



**Organization for Security and Co-operation in
Europe
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, 15 October 2020

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

Participating State: Belgium

UPR Working Group Session and Date of Review: 38th Session, 3-21 May 2021

Background

1. Belgium has been a participating State in the former Conference for Security and Co-operation in Europe (CSCE) and the present Organization for Security and Co-operation in Europe (OSCE) since 1973 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE –Documents.¹

2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Belgium, to assist them in implementing their human dimension commitments. 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.

3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Latvia 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 in Belgium.

Election-related activities

ODIHR has observed seven elections in the country, most recently the 2018 parliamentary elections.

Federal elections, 26 May 2019

4. Following an invitation from the Government of Belgium to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe the 26 May 2019 federal elections, and in accordance with its mandate, ODIHR deployed a Needs Assessment Mission (NAM) to Belgium from 25 to 28 February 2019. The NAM did not recommend the deployment of an election-related activity to observe the 26 May 2019 federal elections.

5. The NAM Report concluded, “All ODIHR NAM interlocutors expressed a high level of confidence in the election administration and integrity of the electoral process. No major concerns were raised with regard to the legal framework, voter and candidate registration, voting methods, campaigning, or media coverage. At the same time, some prior ODIHR recommendations related to NVT and election dispute resolution remain unaddressed. Based on the findings of this report, the ODIHR NAM did not recommend an election-related activity for the 26 May 2020 federal elections. However, ODIHR would like to reiterate that a number of issues raised in this report could be taken into consideration during further efforts to refine electoral legislation and practice. The full NAM report is available at <https://www.osce.org/odihr/elections/belgium/416432>.

6. The NAM Report concluded, “All OSCE/ODIHR NAM interlocutors expressed full confidence in the election administration and their ability to organize elections impartially and professionally, noting that the diverse political and media landscape further enhances transparency and accountability. As such, there would likely be limited value in deploying a significant OSCE/ODIHR presence. Nevertheless, that most interlocutors indicated that they would welcome a potential OSCE/ODIHR assessment of the legal framework and implementation of NVT, recognizing that further improvements could be made and that an external assessment and recommendations offered by the OSCE/ODIHR may contribute to this.” The full NAM report is available at <https://www.osce.org/odihr/elections/117281>.

Tolerance and non-discrimination issues

7. ODIHR’s 2020 report “OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic” found that numerous virus-related hate incidents have been reported since the beginning of the COVID-19 pandemic in many participating States, including Belgium. Individuals perceived to be of Asian descent also appear to have been particularly and highly disproportionately targeted in hate incidents, in the case of Belgium including instances of serious physical assault. Muslim minority communities were blamed for the spread of the virus in some participating States with majority non-Muslim populations, including Belgium. In terms of good practices, in some participating States, including Belgium, special commissions were created to monitor the impact of the pandemic on vulnerable groups. OSCE/ODIHR recommendations for Belgium include:

- Belgium should uphold existing commitments and international obligations on tolerance and non-discrimination.²
- Condemn any form of discrimination and hate crime and abstain from any statement or action that exacerbates vulnerabilities.
- Ensure that any measures and restrictions imposed due to the emergency situation are created and applied in a non-discriminatory manner, as prescribed by relevant international standards. Working together with civil society organizations and minority communities in this process is crucial.
- Respond swiftly to hate crimes, to record and investigate them so that the perpetrators can be brought to justice and adequate penalties imposed. Assess and improve relevant mechanisms for hate crime recording and data collection.
- Enhance law enforcement and justice sector capacities to recognize and effectively investigate hate crimes and to ensure that specialized training, focused on hate crime victims and their needs, is provided for officials and civil society organizations within the victim support structures. Enact policies, through inter-agency co-operation, to address hate crimes in a comprehensive manner.
- Support victims as they report their experiences, assess the existing current victim support system, and ensure the availability of all necessary psychological, social and legal support for victims, including through close co-operation with civil society. Ensure that the consequences of the current pandemic, including the economic crisis, do not affect the State’s capacities to provide support to victims of hate including through appropriate funding to non-state actors and civil society organizations.
- Prevent new outbursts of hate crime against racialized minorities by undertaking pre-emptive and proactive steps for awareness-raising and addressing hate crime when easing physical distancing restrictions.
- Design and implement recovery assistance in a non-discriminatory manner, with the participation of underrepresented groups affected by discrimination.
- Celebrate and harness the strength of diversity within the participating State, as a means of overcoming current and forthcoming social and economic challenges of the pandemic.

- Consider repealing bans or restrictions on face covering typically used by Muslim women, the Muslim call to prayer, or requiring mandatory handshakes in some formal contexts, in the light of the changes caused by the pandemic which proved these bans and obligations unfounded.

¹ OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

² OSCE participating States have committed to strongly condemn racial and ethnic hatred, xenophobia, discrimination, anti-Semitism and intolerance against Muslims, Christians and other religions, and have committed to address these phenomena in all their forms (Copenhagen Document, 1990). Since 2003, the OSCE participating States have established a normative framework of OSCE Ministerial Council (MC) decisions to reflect their commitments to address these phenomena: MC Decisions 4/03, 12/04, 10/05, 13/06, 10/07 and 9/09. Additionally, a number of OSCE human dimension commitments recognize the vital importance of participating States' realization of their binding human rights obligations under international treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).