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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Belgium*

The present report is a summary of 47 stakeholders' submissions to the universal periodic review.[1] It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views and suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

Information provided by stakeholders

A. Background and framework

1. Scope of international obligations[2]

1. In relation to recommendation 100.1 of the first universal periodic review of Belgium, calling for the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Joint Submission (JS) 21 noted that Belgium signed the Optional Protocol in October 2005, since when there has been no progress.[3] JS3 recommended that Belgium ratify the Optional Protocol.[4]

2. Centre federal pour la migration (CFM) recommended that the Government reopens the discussions at national and European levels towards the ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.[5]

3. JS5 regretted that the Government had not withdrawn the declarations under article 2 of the CRC despite accepting recommendations to do so during its first review.[6]

4. Amnesty International (AI) recommended the Government to ratify the Council of Europe Convention on Preventing and combating violence against women and domestic violence.[7] JS14 recommends ratification of the Council of Europe Framework Convention for the Protection of National Minorities.[8] JS19 recommends ratification of Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.[9] The Council of Europe European Commission against Racism and Intolerance (CoE-ECRI) recommended the ratification of the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.[10]

2. Institutional and human rights infrastructure and policy measures

5. JS14 has noted that during its first universal periodic review, Belgium accepted several recommendations to establish a national human rights institution in accordance with the Paris Principles.[11] Since then, a working group has been established to put it in place, but there have been no tangible results.[12] JS14 criticizes the absence of a national human rights institution. In its place, Belgium has a wide variety of organizations for the defence of rights.[13] JS14 recommends that the Government expedite the establishment of a national human rights institution in accordance with the Paris Principles.[14]

6. AI stated that Belgium did not have a national action plan on human rights and recommended Belgium to adopt one.[15]

7. JS16 has called on the Government to increase its development assistance to reach the target of 0.7 per cent of gross national product.[16]

8. JS19 recommends that Belgium ensure transparency in the process of issuing licences for arms exports.[17]

B. Cooperation with human rights mechanisms

9. According to JS12, several meetings with civil society have been organized by the State since the first universal periodic review. However, improvements could be made in several areas. JS12 calls on Belgium to enhance cooperation with civil society in the preparation of and follow-up to the universal periodic reviews and to make available an Internet-based dashboard with all the recommendations of the universal periodic review as well as the bodies responsible for their implementation.[18]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

10. The Islamic Human Rights Commission (IHRC) observed that, in 2012, the Centre for Equal Opportunity and Opposition to Racism received 265 complaints of religious discrimination, a 33% increase from 2011. 83% of the complaints concerned Muslims and 45% of them related to the media.[19] The Organization for Defending Victims of Violence (ODVV) called on Belgium to condemn, monitor and combat any manifestation of racism, discrimination, xenophobia and Islamophobia in political statements, the media, and social life.[20] European Union Agency for Fundamental Rights (EU-FRA) data indicated that Belgium was one of its Member States with the highest rate of anti-Semitic incidents.[21] JS8 recommends that the Government adopt an interfederal plan to combat racism, racial discrimination, xenophobia and intolerance.[22] The Mouvement contre le racisme, l'antisémitisme et la xénophobie (Movement against racism, anti-Semitism and xenophoia) (MRAX) asks Belgium to develop an observatory on Islam and a national strategy to combat Islamophobia, to revise school textbooks that skip over slavery and the history of the African continent, to acknowledge its colonial past and to organize outreach activities on the subject of the Holocaust.[23]

11. The Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR) OSCE recommended that the Government enhance the relationship between law enforcement agencies and Muslim communities, police training on hate crimes and guidance on hate crime monitoring and data collection.[24]

12. JS13 has noted the existence, since 2013, of an initial Interfederal Action Plan to Combat Homophobic and Transphobic Violence and Discrimination. Nevertheless, for want of a budget, it is limited to a list of concerns.[25]

13. Genres Pluriels (Plural genders) (GP) has said that transgender persons continue to experience violence. It regrets that the Act of May 2007 on transsexuality requires psychiatric or hormone therapies or surgery for legal recognition of gender. GP calls for: facilitating changes of first name for intersex persons; abolishing the requirements for psychiatric statements, genital surgery or hormone therapy for legal recognition of gender; basing changes of first names on self-declarations; and access to health care for transgender persons, including surgery, hormone therapies and social security coverage of these services. GP also recommends the prohibition of any non-essential hormonal or surgical operation on intersex children until they are of an age to give consent.[26]

2. Right to life, liberty and security of the person

14. JS3 has indicated that the first annual review (2014) of the Police Violence Observatory (ObsPol) shows the severity and incidence of violent misconduct of some law enforcement authorities.[27] The Police Violence Observatory considers that there are no clear statistics on police violence and recommends that, every year, the Government collect, centralize and publish clear and comprehensive statistics on the number of people who die or are injured when under the control of the police, the number of complaints filed with police oversight bodies and the number of complaints of violence filed with the courts.[28]

15. According to JS8, the Interfederal Centre for Equal Opportunities opened more than 50 case files involving the police in 2014, a figure that has been similar from one year to the next. The most frequent complaints have to do with the racist or discriminatory comments made during police operations and discriminatory actions. JS8 recommends that the Government stress the importance of avoiding profiling in police training.[29]

16. ObsPol has noted that the Policing Act of 1992 provides for the right to medical care for all persons deprived of liberty. However, this right is not always respected. ObsPol recommends that the Government make systematic medical care available to all arrested persons.[30]

17. ObsPol has noted that the police officers involved in maintaining order, including during demonstrations, do not wear any distinctive identification. ObsPol is concerned that the enforcement of an Act of 2014 making it possible to identify police officers in all circumstances will take some time. ObsPol has also received numerous reports that some police officers do not hesitate to punish individuals who venture to photograph or film them. ObsPol recommends that the Government quickly adopt measures making it possible to identify police officers in all circumstances and that it eliminate any possibility of penalties for persons who film or record police officers in action.[31]

18. JS19 has noted that it is concerned by the Government's plan to entrust some policing operations to the Army and private security companies. JS19 recommends that Belgium should not entrust policing operations to operators whose role does not include policing.[32]

19. JS3 has indicated that conditions of detention are problematic and that they are regularly described as cruel, inhuman and degrading treatment by international bodies. JS3 recalls that during the 2011 universal periodic review, Belgium accepted 14 recommendations on this topic.[33] Liga voor Mensenrechten (LVM) noted that the problem of prison overcrowding persisted. The large amount of pretrial detainees being incarcerated while awaiting trial was an issue of major concern.[34] International Prison Watch (OIP) observes that despite legislation designed to make pretrial detention an exception, some situations lead to its nearly systematic use.[35] OIP regrets that the sole response to this crisis is a plan to build new prisons.[36] The Higher Council of Justice (CSJ) believes that a significant reduction in the percentage of prisoners in pretrial detention will be possible only if alternatives to detention are favoured by magistrates and investigating judges.[37]

20. The CoE Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CoE-CPT) noted that none of the measures taken to date, with the exception of early releases, had brought about a structural, lasting decrease in prison overcrowding, which has steadily been worsening in Belgium over the past years. CoE-CPT stressed that an increase of prison space on itself will not constitute a sufficient nor most adequate solution. It therefore recommended that a national

conference be organised involving all interested parties to draw up the framework of a new criminal justice and prisons policy.[38]

21. The European Committee of Social Rights (CoE-ESCR) was concerned about the fact that minors could be detained in adult prisons.[39]

22. LVM considered that the functioning of the Central Prison Monitoring Council and monitoring bodies for each prison (Commissions de Surveillance), established in 2003 in order to monitor the treatment of detainees, was flawed.[40]

23. AI was concerned by the treatment of people in detention with mental health problems. For lack of resources, mentally ill offenders are often held in the psychiatric wings of prisons. New facilities opened in May 2014 but they do not cover all the needs for treatment.[41] According to the Interfederal Centre for Equal Opportunities (CILCH), an act on the detention of individuals, which would accord more importance to the treatment aspect of detention, was set to enter into force on 1 January 2016. The Centre recommends that Belgium bring the legislation into line with the standards of international law relating to forced treatment of persons with mental or psychological disabilities.[42]

24. According to a study undertaken by AI in 2014, a quarter of the women surveyed reported having suffered sexual violence at the hands of their partners and that thirteen percent reported having been raped by someone other than their partners.[43] AI recommended that Belgium allocate sufficient budget for the effective implementation of the National Action Plan against gender-based violence.[44] JS1 considered that non-documented migrants, asylum seekers and refugees run a high risk of sexual violence and recommended that the Government invest in the prevention of sexual abuse in the reception centres for asylum seekers.[45]

25. EU-FRA data indicated that the prevalence of stalking since the age of 15, of sexual harassment and of cyber harassment since the age of 15 and of women having experienced physical and/or sexual violence by current and/or previous partners since the age of 15 in Belgium, was above EU average.[46]

26. JS24 is of the view that the prohibition of physical punishment, including corporal punishment, is not sufficiently clear in the law and calls for the inclusion of the prohibition of corporal punishment of children in the Civil Code.[47] Global Initiative to End All Corporal Punishment of Children (GIEACPC) made a similar recommendation.[48]

27. Defence for Children International (DEI) believes that the legislation on the sexual and commercial exploitation of children remains incomplete and points to various problems, the most significant of which is defining, identifying and protecting victims. The requirements for obtaining victim status can be met only on the basis of the victim's cooperation with the police. DEI recommends that Belgium introduce new legislation to ensure that minors who are victims of sexual exploitation can receive unconditional assistance.[49]

28. According to End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), police officers have not been trained on the issue of human trafficking or identifying potential victims. This shortcoming has an impact on the identification of child trafficking victims, who are regarded as culprits rather than as victims.[50] JS9 recommends that the Government invest in a training programme on the identification and referral of child victims for persons involved in child protection.[51]

29. The Group of Experts on Action against Trafficking in Human Beings (CoE-GRETA) considered that Belgian authorities should ensure to pay increased attention to trafficking in children.[52] CoE-GRETA called upon the authorities to ensure that

referral and assistance mechanisms put in place are adapted to victims' needs; that child victims of trafficking are granted a residence permit on the basis of their best interests and not of their willingness or ability to cooperate with the authorities; and that there are repatriation assistance arrangements suitable for all victims of trafficking.[53]

30. Defence for Children International (DEI) has stated that the phenomenon of parents begging with their children is persistent and increasing. The response to this phenomenon is primarily punitive. DEI recommends that the Government take an inclusive social approach to addressing the causes of begging.[54]

3. Administration of justice and the rule of law

31. Defence for Children International considers that too many children are subject to a measure involving deprivation of liberty, whereas under the Convention on the Rights of the Child priority is to be given to non-custodial measures. Moreover, the use of the principle of relinquishment of jurisdiction — the referral by juvenile court judges of children between the ages of 16 and 18 to adult courts — is incompatible with that Convention. DEI recommends revoking relinquishment of jurisdiction, drastically scaling down the use of deprivation of liberty and rethinking the juvenile justice system from a perspective of child-friendly justice.[55]

32. JS6 stated that with the ratification of OP3-CRC in 2014, children would only be able to approach the UN if the national legal system has not provided a remedy for the violation. This was a problem because children had a limited access to the justice system. JS6 recommended the Government to exercise its right to make an amendment regarding OP3-CRC that allows for a collective complaints mechanism.[56]

4. Right to privacy and family life

33. JS22 was concerned that law 2014-03-18/5, challenged before the Constitutional Court, granted police more power to store and access data in the National Police Database and recommended that Belgium applies the principles of legality, legitimacy, necessity, proportionality, due process and public oversight to communication surveillance.[57]

34. JS22 noted that in mid-January 2015 the Government announced a bill expanding the list of criminal offences for which wire-tapping was permitted. The envisaged measures contained vague and ill-defined provisions that risked criminalising legitimate dissent.[58]

35. JS22 indicated that on June 2013, Belgacom, the public telecommunications company, discovered malware in its computer system and that the Prosecution Office announced that evidence pointed that this was a foreign State operation. JS22 recommended Belgium to set-up an independent commission of inquiry to investigate the revelations relating to the surveillance programmes of foreign intelligence agencies.[59]

36. According to JS10, there is evidence that children from families living in unfavourable socioeconomic conditions are more often separated from their families. JS10 recommends to the Government that it avoid poverty-related placements and that it invest more in maintaining family ties until a placement is made.[60]

5. Freedom of religion or belief, expression, and right to participate in public and political life

37. The Mouvement contre le racisme, l'antisémitisme et la xénophobie (MRAX) regrets that the religious freedom of many people of Muslim faith in school, in

employment and in government offices is limited.[61] JS13 notes that public institutions and private corporations and individuals — meaning employers, schools or suppliers of goods and services — find it increasingly difficult to reconcile freedom of religion and the principle of neutrality. The result of this tendency towards prohibition, refusal and dismissal is to impede veiled women's access to education, training and employment. JS13 recommends that Belgium fully implement national and international legislation protecting the right to express one's philosophical and religious beliefs in public spaces and step up efforts to enforce this legislation in the private and public sectors, and that it ensure the full integration of Muslim women as regards access to employment, education, cultural activities, and goods and services.[62] IHRC recommends that the Government initiate dialogue with Muslim women's NGOs on these issues.[63]

38. IHRC noted that the Government provided financial support for certain officially recognised religious groups and regretted that Muslim received a smaller proportion of funds than their corresponding percentages of the population.[64]

39. JS19 recommends that the Government repeal the Act of 1847 on the punishment of lese-majesty and decriminalize violations of the laws regulating the press.[65]

40. The Association pour une éthique du vote automatisé (Association for an ethics of automated voting) (PourEVA) objects to the automated voting systems set up in part of Belgium, as they deprive voters of any possibility of monitoring the elections that they are obliged to take part in. PourEVA recommends that the Government ensure the full implementation of the Electoral Code and that it enhance citizen oversight of the electoral process.[66]

6. Right to work and to just and favourable conditions of work

41. The Poverty Prevention Service (SLP) has reported that since 2012, the Government has made unemployment benefits more degressive and set time limits on work programme allowances. On 1 January 2015, 15,877 job seekers lost unemployment benefits as a result of this change.[67] According to JS13, this reform has had a dramatic impact on the situation of job seekers with disabilities.[68] JS19 calls on Belgium to repeal the unemployment insurance reform of 2012.[69] JS20 recommends that the Government assess the impact of the reform on poverty.[70]

42. JS8 has noted that gaining access to employment is more difficult for population groups of foreign origin.[71] CARITAS recommended Belgium to treat the monitoring of workers' rights and a possible filing of a complaint, regardless of an immediate review of the right of residence.[72]

43. JS20 has reported that the wage gap between men and women and discrimination against women in hiring remain significant. On average, women earn 10 per cent less per hour than men. Women's disproportionate presence in part-time and temporary employment and in low-wage economic sectors are two major factors in the wage gap. JS20 calls on the authorities to make every effort to ensure that interim or part-time contracts are a springboard to stable employment.[73]

7. Right to social security and to an adequate standard of living

44. JS16 has noted that children are more likely to be poor than the rest of the population. Children from poor families, child migrants, children with disabilities or illnesses and children in conflict with the law are more likely to be deprived of their family of origin, have less access to health care and services and struggle more to gain access to education, care, leisure and cultural activities. JS16 recommends that Belgium establish a new and coherent national action plan on child poverty.[74]

45. JS20 has noted that there is a considerable gap, estimated at 23 per cent, between men's pensions and women's, owing not only to the wage gap during their careers but also to gender stereotyping and the traditional division of household labour.[75]

46. JS15 has pointed out that there is a bill recognizing the right to food and recommends that Belgium adopt it. JS15 notes that the lack of a legal basis for the right to food makes it hard to turn to the law to ensure access to sufficient food for vulnerable persons. JS15 recommends that the Government make food aid a legal obligation.[76]

47. JS7 has noted that the issue of housing is a major component of efforts to combat creeping poverty. Rents and purchase prices have risen in dizzying fashion, and the supply of social housing is still not nearly large enough.[77] The Poverty Prevention Service (SLP) recommends that Belgium increase its supply of social housing, put a cap on the period during which a person must wait to be offered an apartment or house and provide a rental allowance if the cap is exceeded.[78]

48. SLP has noted that some of the most vulnerable tenants are sometimes subjected to unlawful evictions. SLP recommends that Belgium provide compensation to unlawfully evicted tenants and that, in the event of an eviction on the grounds that a dwelling is unfit for habitation, it makes rehousing a genuine requirement.[79]

49. JS19 has reported that different bills aimed at criminalizing the use of squats have been introduced in Parliament and recommends that Belgium not penalize persons forced to squat buildings.[80]

8. Right to health

50. JS1 noted that since 1990, termination of pregnancy was legal up to 12 weeks after conception and that this had not lead to higher abortion figures. It added that an individual who was more than 12 weeks pregnant was usually referred to a clinic abroad. JS1 recommended the Government to initiate a debate on the topic of termination of pregnancy beyond 12 weeks.[81]

51. JS1 indicated that the current legislation, establishing that a person before the age of 16 could not give consent for sexual acts had a number of undesired consequences and negative side effects. JS1 recommended that Belgium adapt the legal framework regarding the age of sexual consent to reality of young people's sexuality.[82]

52. The Alliance Defending Freedom (ADF) was concerned that in 2014 Parliament adopted a bill allowing euthanasia for terminally ill children without any age limit. ADF believed that the legalization of euthanasia for minors could not be considered compatible with the right to life or the best interests of the child standard. ADF recommended that the Government repeal the Law on Euthanasia.[83]

9. Right to education

53. JS16 states that there are still glaring educational inequalities in Belgium. According to official indicators from 2014, students are sent to different streams, on the basis of their socioeconomic status, starting very early in their schooling.[84] JS23 states that children of ethnic and cultural minorities and children from families living in poverty are more heavily represented than children of Belgian origin in special education, a system designed for children with disabilities. JS23 recommends that Belgium examine the causes of the disproportionate representation of children belonging to minorities and children from disadvantaged environments in special education.[85]

54. JS11 has indicated that the lack of places in mainstream education and the lack of staff, of teacher training, appropriate instructional materials, accessible buildings, and programmes leading to qualifications are realities faced by children with disabilities. The problems of special education also involve the lack of places and the lack of teacher training, as well as frequently long travel times.[86] JS23 recommends that the Government allocate the necessary resources to education, so that it will be fully inclusive, and that it establish a consistent long-term strategy to improve it through, inter alia, support for students with disabilities, accessible school buildings, transport, knowledge and learning methods.[87]

55. JS4 has noted that in the area of human rights the right to education has not yet been made real and recommends that the Government pay structural attention to human rights, particularly the rights of the child, in primary education and teacher training.[88]

56. JS1 noted that the quality of comprehensive sexuality education, a regional competence, could differ considerably between schools. It recommended that regional Governments set standards and guidelines for the provision of comprehensive sexuality education.[89]

10. Cultural rights

57. JS14 estimates that there is a minority of more than 300,000 native French speakers in Flanders that is still not recognized as such and that, in the absence of recognized rights, they feel that they are at risk of forced assimilation.[90]

11. Persons with disabilities

58. JS11 welcomes the proposed inclusion in the Constitution of an article guaranteeing the rights of persons with disabilities, as well as the efforts to amend the legislation on legal incapacity. JS11 expresses concern, however, that there is still the possibility of resorting to substituted decision-making by a third party for persons with disabilities.[91]

59. The Groupe d'action qui dénonce le manque de places (GAMP), a group denouncing the lack of places to cater for persons with severe disabilities, calls for a disability action plan at the national level and efforts to ensure harmonization of federal and regional policies.[92]

60. The Interfederal Centre for Equal Opportunities (CILCH) has noted that accessibility regulations do not apply to existing infrastructure and recommends that Belgium establish a clear legal framework for making such infrastructure accessible.[93]

61. JS11 has reported that the allowances received by persons with disabilities do not always enable them to live decently. In addition, it is difficult for persons with disabilities to obtain affordable housing that suits their needs.[94] JS11 recommends that Belgium provide each disabled person with an adequate income, increase the number of places in reception centres and diversify the stock of housing for persons with disabilities.[95]

12. Minorities

62. JS5 has noted that Belgium was confronted with a recurring problem of homeless undocumented European families mainly belonging to Roma populations. Although they could receive a residency permit, this proves very difficult in reality.[96] JS16 noted that the situation of Roma children was still extremely volatile.[97] MRAX recommends that the Government fully implement the National Roma Integration Strategy.[98] JS19 recommends that the housing rights of travellers be guaranteed.[99]

13. Migrants, refugees and asylum seekers

63. OBJECTIF has noted that the Nationality Code was amended by an Act of 2012 that introduces requirements regarding language knowledge, social integration and economic participation. OBJECTIF believed that the Act contained discriminatory aspects that led to unequal treatment based on an individual's country, region and municipality of residence, country of birth, financial situation, education and gender. OBJECTIF recommends that Belgium begin a new reform of the Nationality Code.[100] JS19 calls for the repeal of the criminalization of unauthorized residence in the country, a practice established in article 75 of the Act of 15 December 1980 on entry to the country.[101]

64. OBJECTIF is critical of the amendment of 2012 to the Nationality Code, which introduces discriminatory aspects and unequal treatment based on an individual's country, region and municipality of residence, country of birth, financial situation, education and gender. OBJECTIF recommends that Belgium begin a new reform of the Nationality Code.[102]

65. JS3 considers that the Government has a restrictive outlook on immigration. The consequences of this more restrictive stance are a cause for concern.[103]

66. JS2 has noted that a large number of asylum seekers and documented and undocumented migrants have been deprived of their fundamental social rights. JS2 recommends that Belgium put an end to those administrative practices which, on no legal basis, restrict the fundamental social rights of migrants.[104]

67. JS9 indicates that the number of places for asylum seekers fell from 23,800 in 2013 to 17,400 in 2015, during a period of increasing numbers of applications for asylum.[105]

68. JS3 has noted that the principle of non-refoulement is not strictly applied. Current practices permit the extradition of persons at risk of torture on condition of diplomatic assurances and the use of a list of so-called safe countries, in respect of which fast-track procedures for refusal are implemented.[106]

69. JS3 recommends that the Government change asylum procedures in such a way as to guarantee that the right can be fully exercised, ensure asylum seekers are received in conditions that respect their dignity, strictly implement the principle of non-refoulement, prohibit any extradition to countries where the risks of torture are proved, even in exchange for diplomatic assurances, and put an end to the use of lists of safe countries.[107]

70. JS5 has noted that asylum and non-asylum seekers at the border continued to be automatically detained in closed reception centres or in open return units.[108] JS2 observed that the judicial review of the administrative detention of foreign nationals is largely ineffective. JS2 stated that Belgium should ensure that the detention of an asylum seeker is truly an exceptional measure and that all decisions concerning deprivation of liberty are reviewed by a judge.[109]

71. JS5 considered that one of the main human rights problems in the return houses was the separation of parents or adult children from their families.[110] CARITAS regretted that unaccompanied minors could be legally detained up to 6 days in a detention centre at the border.[111]

72. JS5 noted that unaccompanied minor asylum seekers and refugees were exposed to abuse, exploitation and sexual and other violence.[112]

73. JS5 considered that age was the most challenging element in the identification of an unaccompanied minor. Age assessment, crucial to have access to certain rights, was

done by means of a so-called "triple medical test" (teeth, hand and wrist of the non-dominant hand and the collarbones). Medical experts denounce these tests as unreliable. In average 70% of the persons submitted to the triple test are identified as adults although a broad number of them are proven later to be actually minors.[113]

74. According to Defence for Children International (DEI), there are not nearly enough places for foreign minors, and the procedures for gaining the right to be admitted as a minor are unsuitable.[114]

75. DEI urges the Government to prohibit the detention of children for reasons related to migration, to make comprehensive changes to the methods of identifying minors and to increase the number of places for the reception of child migrants.[115]

76. JS17 calls on Belgium to stop the practice of detaining families with children in a closed centre near the airport shortly before their return flight and to include in the Immigration Code that the Government intends to draft, a provision requiring all stakeholders to take the best interests of the child into account in every decision affecting him or her.[116]

77. JS3 has noted that the expulsion of foreign nationals regularly involves violence. JS3 calls on the Government to ensure that deportation procedures are conducted with respect for personal dignity.[117]

14. Right to development, and environmental issues

78. AI considered that the drafting of an Action Plan to implement the UN Guiding Principles on Business and Human Rights being drafted by the Government was an opportunity to institute legal and policy reforms ensuring that Belgian companies act with due diligence, including outside of Belgium.[118]

79. JS15 considers that Belgium should put an end to its policy of support for biofuels, given their negative impact on access to land and food security in the global South.[119]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF	Alliance Defending Freedom International, Geneva, Switzerland;
AI	Amnesty International, London, UK;
CARITAS	CARITAS International Belgium, Brussels, Belgium;
CFM	Centre fédéral pour la migration, Brussels, Belgium;
CILCH	Centre interfédéral pour l'égalité des chances, Brussels, Belgium;
CSJ	Conseil Supérieur de la Justice, Brussels, Belgium;
DEI	Défense des enfants International Belgique, Brussels, Belgium;
ECPAT	ECPAT Belgique (End Child Prostitution, Child Pornography and Trafficking of Children for sexual purposes), Brussels, Belgium;
GAMP	Groupe d'Action qui dénonce le Manque de Places pour personnes handicapées de grande dépendance, Brussels, Belgium;
GP	Genres Pluriels A.S.B.L, Brussels, Belgium;
GIEACPC	Global Initiative to End All Corporal Punishment of Children. London, UK;
IHRC	Islamic Human Rights Commission, Wembley, UK;
LVM	Liga voor Mensenrechten, Ghent, Belgium;
MRAX	Mouvement contre le Racisme, l'Antisémitisme et la Xénophobie. Brussels, Belgium;
OBJECTIF	Mouvement pour l'égalité des droits. Brussels, Belgium;
ObsPol	Observatoire des violences policières, Brussels, Belgium;
ODVV	Organization for Defending Victims of Violence, Tehran, Iran;

OIP	Observatoire international des prisons- section belge, Brussels, Belgium;
PourEVA	Association Pour une Éthique du Vote Automatisé, Brussels, Belgium;
SLP	Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, Brussels, Belgium.

Joint submissions:

JS1	Joint Submission 1 submitted by: Sensoa -Flemish expertise centre for sexual health (Antwerp, Belgium)- and SRI -Sexual Rights Initiative (Geneva, Switzerland);
JS2	Joint Submission 2 submitted by: CIRÉ — Coordination et Initiatives pour Réfugiés et Etrangers — Brussels, Belgium;
JS3	Joint Submission 3 submitted by: Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, Paris, France, and Action des chrétiens pour l'abolition de la torture Belgique francophone, Brussels, Belgium;
JS4	Joint Submission 4 submitted by: Centre interfédéral pour l'égalité des chances, Centre fédéral Migration, Commissariat aux Droits de l'Enfant de la Communauté flamande (Kinderrechtencommissariaat), Délégué général aux droits de l'enfant de la Communauté française and Commission de la protection de la vie privée, Brussels, Belgium;
JS5	Joint Submission 5 submitted by: Platform Minors in Exile, Belgium;
JS6	Joint Submission 6 submitted by: Flemish Child Rights Coalition, Brussels, Belgium;
JS7	Joint Submission 7 submitted by: Rassemblement Bruxellois pour le Droit à l'Habitat (RBDH), Brussels, Belgium, and Rassemblement Wallon pour le Droit à l'Habitat (RWLP), Namur, Belgium;
JS8	Joint Submission 8 submitted by: Centre interfédéral pour l'égalité des chances, Centre fédéral Migration, Commissariat aux Droits de l'Enfant de la Communauté flamande (Kinderrechtencommissariaat), et Délégué général aux droits de l'enfant de la communauté française, Brussels, Belgium;
JS9	Joint Submission 9 submitted by: Centre fédéral Migration, Commissariat aux Droits de l'Enfant de la Communauté flamande (Kinderrechtencommissariaat) and Délégué général aux droits de l'enfant de la Communauté française, Brussels, Belgium;
JS10	Joint Submission 10 submitted by: Le Commissariat aux Droits de l'Enfant de la Communauté flamande (Kinderrechtencommissariaat), Délégué général aux Droits de l'Enfant de la Communauté française and Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, Brussels, Belgium;
JS11	Joint Submission 11 submitted by: BDF, Belgian Disability Forum, Brussels, Belgium;
JS12	Joint Submission 12 submitted by: Centre interfédéral pour l'égalité des chances, Centre fédéral Migration, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, Commissariat aux Droits de l'Enfant de la Communauté flamande (Kinderrechtencommissariaat), Délégué général aux droits de l'enfant de la communauté française, Collège des médiateurs fédéraux, communément appelé Le Médiateur fédéral, Commission de la protection de la vie privée Ombudsmann der Deutschsprachigen Gemeinschaft (médiateur de la Communauté germanophone), Médiateur de la Wallonie et de la Fédération Wallonie-Bruxelles and Comité permanent de contrôle des services de renseignement, Brussels, Belgium;
JS13	Joint Submission 13 submitted by: Centre interfédéral pour l'égalité des chances, Commissariat aux Droits de l'Enfant de la Communauté flamande (Kinderrechtencommissariaat), Délégué général aux droits de l'enfant de la communauté française. Brussels, Belgium;
JS14	Joint Submission 14 submitted by: Coalition des Associations Francophones de Flandre (CAFF), De Haan, Belgium;
JS15	Joint Submission 15 submitted by: FoodFirst Information and Action Network — section belge (FIAN Belgium), Brussels, Belgium; Mouvement d'Action Paysanne (MAP), Boninne, Belgium; Réseau bruxellois des Groupes d'Achat Solidaire de l'Agriculture Paysannes (GASAP), Brussels, Belgium; Aide au développement Gembloux (ADG), Gembloux, Belgium; Ekta Parishad-Belgique, Rosières, Belgium; Fédération des services sociaux (FDSS), Brussels, Belgium; Centre National de Coopération au Développement (CNCD-11.11.11), Brussels, Belgium; Fédération Unie de Groupements d'Eleveurs et d'Agriculteurs

(FUGEA), Namur, Belgium; Terre-en-Vue, Louvain-la-Neuve, Belgium; Centre Tricontinental (CETRI), Louvain-la-Neuve, Belgium; SOS Faim, Brussels, Belgium;

JS16 Joint Submission 16 submitted by: Coordination des ONG pour les droits de l'enfant (CODE), Brussels, Belgium;

JS17 Joint Submission 17 submitted by: Centre fédéral Migration, Le Commissariat aux Droits de l'Enfant de la Communauté flamande (Kinderrechtencommissariaat), Le Délégué général aux droits de l'enfant de la Communauté française, Le Collège des médiateurs fédéraux, Brussels, Belgium;

JS18 Joint Submission 18 submitted by: Centre interfédéral pour l'égalité des chances and Centre fédéral Migration, Brussels, Belgium;

JS19 Joint Submission 19 submitted by: Ligue des Droits de l'Homme (LDH), Brussels, Belgium, and FIDH (Fédération Internationale des Ligues des Droits de l'Homme), Paris, France;

JS20 Joint Submission 20 submitted by: Institut pour l'égalité des femmes et des hommes and Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, Brussels, Belgium;

JS21 Joint Submission 21 submitted by: Collège des médiateurs fédéraux, Médiateur de la Wallonie et de la Fédération Wallonie-Bruxelles, Ombudsmann der Deutschsprachigen Gemeinschaft and Vlaamse Ombudsman, Brussels, Belgium;

JS22 Joint Submission 22 submitted by: Privacy International (London, UK), Liga voor Mensenrechten (Ghent, Belgium) and the Ligue des droits de l'Homme (Paris, France);

JS23 Joint Submission 23 submitted by: Centre interfédéral pour l'égalité des chances, Service de lutte contre la pauvreté, la précarité et l'exclusion sociale, Commissariat aux Droits de l'Enfant de la Communauté flamande (Kinderrechtencommissariaat), Délégué général aux droits de l'enfant de la communauté française, Brussels, Belgium;

JS24 Joint Submission 24 submitted by: Commissariat aux Droits de l'Enfant de la Communauté flamande (Kinderrechtencommissariaat) and le Délégué général aux droits de l'enfant de la Communauté française, Brussels, Belgium.

Regional intergovernmental organization(s):

CoE Council of Europe, Strasbourg (France):
Attachments:
(CoE-CPT) Committee for the Prevention of Torture, Report to the Belgian Government on the visit to Belgium carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 23 to 27 April 2012, CPT/Inf (2012) 36;
(CoE-ECRI) European Commission against Racism and Intolerance Report on Belgium (fifth monitoring cycle), adopted on 4 December 2013/published on 25 February 2014;
(CoE-ESCR) European Committee of Social Rights, Conclusions 2014 (Belgium), Articles 2, 4, 5, 6, 21, 22, 26§1 and 29 of the Revised Charter, January 2015;
(CoE-ESCR) European Committee of Social Rights, Conclusions 2011 (Belgium), Articles 7, 8, 16, 17 and 19 of the Revised Charter, January 2012;
(CoE-GRETA) Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, First Evaluation Round, Strasbourg, 25 September 2013, GRETA(2013)14;

EU-FRA European Union Agency for Fundamental Rights, Vienna (Austria)
Attachments:
Severe labour exploitation: Workers moving within or into the European Union, June 2015;
Fundamental Rights: Challenges and achievements in 2014: Annual Report 2014, May 2015, unpublished draft;
Being Trans in the EU — Comparative analysis of the EU LGBT survey data, December 2014;
Fundamental Rights: Challenges and achievements in 2013: Annual Report 2013, June 2014;

	The right to political participation for persons with disabilities: Human rights indicators, May 2014; Violence against women: An EU-wide survey. Main results report, March 2014; Discrimination and hate crime against Jews in EU Member States: Experiences and perceptions of anti-Semitism, November 2013;
OSCE/ODIHR	Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw (Poland): Attachments: (OSCE/ODIHR) Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE area — Renewed commitments, continued challenges: Status Report 2013.

[2] The following abbreviations are used in UPR documents:

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT

[3] JS21, paras. 1 and 3. For the full text of the recommendation, see A/HRC/18/3 recommendation 100.1 (Czech Republic, United Kingdom, Norway, Spain, Brazil, Ecuador).
[4] JS3, page 4. See also AI, page 7, JS21, para. 11, LVM, page 2 and OIP paras. 36-37.
[5] CFM, para. 6. See also JS5, page 7 and JS19, para. 8.
[6] JS5, page 5. For the full text of the recommendation see A/HRC/18/3, recommendation 102.7 (Kyrgyzstan). The Declaration reads as follows: “With regard to article 2, paragraph 1, according to the interpretation of the Belgian Government non-discrimination on grounds of national origin does not necessarily imply the obligation for States automatically to guarantee foreigners the same rights as their nationals. This concept should be understood as designed to rule out all arbitrary conduct but not differences in treatment based on objective and reasonable considerations, in accordance with the principles prevailing in democratic societies.”
[7] AI, page 7. See also JS2, page 7 and JS19, para. 11.
[8] JS14, para. 11.
[9] JS19, para. 10. See also CoE-ECRI, para. 2 and JS14, para. 29.
[10] CoE-ECRI, para. 65.
[11] For the full text of the recommendation see A/HRC/18/3, recommendation 100.9 (India, United Kingdom, Poland, Egypt, Afghanistan, Portugal, Australia, Norway, Spain, Democratic Republic of Congo, Palestine, Ecuador, Djibouti, Russian Federation, Chile, Burkina Faso, Malaysia).
[12] JS14, paras. 32-33.
[13] JS14, paras. 30-31. See also CoE-ECRI, paras. 31-38.
[14] JS14, para. 38. See also AI, page 7, JS3, page 4, JS12, para. 17 and LVM, page 2.
[15] AI, page 7.
[16] JS16, page 8.
[17] JS19, para. 19.
[18] JS12, paras. 20.26. See also AI, page 1 and JS14, paras. 39-49.
[19] IHRC, page 8. See also MRAX, pages 2- 3 and ODVV, pages 1-2.
[20] ODVV, page 2.
[21] EU-FRA, p. 13 and Discrimination and hate crime against Jews in EU Member States: Experiences and perceptions of anti-Semitism, pp. 29-30.
[22] JS8, para. 22. See also MRAX, page 1.
[23] MRAX, pages 2-3.
[24] OSCE/ODIHR, p. 3.
[25] JS13, paras. 1-3.
[26] GP, pages 1-2. See also AI, page 6. See also EU-FRA, page 8 and Being Trans in the EU — Comparative analysis of the EU LGBT survey data, pages 22 and 65.
[27] JS3, para. 38.
[28] ObsPol, paras. 13 and 17.
[29] JS8, paras. 23 and 27. See also LVM, page 2.
[30] ObsPol, paras. 3 and 6.
[31] ObsPol, paras. 7-12. See also LVM, page 2.
[32] JS19, para. 18.
[33] JS3, para. 8. For the full text of the recommendations see A/HRC/18/3, recommendation 100.21 (Austria), 100.35 (Czech Republic), 100.36 (Australia), 100.37 (Djibouti), 100.38 (Chile), 100.39 (Ecuador), 100.40 (Algeria), 100.41 (USA), 100.42 (USA), 100.44 (Sweden), 100.46 (Spain), 100.47 (Slovakia), 101.22 (Islamic Republic of Iran), 102.13 (Thailand).
[34] LVM, page 3. See also AI, pages 2, 4 and 5 and JS3, paras. 9-14.
[35] OIP, para. 6.
[36] OIP, para. 15.
[37] CSJ, page 2. See also JS3, page 7 and LVM, page 4.
[38] CoE-CPT, paras. 73-77.
[39] CoE-ESCR, Conclusions 2011, p. 19.

[40] LVM, page 3. See also OIP, para. 32.
[41] AI, page 5. See also CILCH paras. 20-28, JS3, para. 18-21, OIP, paras. 40-44.
[42] CILCH paras. 29-33. See also AI, page 7, JS3, page 7, LVM, page 5.
[43] AI, page 4.
[44] AI, page 7.
[45] JS1, pages 6-7.
[46] EU-FRA, pp. 11-12 and Violence against women: An EU-wide survey. Main results report, p. 83, 100, 104 and 28.
[47] JS24, paras. 2-3.
[48] GIEACPC, para. 1.4. See also CoE-ESCR, Conclusions 2011, p. 19.
[49] DEI, page 5. See also ECPAT, page 3 and EU-FRA, p. 5 and Severe labour exploitation: Workers moving within or into the European Union, pages 65 and 84.
[50] ECPAT, pages 3-4.
[51] JS9, para. 5.
[52] CoE-GRETA, paras. 2, 12 and 13.
[53] CoE-GRETA, paras. 15, 19, 19 and 22.
[54] DEI, pages 4-5.
[55] DEI, pages 1-2. See also JS6, page 7.
[56] JS6, page 5.
[57] JS22, paras. 17-18 and 51.
[58] JS22, paras. 21-25.
[59] JS22, paras. 32 and 51.
[60] JS10, paras. 7-8.
[61] MRAX, pages 2-3.
[62] JS13, paras. 22-26. See also AI, pages 6-7 and JS6, page 4.
[63] IHRC, page 9.
[64] IHRC, page 7.
[65] JS19, paras. 20-21.
[66] PourEVA, pages 2 and 4.
[67] SLP, para. 1.
[68] JS13, para. 31.
[69] JS19, para. 1. See also SLP, para. 6.
[70] JS20, para. 7.
[71] JS8, para. 1.
[72] CARITAS, page 2.
[73] JS13, paras. 1-3.
[74] JS16, pages 2-4. See also JS6, page 6 and JS10, para. 2.
[75] JS20, para. 8.
[76] JS15, paras. 4-8 and page 14.
[77] JS7, pages 4-5. See also CILCH paras. 2-6.
[78] SLP, para. 13. See also JS7, pages 6-8.
[79] SLP, paras. 16-17. See also JS7, page 9.
[80] JS19, para. 7.
[81] JS1, page 3.
[82] JS1, pages 5-6.
[83] ADF paras. 24-28.
[84] JS16, page 6.
[85] JS23, paras. 2, 9 and 11. See also JS5, page 3, JS11, para. 19 and JS16, page 7.
[86] JS11, paras. 13, 11 and 28. See also GAMP, para. 16, JS16, page 7 and JS23, para. 3.
[87] JS23, para.7. See also JS11, page 5 and JS16, page 8.
[88] JS4, paras. 1-3. See also JS16, page 2.
[89] JS1, pages 3-4.
[90] JS14, page 1.
[91] JS11, paras. 6-8.
[92] GAMP, para. I. See also JS11, para. 1.
[93] CILCH paras. 13-14.
[94] JS11, para. 45. See also GAMP, para. 22.
[95] JS11, page 9. See also GAMP, para. 21.
[96] JS5, page 5. See also CARITAS, page 1.
[97] JS16, page 8. See also JS10, paras. 9-10.
[98] MRAX, page 2.
[99] JS19, para. 4. See also CoE-ECRI, paras. 130-135 and OSCE/ODIHR, p. 4 and OSCE/ODIHR Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE area — Renewed commitments, continued challenges: Status Report 2013, p. 29.
[100] OBJECTIF, pages 1, 6 and 8.
[101] JS19, para. 9. See also JS18, paras. 1-4.
[102] OBJECTIF, pages 6 and 8. See also JS18, paras. 1-4 and JS19, para. 9.

[103] JS3, para. 23.
[104] JS2, pages 2 and 7.
[105] JS9, para. 7. See also JS3, para. 25.
[106] JS3, paras. 31.32. See also AI, pages 2 and 5, CARITAS, page 4 and JS19, para. 23.
[107] JS3, pages 9-10. See also AI, pages 6 and 8.
[108] JS5, page 10.
[109] JS2, pages 5-7. See also JS3, paras. 9-10 and 26-30.
[110] JS5, page 9.
[111] CARITAS, page 2.
[112] JS5, page 7. See also JS6, page 5.
[113] JS5, page 7. See also DEI, page 3.
[114] DEI, page 3.
[115] DEI, page 4.
[116] JS17, para. 32. See also CARITAS, pages 1 and 3, and JS9, para. 14.
[117] JS3, para 41 and page 12.
[118] AI, page 4.
[119] JS15, para. 29 and page 14.