 septembre 2002 et d'autre part à l'auto identification et aux critères objectifs préconisés par l'ONU, afin de préciser quelles sont les minorités nationales qui doivent impérativement bénéficier de l'application de la Convention-cadre en Belgique.

3. Afin d'interdire toute forme de discrimination, ratifier avec l'assentiment du Parlement flamand, le protocole 12 à la Convention européenne des droits de l'homme.

4. Accélérer, après plusieurs années de discussions, le processus de création et de concrétisation d'un Institut National de défense des Droits de l'Homme (INDH) ayant le statut A, en conformité avec les Principes de Paris, pour qu'il aboutisse dans les meilleurs délais. Cette institution-coupole doit assurer la cohérence et la coordination de tous les organismes existants, mais en y ajoutant aussi le volet de la lutte contre les discriminations linguistiques.

5. Coopérer étroitement avec la société civile à chaque étape de l'Examen Périodique Universel, en la consultant notamment lors du choix des thèmes abordés dans les rapports nationaux.

6. Informer le plus complètement possible la société civile sur les droits de l'homme en actualisant régulièrement le site internet des Affaires étrangères, afin de permettre à celle-ci de participer plus facilement aux processus mis en place par l'ONU, tels l'Examen Périodique Universel (EPU).