



Office for Democratic Institutions and Human Rights

**Information Submitted to the
Office of the United Nations High Commissioner for
Human Rights
as a Stakeholder in the
Universal Periodic Review of Belgium**



WARSAW, 22 JUNE 2015

OSCE/ODIHR Submission of Information about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review Process

Participating/Partner State: Belgium

UPR Session and Date of Review: 24th Session, January-February 2016

Background

Belgium is a participating State in the Organization for Security and Co-operation in Europe (OSCE) and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹ The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including Belgium, to assist them in implementing their human dimension commitments. OSCE/ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Belgium and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms.

Election-related activities

In response to an invitation from the Permanent Representation of Belgium to the OSCE and in accordance with its mandate, the OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Belgium from 3 to 6 March 2014 for the 25 May Federal Parliamentary Elections. All OSCE/ODIHR NAM interlocutors expressed full confidence in the election administration and its ability to organize elections impartially and professionally, noting that the diverse political and media landscape further enhances transparency and accountability. As such, the OSCE/ODIHR assessed a likely limited value in deploying its significant presence. Nevertheless, most interlocutors indicated that they would welcome a potential OSCE/ODIHR assessment of the legal framework and implementation of new voting technologies (NVT), recognizing that further improvements could be made and that an external assessment and recommendations offered by the OSCE/ODIHR may contribute to this. Based on these considerations, the OSCE/ODIHR NAM would have recommended the deployment of an Election Expert Team with a focus on NVT.² However, given the budgetary constraints at that time due to the lack of adoption of the 2014 OSCE Unified Budget, the OSCE/ODIHR was not able to deploy such a mission on that occasion. See NAM report at <http://www.osce.org/odihr/elections/belgium/122198>

¹ Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

² See the full NAM report at: <http://www.osce.org/odihr/elections/117281>.

Legislation reviewed by ODIHR

NTR

Tolerance and non-discrimination issues, including incidents of and responses to hate crime

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. In this context, the OSCE/ODIHR reports annually on hate crimes, incidents and responses in the OSCE region– to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. It also helps participating States to design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States' criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness about hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

Information concerning Belgium in OSCE/ODIHR's most recent hate crime reporting cycle (2013)³ includes the following:

Information from the Belgian authorities:

For ODIHR's 2013 reporting cycle, the National Point of Contact for Belgium submitted a completed questionnaire and reported the following information: 375 hate crimes were recorded by the police; and there were 822 hate crime prosecutions and 45 sentenced cases. These data are collected by law enforcement agencies, the Prosecutor's Office and the Centre for Equal Opportunities and Opposition to Racism (CEOOR). Specifically, Belgium recorded 315 racist/xenophobic crimes, and 60 crimes based on bias against LGBT. This information was not broken down by crime type and includes some cases of hate speech or discrimination.

It was also reported that the Interfederal Centre for Equal Opportunities and Opposition to Racism and Discrimination (CECLR) carried out a number of activities with Belgian authorities in 2013. In Joint Circular Col 13/2013, the CECLR invited the Minister of Justice and the Minister of the Interior to set up a monitoring system to analyze statistical data on discrimination and hate crimes and the reliability of police and public prosecutor recording mechanisms. In addition, the CECLR carried out awareness-raising activities on hate crime with magistrates, prosecutors and the police; developed and released guidance on investigating and prosecuting hate crime; developed a hate crimes checklist for police in partnership with Antwerp police; and carried out trust-building activities in partnership with local complaint bureaus to encourage the reporting of hate crime in five cities.

Further it was reported that the ministries of Justice, Equal Opportunities and Interior launched an Action Plan to address homophobia and transphobia, and the Ministry of the Interior's Federal Agency for State Protection and Counterterrorism has been conducting an awareness-raising campaign among prison staff regarding extremist radicalization and recruitment since 2012.

³ <http://hatecrime.osce.org/belgium>

Information from civil society organizations and groups

Additionally, ODIHR sent requests for information on hate crime incidents in Belgium to inter-governmental organizations and to international and local civil society organizations and groups. In terms of racist or xenophobic incidents, World Without Nazism reported a series of attempted arson attacks against the homes of people of Moroccan background. On anti-Semitism, Antisemitisme.be reported six physical assaults and four threats, and mainly targeted Orthodox Jews, as well as an incident of graffiti where a house was covered in swastikas. On hate incidents based on bias against Muslims, Racism Islamophobia Watch reported one physical assault against a Turkish boy, who was stripped naked and forced to drink beer and eat pork, and three incidents of the desecration of mosques, including one incident where pigs' heads were left outside. In addition, World Without Nazism reported a series of attempted arson attacks against the homes of people of Moroccan background. Finally, on hate incidents based on bias against LGBT people, Cavaria reported seven physical assaults, including five assaults resulting in serious injuries, two of which were carried out by group and one in which broken glass was used, leading to the victim being hospitalized. The victims were mainly gay men, but also included three lesbians.

In 2013, another OSCE participating State, the Holy See reported the case of a bias-motivated murder of an elderly woman in a church. The Belgian authorities confirmed that the case is under prosecution and that no bias motive had been registered. This case was also reported by the Observatory on Intolerance and Discrimination against Christians in Europe.

Starting with its 2012 reporting cycle, ODIHR introduced a system of key observations for all countries, based on OSCE Ministerial Commitments related to hate crime recording and monitoring. For its 2013 reporting cycle, ODIHR made the following observation in relation to Belgium: 'ODIHR observes that Belgium has not reported on hate crimes separately from cases of hate speech and/or discrimination'.

In addition, the three Personal Representatives of the OSCE Chairperson-in-Office on tolerance and non-discrimination made a joint visit to Belgium. Following the visit, the Personal Representatives presented their recommendations for the country, which included enhancing the relationship between law enforcement agencies and Muslim communities, police training on hate crimes and guidance on hate crime monitoring and data collection.

Roma and Sinti issues

The 2013 Status Report on the Implementation of the Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area points out that Belgium in their reply to the OSCE/ODIHR questionnaire has listed the development and adoption of national Roma policy document and establishment of working group with regard to implementation of this policy as its main achievement in implementation of the OSCE commitments related to Roma and Sinti.

In addition, Belgium has reported some progress made in education as its priority area. The Roma school mediator program as project- based — run by civil society and supported by the state and/or donors has been also introduced in Belgium. In the field of health Belgium authorities under the auspices of the national Service for Health, Food Chain Safety and the Environment, it has established intercultural mediators who act on behalf of Roma. Moreover, Belgium is one of participating States that has indicated, to various degrees, the amount of funding made available for the implementation of Roma strategy.

The Status Report points out that in the assessment period in Belgium cases of forced evictions of Roma immigrants from unauthorized campsites were registered. In addition, the Status report emphasizes that Belgium is one of the Western European countries that have signed bilateral readmission agreements and has started repatriating Roma, Ashkali and Egyptians to Kosovo. See full report at <http://www.osce.org/odihr/107406>

Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)

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Other assessments and recommendations contained in ODIHR reports on thematic human issues

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