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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Belgium**

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## **I. Introduction**

1. The Working Group on the Universal Periodic Review reviewed the situation of Belgium at its eleventh session, held in May 2011. Belgium has accepted 88 recommendations. Since then, it has made a genuine effort to fully implement the recommendations it has accepted. In September 2013, on its own initiative, Belgium submitted a mid-term report to the Human Rights Council, outlining what had been done in response to the recommendations that were accepted in 2011.

## **II. Methodology for preparation of the national report (recommendations 100.24-100.25)**

2. The present report was prepared as part of the second universal periodic review of Belgium. In accordance with the general guidelines set out by the Human Rights Council in its decision 17/119, it focuses on the evolution of the situation of human rights in Belgium since the previous review, as well as on the progress made in the implementation of the 88 recommendations accepted during the first universal periodic review.

3. The Federal Public Service for Foreign Affairs coordinated the preparation of the national report, in which the various authorities concerned, including the federated entities, participated. The draft report was submitted to NGOs on 12 June 2015. The Government took note of their remarks, and the draft report was modified to take into account some of the comments of civil society.

4. At the meeting on 12 June 2015, civil society organizations presented their comments. They welcomed the holding of the meeting, and the opportunity to address all subjects, but found the tone of the draft report to be overly optimistic in comparison with the actual situation. They regretted the fact that they had not been consulted in advance, in order to determine the subjects to be addressed, and that the report covered solely the recommendations made at the universal periodic review in 2011. They advanced detailed criticisms of many of the subjects presented in the report, emphasizing in particular the lack of progress since 2011 in setting up a national human rights institution with A status, in conformity with the Paris Principles. They wished to see Belgium ratify or withdraw its reservations to certain international treaties.

5. It must be recalled that Belgium is a federal State and that its federalism is one of cooperation. There is no hierarchical distinction between federal laws and the laws of federated entities: there is a procedure for prior consultation or subsequent judicial control, including through the Constitutional Court, as to whether the regulations of one entity might be detrimental to the interests or competences of another. Federated entities may cooperate with one another in certain spheres and, where appropriate, with the federal authority. Such cooperation may be arranged through formal agreements.

## **III. Improvement of the normative framework for protection (recommendations 100.1-100.6, 100.9, 101.4-101.5, 101.18)**

6. Belgium ratified the International Convention for the Protection of All Persons from Enforced Disappearance in 2011 and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2014. Most

recently, Belgium has ratified the International Labour Organization (ILO) Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), and the ILO Domestic Workers Convention, 2011 (No. 189). At present, Belgium is up to date in the submission of its periodic reports to treaty bodies<sup>1</sup> and has set up a national mechanism for more consistent follow-up to their recommendations.

7. Belgium is currently doing everything possible to ratify as rapidly as possible the following instruments relating to human rights: the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Protocol of 2014 to the ILO Forced Labour Convention, 1930; and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Belgium is also taking steps to accept as soon as possible the amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination; the amendment to article 20, paragraph 1, of the Committee on the Elimination of Discrimination against Women; and the amendments to articles 17, paragraph 7, and 18, paragraph 5, of the Convention against Torture.

8. Work was begun under the previous legislature with regard to the establishment of a national human rights institution. The first steps were taken by giving the Centre for Equality of Opportunity an inter-federal status and by the establishment of a federal migration centre.<sup>2</sup> The Government agreement of October 2014 also foresees the creation, during the current legislative period, of a national human rights mechanism that complies with the Paris Principles. Belgium already has the basic elements of such a mechanism.<sup>3</sup> The challenge is to integrate them into a coherent structure and to supplement this structure with the missing elements. It is therefore important to generate a dialogue with all stakeholders and to take into account their suggestions as well as the inter-federal character of this exercise. In addition, the federal Parliament will be a partner in the discussions, given the need to clarify its legal relationship with the future national human rights mechanism.

9. The initial policy and technical meetings have already been held. Given the complexity of the exercise and the fact that the cooperation agreement must be negotiated and concluded by the various authorities and subsequently endorsed by the different parliaments (federal and federated), the actual launching of the national human rights mechanism is expected for the end of the legislative period.

#### **IV. Promotion and protection of human rights on the ground and follow-up to the previous review**

##### **A. Administration of justice (recommendations 100.42, 100.45-46, 101.19, 101.25)**

10. Various measures have been adopted to develop modalities for monitoring the enforcement of penalties offering an alternative to detention. First, in respect of pretrial detention, a law of 27 December 2012 now stipulates that the investigating judge must decide if a sentence is to be served in prison or through detention under electronic monitoring, meaning that the person must remain at a given address under electronic surveillance. In addition, the law now provides that detention under electronic surveillance will automatically be used for sentences of 1 month to 1 year<sup>4</sup> and that probation will be used for acts that may result in a minor or correctional penalty of 6 months to 2 years.<sup>5</sup> A sentence of probation entails the obligation to respect certain conditions for a specified period and is intended to promote social reintegration and by the same token to combat recidivism.

11. The Belgian legislature has also strengthened the procedural rights of persons undergoing criminal investigation. A law of 13 August 2011 provides for the right for any person who is being questioned or is under arrest to speak confidentially with a lawyer prior to any interrogation, and for persons deprived of liberty to be assisted by a lawyer during hearings while they are under arrest. In addition, the law provides that a minor cannot waive this right; if the police find that the person being questioned is fragile or vulnerable (because of a mental disorder, for example), the rules for minors will likewise apply. Lastly, a person who lacks sufficient resources can receive this assistance free of charge, in accordance with the provisions relating to entitlement to full or partial second-line legal aid (services of a lawyer).

12. The incarceration of forensic psychiatric patients by judicial order has been the subject of a major reform, noteworthy for the adoption in 2007 of a multi-year plan whose objective is to provide for adequate care for internees, including by taking them out of prisons with a view to their optimal social integration. The implementation of this plan has resulted in the following initiatives: a forensic psychiatry centre (capacity: 262) was opened in Ghent in 2014; another centre is being built in Antwerp (180 places). These two facilities must meet the same standards for the provision of care as do conventional psychiatric hospitals. For internees requiring a moderate level of security, 601 places have been set aside, based on the needs, in various types of establishments.<sup>6</sup> Lastly, in order to facilitate access by internees to conventional and regular care, projects have been set up to improve the flow of care through such measures as the appointment of coordinators responsible for evaluating needs and care teams whose job is to promote the movement of internees among sectors and institutions in accordance with their needs. In 2014, 30 new initiatives aimed at increasing the support provided in residential and outpatient facilities were launched.

13. A law of 5 May 2014 has reformed the regime applicable to internees. It emphasizes the goal of reintegration into society of persons interned and their right to receive care adapted to their condition. Among the many improvements, one may emphasize the application of more expertise in the process of internment: a psychiatric examination has become mandatory and must be carried out by an officially recognized expert. In addition, the body responsible for monitoring internees — the social protection department — will henceforth be made up of a judge and two examiners, one specializing in social reintegration and the other, in clinical psychology. Lastly, the law emphasizes the intake of internees into non-penitentiary outpatient care facilities.<sup>7</sup>

14. In civil matters, another law, dated 5 May 2014, makes it possible for a co-parent in a female homosexual couple to establish filiation in the same way as for the father. This filiation may henceforth be established either by applying the presumption of co-maternity, or through recognition of the child, or by a judge.

15. The family court was created by a law of 30 July 2013 for the purpose of bringing together in a single institution the handling of all disputes on family matters (marriage, divorce, exercise of parental authority). This also facilitates the continuous monitoring of familial situations by specialized judges.

16. A sharp decline in the backlog of court cases has been confirmed statistically.<sup>8</sup> In addition, the Permanent Bureau of Statistics and Workload Measurement is working intensively to develop an instrument for measuring the workload of appeals courts and tribunals. Lastly, a law of 1 December 2013 has reformed the judicial circuits and enhanced the mobility of members of the judiciary, thereby permitting the workload to be better distributed.

17. As to the administration of justice for minors, Belgium confirms that institutionalization and a fortiori displacement remain measures of last resort. Child-

friendly justice is promoted by the National Commission for the Rights of the Child, including through collaboration with the Judicial Training Institute, and by the children's ombudsman.

**B. Situation in prisons and detention facilities (recommendations 100.21, 100.35-100.41, 100.44, 100.47, 101.3)**

18. In recent years, Belgium has been working to actively combat overcrowding and improve conditions of detention in prisons. While there is still some way to go, different measures have been taken to increase prison capacity, replace outdated prisons and promote alternatives to imprisonment. First, prison capacity has been significantly expanded under the Master Plan for Prison Facilities through the opening of three new prisons (Beveren, Leuze-en-Hainaut and Marche-en-Famenne), which have increased capacity by 936 places. In addition, two new prisons are to be introduced: Dendermonde (444 places) and Haren (1,190 places). The new prisons meet current standards for detention and, in the case of Haren, also permit older prisons to be replaced. Major investments have been made in order to promote alternatives to imprisonment. The rules for electronic monitoring have been reviewed in depth, thereby significantly increasing the number of people for which it is used.<sup>9</sup> This approach to enforcing sentences is quite common for sentences of less than three years and has been increasingly used by sentence enforcement courts for the purpose of release on parole. Lastly, more resources have been allocated for sentences of community service and probation.

19. Since mid-2013, this policy has been yielding results. The average overcrowding rate dropped from 30 per cent in May 2013 to 10 per cent in April 2015. The prison population has also started to decline, going from 11,854 inmates on 15 April 2014 to 11,215 on 15 April 2015. In fact, this trend began in July 2013 but only took on major proportions in 2015. Belgium aims to continue these efforts and to reduce the prison population to less than 10,000, while increasing prison capacity.

20. Finally, as part of the introduction of a guaranteed or minimum service in prisons as envisaged by agreement with the Government, a review has been conducted of Memorandum of Understanding No. 351, which is aimed at strengthening social dialogue and the management of conflicts within the prison sector.

**C. Racism and non-discrimination (recommendations 100.7-8, 100.31-34, 101.6-7, 101.17, 101.22, 101.22-24)**

21. In the context of the fight against racism, extremism and xenophobia, many preventive and repressive measures have been taken, at all levels of the Government.

22. At the federal level, several legislative and policy instruments have been adopted. One of the main instruments is a joint circular from the Ministry of Justice, the Ministry of the Interior and the College of Public Prosecutors on the policy of identifying and prosecuting discrimination and hate-related violence.<sup>10</sup> This circular is specifically aimed at the judiciary and the police. The main objective is the standardization of identification and prosecution with respect, inter alia, to laws and decrees to combat racism, including Holocaust denial. The circular places great emphasis on raising awareness on the part of the special prosecutors in the various prosecution services and inspectorates and of members of special police brigades, giving them a thorough knowledge of the relevant anti-discrimination legislation. A working group was recently set up to review the above-mentioned circular.

23. With reference more specifically to the police, safeguards concerning respect for fundamental rights and, in particular, the prohibition of carrying out inquiries, arbitrary detentions, searches and questioning motivated by physical appearance, skin colour or racial or ethnic origin, are provided by the legal, regulatory and ethical frameworks relating to police action and by preventive and a posteriori control mechanisms that exist, both internally and externally. The training provided to police officers forms an essential complementary measure, helping in general terms to combat racism and discrimination. In this respect, the police force has developed several training courses on non-discrimination and diversity, in collaboration with the Inter-federal Centre for Equal Opportunities.

24. The aforementioned circular also addresses the detection of offences committed via the Internet, particularly cyberhate that takes the form of stalking, insults and harassment on racist grounds.

25. As regards repressive measures, a law of 10 May 2007 on combating certain forms of discrimination reaffirmed the provisions of the law of 25 February 2003, which introduced the “discriminatory motive” as an aggravating factor for various criminal offences. Thus, the minimum penalties may be increased if the motive of the offence is one of the grounds of discrimination prohibited by law, including race, colour of skin, descent and national or ethnic origin (article 453 bis of the Criminal Code). Under a law dated 14 January 2013, the maximum penalties for the offences of homicide and assault and battery may also be increased in the event of “discriminatory motives” (article 405 quater of the Criminal Code).

26. With regard to legal persons, article 55 of the law on non-profits provides for judicial dissolution of the association in the event of a serious breach of public order. Incitement to hatred obviously falls under this definition.

27. Article 150 of the Constitution contains an exception to the principle whereby offences of the print media are handled by the Assize Court. When such offences are of a racist nature, a more streamlined correctional procedure is followed.

28. In the context of religious tolerance, it is noteworthy that the legislative procedures necessary for the recognition of Buddhism as a non-denominational creed are under way.

29. In the Flemish community, although integration, including civic integration, is not the only way through which the objective of combating racism, intolerance and discrimination can be achieved, it does make a significant contribution. For example, in a new decree on integration, dated 7 June 2013, the Flemish Government has explicitly included addressing discrimination and combating racism as one of the objectives of its policy of integration.

30. The Flemish Government aspires to maximum inclusiveness through dialogue, which helps better understanding and strengthens the social structure. There are many initiatives under way between the Flemish community and the various religions and creeds, and a dialogue is ongoing with a view to defining their role in a pluralistic society.

31. Civic integration is an important part of the Flemish policy of integration. It is intended mainly for long-stay or definitive immigrants to Belgium who reside in the Flemish Region, and secondarily, for residents of the Brussels-Capital Region. Civic integration is considered to be a first step towards full participation in society.

32. On 19 December 2014, the Government of the French Community adopted 53 measures aimed at combating racism and discrimination. These measures will be the subject of annual review during the presentation of the new Government and will undergo parliamentary evaluation at the end of the legislative period. They apply to all

aspects of the Government of the French Community. In addition to measures to combat racism and discrimination, measures against anti-Semitism and xenophobia are to be outlined.

33. The quantitative barometer that measured images of equality and diversity in the French Community's audiovisual media continued to operate in 2013. In 2014 and 2015, it was the print media that was measured. Awareness-raising and training on equality and diversity are also carried out with journalists and future journalists.

34. In 2014, the Francophone organizations that were combating racism decided to join forces in a platform enabling them to define, in a concerted way, the nature of the fight against racism, anti-Semitism, xenophobia and Islamophobia. Government subsidies were provided to enable them to effect this restructuring and to remunerate a secretariat.

35. In May 2015, the French Community adopted the broad lines of its integration policies, resulting in a call for project proposals under a 1,450,000 euro fund for the promotion of citizenship and intercultural relations.<sup>11</sup> The call for proposals was sent in June 2015 to associations and municipalities wishing to take action in the matter and which met the evaluation criteria.

36. To sustain this momentum, a preliminary draft decree is to be presented, aimed at structuring the call for project proposals and thereby contributing to the joint efforts of the NGOs active in this field.

37. In order to actively combat violence and discrimination against LGBT people in Belgium, two inter-federal action plans, against homophobia and transphobia, were developed in 2013. The first plan focuses on addressing homophobic and transphobic violence, while in the second plan, emphasis is placed on the broader context of the climate in which this violence arises, and more extensive efforts to prevent various forms of discrimination are planned. These action plans have been drawn up after consultation with civil society and the organizations concerned, and they have been supported by all regional governments and public authorities. The legislative measures envisaged in the action plans have already been adopted for the most part. In 2014, for example, additional legal protection for transgender people was incorporated in various pieces of legislation: the terms "gender identity" and "gender expression" have been integrated in the law on gender, in the legislation against discrimination and harassment and in the decrees of the federated entities. Under the inter-federal action plans, measures to increase penalties have also been expanded.

#### **D. Gender equality and discrimination against women (recommendations 100.15-18, 100.28-30, 101.20-21)**

38. All the regional governments in Belgium have officials dealing with equality between women and men and have relevant administrative authorities that support the networks of women's and feminist associations. For example, the minister for women's rights in the Government of the French Community has set up a participatory assembly for such associations and provides financial support for grass-roots efforts.

39. The strategy of gender mainstreaming has spread to all levels of government in recent years. It entails various obligations on the part of members of the government and the administrations, such as the breakdown of statistics by sex, the development of gender indicators and the implementation of gender budgeting. The various regional governments will continue to seek to move forward in the effective implementation of gender mainstreaming.

40. The various governments remain attentive to the need to take greater account in employment policies of gender aspects. The wage gap is one of the smallest in the European Union, but it is necessary to continue to reduce it. To this end, Belgium has set up a special task force involving several actors in the implementation of the law on the wage gap.<sup>12</sup>

41. Quotas have been imposed on the boards of directors of public enterprises and listed companies<sup>13</sup> and on senior management in federal public administration.<sup>14</sup> Similar regulations have been adopted at the level of the federated entities. The monitoring of these laws shows encouraging results.

42. At the legislative level, there have been several advances in terms of ensuring equality. Since May 2014, gender identity and gender expression have been integrated in the protections contained in the regulations against discrimination. The Civil Code was amended in June 2014 to ensure equality of men and women in the mode of transmission of the family name to the child as well as to the adopted child. Lastly, legislation came into force in August 2014 to combat sexism. A leaflet was issued in order to explain to the public the way that the legislation was to be applied.

43. This struggle also involves the fight against gender stereotypes and encouraging the general public and young people in particular to envisage a more egalitarian society. Several projects are under way: the website “Genderklik” (in the Flemish Community), which aims to deconstruct gender stereotypes, as well as the “Hands off my buddy” campaign (Brussels-Capital Region) to combat stereotypes, sexism and harassment. The audiovisual and print media are assessed in terms of gender and diversity, and media professionals are made aware of the images transmitted about women and men (French Community). The integration of the gender dimension in the communication strategy of the federated entities through awareness-raising, training and the creation of tools for media professionals is the subject of special and continuing attention.

44. In education, much attention is given to combating gender stereotypes and to promoting equality between boys and girls. Action is being taken, especially in respect of textbooks and the training of the teachers, by the three Communities of the country.

45. In the French Community, for example, an online awareness-raising and training module directed towards future teachers and the trainers of teachers, entitled “Girls and boys: the same school?”, was brought up to date and widely disseminated in February 2014. Furthermore, the first inter-university one-year master’s degree in gender and diversity was instituted at the start of the 2014/15 school year in the Flemish Community.

#### **E. Domestic violence (recommendations 100.13-14, 101.1-2, 101.13, 101.15-16)**

46. Belgium considers the development of a comprehensive and coordinated strategy to combat gender-based violence to be a priority. This commitment is reflected in a national action plan that mobilizes all levels of government.

47. While the fourth action plan, 2010-2014, was being updated in June 2013, a working group was set up to integrate the fight against sexual violence within a fifth action plan for 2015-2019. In collaboration with the federal, community and regional governments concerned, and based on consultations with civil society, a draft national action plan, 2015-2019, was developed with due regard for the Istanbul Convention,<sup>15</sup> whose ratification is pending.



48. The objective now is to gain approval from all levels of government on this new draft national action plan. In addition, liaison will be ensured with the other mechanisms dealing with violence against women, such as the national action plan to fight trafficking in human beings and the second national action plan on women, peace and security.

49. More clarity and transparency on sexual violence has been brought to the legislation on requests for DNA analysis, reporting and comparison of DNA profiles and ensuring that the responsibility for paying court fees and experts is not borne by the victim. In 2013, the penalties for fictitious and forced marriages were increased, and forced or fictitious civil partnership was designated as an offence. Finally, persons who encourage the practice of female genital mutilation or who advertise such practices are now also liable to prosecution.

50. In criminal policy, a ministerial directive on sexual assault issued in 2005<sup>16</sup> has been re-evaluated. A joint circular of the Ministry of Justice and the College of Public Prosecutors regarding criminal policy with respect to spousal violence<sup>17</sup> is being readapted. A draft circular on honour-related violence, female genital mutilation and forced marriage is under discussion.

51. New efforts have been made to raise awareness on the part of victims, such as the launch of a national website on violence within couples, a national campaign on sexual violence, a campaign concerning domestic violence and migration in the French Community and a campaign to provide a help line (1712) for victims of domestic violence in the Flemish Community.

52. Additional training on gender-based violence has been provided to judges, police officers and professionals in the fields of health, psychosocial aid and education. A support centre for combating violence within couples was set up in the Walloon Region in 2014. Coordinated and integrated multidisciplinary projects have been developed in the Flemish Region. Efforts have also been made to increase the accommodation available: for example, a new specialized shelter was opened in the Brussels-Capital Region. Belgium has also developed a tool for managing the risk of violence within couples for the various professionals concerned, and a kit for the prevention of female genital mutilation has been made available to them.

53. Lastly, a number of civil society organizations engaging in grass-roots efforts are being supported financially at all levels of government in their efforts on raising awareness, carrying out preventive action and providing support.

## **F. Rights of the child (recommendations 100.10-12, 100.15, 100.50, 101.8-12, 101.14)**

### **Coordination of policy on the rights of the child, education on the rights of the child and outreach**

54. As indicated during its first universal periodic review,<sup>18</sup> Belgium has been working for decades to coordinate its policy on the rights of the child. New plans of action have been adopted since the previous exercise, and plans for the years 2015 and beyond are under development.

55. The participation of young people and civil society has been accorded a more important role in this context. In 2012, the Flemish Government concluded a “Jongerenpact 2020” (Pact for young people, 2020) with young people and various stakeholders, following some intensive outreach conducted in collaboration with the Vlaamse Jeugdraad (Flemish Council for Youth), which interviewed 2,000 young people, an online questionnaire submitted to 6,000 young people and a Living Library.

Young people and civil society were also involved in the definition of priorities in the context of the policy plan for the rights of young people and children, 2015-2019.

56. A pilot project for involving children in the Francophone plan on rights of the child was initiated in 2013 for 250 children aged 5 to 18 who were brought in to assess the 2011-2014 plan on children's rights and to formulate proposals for the next plan. This project is to be pursued and strengthened.

57. In order to create a true culture of children's rights within every administration, groups for brainstorming and exchanges with civil society have been meeting regularly for several years, and training and studies are being carried out on the interpretation of the Convention on the Rights of the Child, and also, for example, on communication with children and creating child-friendly websites.<sup>19</sup>

58. Belgium has been monitoring the policy with the use of indicators. The Flemish Community has a tool for monitoring the rights of the child with a view to improving the living conditions of children, in line with the Convention on the Rights of the Child. The two communities have incorporated follow-up indicators into their action plans on the rights of the child. The National Commission for the Rights of the Child is finalizing a list of 40 indicators on the rights of the child which will show at regular intervals the evolution of respect for the rights of the child in Belgium. Several areas needing attention, some of which were raised by civil society, are targeted by the indicators. Particular attention will be paid to consultation with vulnerable groups.

59. In December 2014, under the Belgian Presidency of the Council of Europe, Belgium organized a European conference on the best interests of the child.<sup>20</sup> On 15 April 2015, the Committee of Ministers of the Council of Europe took note of its conclusions and decided to take them into account in developing its strategy on the rights of the child, 2016-2019.

60. In addition to these initiatives at the European and international levels, there is also good cause to refer to the important work done by the Delegate-General for Children's Rights and its Flemish counterpart, the Kinderrechtencommissaris, at the regional and national levels.

### **Combating violence**

61. The legislation on the problems of sexual abuse and acts of paedophilia in a position of authority was modified in 2011, 2012 and 2014.<sup>21</sup> Earlier initiatives are also still in place, such as the centre for arbitration on sexual abuse, which directs victims to support services and certified mediators and which, in its training efforts, devotes special attention to this problem within the Church. In education, sports and the sectors devoted to assistance to young people and caring for young children, a commitment is made to protecting the physical, psychological and sexual integrity of minors, promoting fair play and social integration and providing training courses. A framework document on sexuality and sexual policy, adapted to the needs of these sectors, has been developed and published, as have educational and training materials. Many sectors are required to report acts of violence to the competent authorities and to document them.<sup>22</sup>

### **Right to education**

62. Belgium is pursuing its efforts to generalize its inclusive educational policy, which aims to integrate children with disabilities into the regular educational system.<sup>23</sup> The student, parents, educational institution or educational counselling centre may request a specific form of support. A teacher or a member of the staff of the specialized educational system provides counselling to students to enable them to attend "ordinary" schools. In addition to this system, there are specialized schools that

accommodate disabled children by providing education adapted to their capacities. Classes are made up according to the nature of the children's disabilities. In principle, the type of education and of educational institution may be freely chosen; nevertheless, a school may provide grounds or reasons why it is virtually impossible for it to accommodate certain children. Belgium will continue its efforts to provide the best possible educational opportunities for every child. Inclusive and integrated educational support has been or will be evaluated, depending on whether the French or Flemish Community is concerned, and this will lead to useful improvements in the system, with a view to guaranteeing the right to high-quality education for all.

63. The right to education of other vulnerable groups is also constantly evolving. The development of more inclusive procedures in the event of educational exclusion is under way. School fees are kept as low as possible. Children and young people from disadvantaged socioeconomic backgrounds who do not speak the language of the school are given supplementary support.

64. The legal status of students and its application in primary and secondary schools have also been improved, with a view to facilitating the extrajudicial handling of conflicts. Regulations define the minimum content of school rules and appeal proceedings are available, as is an objective and independent internal appeals board before which parents may appeal the expulsion from school of their child or the issuance of a report whose contents they contest. Schools are obliged to openly communicate information on arrangements for examinations in order to avoid disputes about the results insofar as possible, and the maximum time periods for preventive suspension and temporary exclusion must be laid down.<sup>24</sup>

#### **Poverty alleviation**

65. An inter-federal poverty barometer has been developed to give a better picture of the evolution of poverty in Belgium. The 15 indicators, several of which are based on the European Union Statistics on Income and Living Conditions (EU-SILC),<sup>25</sup> make it possible to plan better for future action.<sup>26</sup> The number of children in situations of poverty or social exclusion is calculated on the basis of the AROPE (at risk of poverty or social exclusion) indicator.<sup>27</sup> In 2013, the rate went down from 22.8 per cent to 21.9 per cent, but this figure nevertheless remains a cause for concern. The number of people affected by housing deprivation (substandard housing) rose in 2013, to 27.7 per cent;<sup>28</sup> 5.5 per cent of the population postpone health care for financial reasons.<sup>29</sup> The proportion of young people dropping out of school went down from 12 per cent to 11.2 per cent in 2013. The authorities are keeping these issues at the forefront of their concerns. In June 2013, the first national plan to combat child poverty was approved by an interministerial conference.<sup>30</sup> A second plan is currently being developed and will include a scoreboard, equipped with indicators specifically geared towards children. The scoreboard will be integrated into the inter-federal poverty barometer already mentioned.

66. As part of the development of a new federal plan to combat poverty, the inclusion of homeless children and women, including unaccompanied foreign children, in the category of the main beneficiaries of the poverty reduction strategy is being studied.

67. Resources have been made available, through fund sharing, to public social assistance centres for action to combat child poverty, using more effective networking of their resources. Once a positive evaluation has been gained, regular funding will be considered.

**Rights of persons with disabilities (recommendation 100.22)**

68. Belgium attaches great importance to the effective realization of the rights of persons with disabilities, including on the basis of the Convention on the Rights of Persons with Disabilities. Various Belgian institutions have developed a strategy of “handistreaming” to ensure that the disability dimension is integrated at all levels of policy and institutional action, and at the earliest possible stage. For example, at the federal level, a network of focal points for disability was created within administrations and ministries. In addition, a disability action plan will be developed to ensure the inclusion of the disability dimension in all of the policies, measures and actions taken by the federal Government. The Communities and Regions are also committed to achieving equality of opportunities for persons with disabilities — for example, via the implementation of a cross-cutting policy and an action plan on disability in the Walloon Region, Brussels-Capital Region and in the German-speaking Community, and in the Flemish Community, through the development by the Equal Opportunities Commission, using the open method of coordination (OMC), of a policy framework with clear objectives, action plans and indicators.

69. The Convention on the Rights of Persons with Disabilities calls for a real paradigm shift — a transition from a medically oriented approach to a human rights approach aimed at the inclusion in the community and independence of the disabled person. Legal capacity is a key factor in the effective implementation of this principle and the exercise by persons with disabilities of their rights on equal terms with all other citizens. Belgium is accordingly gratified by the important advances represented by its new law to reform the protection scheme for disabled persons.<sup>31</sup> The new standards for legal protection are based on the principle of the autonomy of persons with disabilities. They take into account the specific situation of each person and ensure above all the exercise by disabled persons of the right to make their own decisions about legal protection.

70. The Communities and the Regions, which are responsible, among other things, for childcare facilities, education and support for people with disabilities, have also made a paradigm shift in these areas.<sup>32</sup>

71. In the Flemish Community, for example, a new system of “operating capital” is being developed, in which disabled persons will be allocated funding tailored to their need for support and provided independently of any given establishment or institution. In the Walloon Region, on the basis of a recent decree under which public institutions must ensure that action is taken for the inclusion of persons with disabilities, either through specific provisions in administration contracts, or by reporting on the relevant measures, persons with disabilities will be the subject of more targeted public policies, particularly in the fields of employment, training, housing and tourism. In the German-speaking Community, an individualized approach to needs analysis and inclusive services diversification that has been put in place has helped to provide daytime services and housing tailored to the needs of severely disabled persons.

72. Even though they use different methodologies, all these projects and measures pursue a key objective: to enable the disabled person to live a life of independence.

**H. Asylum, immigration and integration policy (recommendations 100.11, 100.43, 100.49, 100.51-58, 101.26-102.1-2)**

73. From start to finish of the asylum application procedure, foreign nationals are informed about the procedure itself, their rights and remedies and the option of assistance by counsel and/or a trusted person. A law dated 10 April 2014<sup>33</sup> provides for

appeals for full remedies in the event of the rejection of multiple asylum applications and in respect of nationals of a safe country of origin.<sup>34</sup>

74. Specific measures for asylum seekers include the consideration of minors' applications by officers with specialized asylum support training in conformity with the training modules of the European Asylum Support Office (EASO).<sup>35</sup> According to the law,<sup>36</sup> an unaccompanied minor may not be held in a closed centre,<sup>37</sup> and accompanied foreign minors<sup>38</sup> are accommodated in housing facilities or private homes.<sup>39</sup> In 2014, Belgium extended the rules on guardianship to cover unaccompanied European minors in a situation of vulnerability or who have requested a temporary residence permit on account of human smuggling or trafficking. This special protection measure is intended to ensure that a more permanent solution can be found for these young people.

75. The Federal Agency for the Reception of Asylum Seekers (Fedasil) has taken a number of steps to protect women and minors. For example, unaccompanied foreign minors who are pregnant or are new mothers are housed in a special reception centre equipped with crèche facilities so that they can continue their schooling and receive support adapted to their vulnerable situation. In allocating places in reception centres, Fedasil applies the law on reception of asylum seekers and a governmental agreement according to which collective reception is given priority, whereas individualized reception is intended primarily for persons with specific needs and groups most likely to benefit from international protection. Since February 2012, the network of reception facilities has been capable of accommodating all residents, and it is being reorganized to facilitate more flexible and rapid responses to influxes and to the specific needs of asylum seekers. "Buffer" places have been introduced: around 2,200 places that can be rapidly mobilized in case the reception network is overburdened. When they apply for asylum, women and girls receive a detailed brochure on asylum in Belgium, addressed specifically to them.<sup>40</sup> The staff is trained to provide support to women who have undergone or are in danger of undergoing genital mutilation and to better detect and protect young victims of human trafficking and direct them towards specialized services. Specialized brochures<sup>41</sup> have been made available throughout the reception network to facilitate the best support. In 2015, Fedasil established a working group on management of incidents in collective centres with the objective of developing a plan of action for better prevention and, where necessary, handling "serious" incidents in these facilities. Steps to be taken in future will make available safe accommodation for all, including the most vulnerable. Fedasil has also committed itself to take specific steps<sup>42</sup> as part of the national campaign against violence within couples and other forms of domestic violence.

76. According to the law,<sup>43</sup> asylum seekers may not be systematically detained<sup>44</sup> at the borders, and European regulations in this regard must be respected. Living conditions in closed centres<sup>45</sup> have been considerably improved in the following respects: informing occupants about the procedure, their rights and legal aid; informing counsel before a first removal attempt;<sup>46</sup> the presence of NGOs; and infrastructure (exercise facility access). The Caricole centre, a closed centre which is located at the border, was built in 2012.<sup>47</sup> A room scheme has been introduced in a wing of the closed centre for illegal aliens in Vottem in order to meet the particular needs of certain occupants. The complaints procedure has also been improved: occupants may submit their complaints to the director in one of Belgium's national languages, in the language of their country of origin or in English, and the competencies of the Complaints Commission have been posted. Asylum seekers and illegal aliens are provided with legal assistance.

77. The Inspectorate-General of the Federal and Local Police is responsible for monitoring forced removals. The provisions of the European Union decision dated 29

April 2004<sup>48</sup> are applied, using the principles of humane and circumspect removal. The principle of non-refoulement is applied, and a national of a third country who is forcibly removed has the opportunity to contest this decision.

78. Migrant workers are treated the same way as Belgian workers. The purpose of Flemish citizenship and integration policy is to achieve greater solidarity among all those who share a common future in the Flemish Community, on the basis of a common set of fundamental values, freedoms and rights. Developing citizenship and integration is a responsibility shared not only by individual citizens but also by society as a whole and all of its institutions. In order to close the gaps relating to origin, the Flemish Government places emphasis on four strategic objectives: (1) to improve significantly, by 2019, the participation of people of foreign origin in the life of society; (2) to improve fluency in Dutch among non-native speakers; (3) to greatly enhance respect among persons of differing origins; and (4) to ensure sustained lines of receptive integration.

## **I. Education and training on human rights (recommendations 100.19-100.20, 100.23, 100.27)**

79. Education, training and awareness of fundamental rights is important in Belgium, both at the federal level and among the federated entities.

80. Respect for human rights is a central theme in the training of the entire police force. Addressing in particular the legal and regulatory framework as well as ethics, the training provided is constantly evolving and subject to careful assessment, with a view both to remaining relevant to the needs in the field but also to fulfilling the recommendations of various bodies at the national and international or European levels. The promotion of respect for human rights is also ensured through numerous awareness-raising activities such as poster campaigns and information sessions.

81. Various aspects of human rights are also taken into account in the training programmes organized for judicial trainees as well as for judges, prosecution lawyers and legal clerks. For example, during their initial training, all judicial trainees are required to attend a daylong seminar on combating various forms of discrimination, organized by the Judicial Training Institute and the Inter-Federal Centre for Equality of Opportunity/Federal Migration Centre; in the continuing education that is provided, respect for fundamental rights is discussed in courses on specific topics.<sup>49</sup> Moreover, special attention is paid to the case law of the European Court of Human Rights.

82. Human rights are also an integral part of the initial and continuing training received by all the staff of the armed forces; this training takes place in topical courses, simulations of real life situations and awareness campaigns. Specialized training for advisers on the law of armed conflict, including some modules specifically devoted to human rights, helps to supplement such knowledge in certain fields specifically related to an operational context. All these training courses are regularly evaluated and improved. In view of their specific mission military personnel also receive special instruction on the circumstances in which they can use force, both in times of peace and during armed conflict. Lastly, the rules relating to human rights are reviewed for military personnel in preparation for operational deployments.

83. Human rights education is part of the civic skills that must be taught in all mandatory education programmes.<sup>50</sup> This subject is viewed as cross-cutting and is discussed in various courses, such as history and ethics. The purpose is to prepare young people to become active, autonomous and responsible citizens, respectful of the values promoted by the Universal Declaration of Human Rights, an instrument with which they are not sufficiently familiar at present.

84. Since human rights education is one of the main learning objectives in all training courses, it is also covered in teacher training and in-service training.

#### **Human rights and business**

85. In 2011, the Human Rights Council unanimously endorsed the Guiding Principles on Business and Human Rights. Belgium supported the consensus approach and multi-stakeholder involvement that underpins the Principles. Belgium also supports a number of related initiatives, such as the United Nations Global Compact and the children's rights and business principles initiative of the United Nations Educational, Scientific and Cultural Organization. Within the Council of Europe, Belgium has also participated in the discussions on a non-binding instrument to meet the challenges in this area in respect of access to remedies for victims. At the national level, in 2013 Belgium began drafting a national action plan on businesses and human rights. Written consultations of stakeholders took place in 2014, as well as the drafting of a legislative and political map for the Belgian approach to the 31 Guiding Principles. The first draft of the national action plan is currently being prepared and is expected to be submitted to stakeholders in the coming months with a view to its publication.

### **K. International cooperation (recommendation 100.48)**

86. Belgian cooperation for development centres on a rights-based approach to sustainable and inclusive economic growth. A law of 19 March 2013 on cooperation for development cites as thematic priorities for Belgian cooperation human rights, in which the rights of women and children are included; decent and stable employment; and the consolidation of society. In addition, Belgian development cooperation integrates the gender dimension in a cross-cutting manner. The development cooperation activities of Belgium follow a rights-based approach to development, emphasizing the universality, indivisibility and inalienability of human rights and the principles of participation and inclusion in decision-making, non-discrimination and equality, transparency and accountability. This rights-based approach is intended to provide the most vulnerable groups with more chances and opportunities for orienting and shaping their lives themselves. Belgian cooperation also integrates the dimension of sustainable development in a cross-cutting manner.

### **V. Outlook for the future**

87. The promotion and protection of human rights is an integral part of the national and foreign policy of Belgium.

88. Belgium is determined to comply fully with its obligations in the field of human rights and to improve its national mechanisms for follow-up in this area. It is also committed to continuing to draw up reports for all the human rights mechanisms, including the universal periodic review, within the established time frames, and to cooperating with these mechanisms. The participation of civil society in this process will remain a key priority.

89. At the international level, human rights are integrated into any action that Belgium undertakes, drawing on the belief that human rights are essential to respect for the human dignity of each individual. Belgian foreign policy aims to capitalize on the constructive synergies between peace and security, development and human rights — the very foundations of the United Nations. Belgium strives to promote and protect human rights as an essential condition for achieving peace, security and development.

The main objective pursued by Belgium is to further the universality, indivisibility, inseparability and interdependence of all human rights.

*Notes*

- <sup>1</sup> Le troisième rapport sur la mise en œuvre de la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants ; le cinquième rapport sur la mise en œuvre du Pacte international relatif aux droits économiques, sociaux et culturels; le seizième à dix-neuvième rapports combinés sur la mise en œuvre de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale ; le premier rapport sur la mise en œuvre de la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées; le premier rapport sur la mise en œuvre de la Convention sur les droits des personnes handicapées; et le septième rapport sur la mise en œuvre de la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes ont dernièrement été examinés par les différents comités chargés du contrôle de ces traités.
- <sup>2</sup> Tous deux ont le 'statut B' vu le caractère restreint de leurs compétences matérielles.
- <sup>3</sup> Comme, entre autres, le Centre interfédéral pour l'égalité des chances et la lutte contre le racisme et les discriminations, le Centre fédéral pour l'analyse des flux migratoires, la protection des droits fondamentaux des étrangers et la lutte contre la traite des êtres humains, l'Institut pour l'égalité des femmes et des hommes, la Commission nationale pour les droits de l'enfant, le Collège des Médiateurs fédéraux et les médiateurs des entités fédérées, le Comité permanent de contrôle des services de police (Comité P) et la Commission de la protection de la vie privée.
- <sup>4</sup> Loi du 7 février 2014.
- <sup>5</sup> Lois du 10 avril et 8 mai 2014.
- <sup>6</sup> Unité de Traitement Intensif, Maisons de Soins Psychiatriques et Initiatives d'Habitations Protégées.
- <sup>7</sup> Accords de coopération avec des établissements psychiatriques, simplification des procédures, assistance de coordinateurs préparant la sortie de l'interné du milieu pénitentiaire.
- <sup>8</sup> De 20.364 affaires pendantes au 1er janvier 2000 à 14.363 au 1er janvier 2013 dans les tribunaux correctionnels; au niveau des cours d'appel, en matière civile, on passe de 69.161 affaires pendantes en 2000 à 37.870 affaires fin 2013.
- <sup>9</sup> 1.129 détenus au 15 avril 2013 à 1.964 au 15 avril 2014.
- <sup>10</sup> COL 13/2013.
- <sup>11</sup> Un premier axe de 300 000 euros vise l'éducation à la citoyenneté, un second de 850.000 € vise le dialogue interculturel et la promotion de la diversité et lutte contre le racisme, le troisième permet de soutenir des projets en matière de droits des migrants pour 300 000 euros.
- <sup>12</sup> Loi du 22 avril 2012 visant à lutter contre l'écart salarial.
- <sup>13</sup> Loi du 28 juillet 2011 visant à garantir la présence des femmes dans les conseil d'administration des entreprises publiques autonomes et des sociétés cotées en bourse.
- <sup>14</sup> Arrêté-royal du 2 juin 2012 visant à instaurer une diversité de genre aux deux premiers degrés de l'administration fédérale.
- <sup>15</sup> Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique du 11 mai 2011.
- <sup>16</sup> COL 10/2005.
- <sup>17</sup> COL 4/2006.
- <sup>18</sup> A/HRC/WG.6/11/BEL/1, 54-55.
- <sup>19</sup> Voir [www.kinderrechtswinkel.be](http://www.kinderrechtswinkel.be), <http://www.jongerengids.be>, [www.kinderrechten.be](http://www.kinderrechten.be) et [www.keki.be](http://www.keki.be), ainsi que [www.oejaj.cfwb.be](http://www.oejaj.cfwb.be).
- <sup>20</sup> <http://www.bestinterestofthechild.be/>.
- <sup>21</sup> Il s'agit des lois relatives à la protection des mineurs contre la sollicitation à des fins de perpétration d'infractions à caractère sexuel et en vue de protéger les enfants contre les cyber prédateurs.
- <sup>22</sup> Voir entre autres: Arrêté du gouvernement flamand du 9 mai 2014 relatif à la politique en matière de prévention et de gestion du comportement sexuel illicite dans des structures de soins de santé et des structures de services de soins et de logement.; art. 42-43 Arrêté du gouvernement flamand du 4 février 2011 relatif aux conditions générales d'agrément et à la gestion de la qualité des structures d'accueil, de traitement et d'accompagnement des personnes handicapées; art. 11 Arrêté du gouvernement flamand du 13 juillet 1994 relatif aux conditions d'agrément et aux normes de subvention des institutions de l'aide à la jeunesse; Arrêté ministériel du gouvernement flamand du 18 décembre 2013 relatif à la gestion de la qualité dans les services d'adoption pour l'adoption internationale. Pour la Communauté française en matière d'enseignement: Circulaire 2327 du 2 juin 2008, Dispositions communes en matière de faits graves devant figurer dans le ROI, Circulaire 375 du 5 septembre 2002, Actes de violence et harcèlement – déclarations et plaintes, Circulaire 2111 du 28 novembre 2007, Registre des actes de violence dont sont victimes les membres des personnels des établissements d'enseignement et assimilés organisés par la Communauté française; Circulaire 1836 du 11 avril 2007,



Informations des membres du personnel des établissements scolaires au sujet des droits des victimes d'actes de violence sens large et l'aide à la jeunesse. Pour la Communauté française en matière de collaboration entre les secteurs du handicap, de l'enfance, etc. et l'Aide à la Jeunesse: Protocole cadre de collaboration entre les centres publics d'action sociale et les conseillers et directeurs de l'aide à la jeunesse – DGAJ; Protocole de collaboration entre l'Office de la Naissance et de l'Enfance (ONE) et les conseillers de l'aide à la jeunesse, d'une part, et les directeurs de l'aide à la jeunesse, d'autre part; Protocole de collaboration entre les conseillers et directeurs de l'aide à la jeunesse et les Equipes SOS Enfants; Protocole de collaboration entre l'Agence Wallonne pour l'Intégration des Personnes Handicapées (AWIPH) et la Direction Générale de l'Aide à la Jeunesse (DGAJ); Protocole de collaboration le service bruxellois francophone des personnes handicapées (SBFPH), également appelé PHARE, et la Direction générale de l'aide à la jeunesse (DGAJ) en région de Bruxelles-Capitale; Bonnes pratiques de collaboration et de communication entre le secteur de l'enseignement - fondamental et secondaire - et le secteur de l'aide à la jeunesse: Protocole d'intervention entre le secteur médico-psycho-social et le secteur judiciaire. Voir par exemple le décret flamand du 21 mars 2014 relatif à l'enseignement qui intègre le droit aux aménagements raisonnables et se base sur le modèle social de handicap.

- <sup>23</sup> Voir par exemple le décret flamand du 21 mars 2014 relatif à l'enseignement qui intègre le droit aux aménagements raisonnables et se base sur le modèle social de handicap.
- <sup>24</sup> Décret Communauté française du 24 juillet 1997 définissant les missions prioritaires de l'enseignement fondamental et de l'enseignement secondaire et organisant les structures propres à les atteindre. Décret flamand du 4 avril 2014 contenant diverses mesures relatives au statut des élèves dans l'enseignement fondamental et secondaire et relatives à la participation à l'école.
- <sup>25</sup> Les statistiques de l'Union européenne sur le revenu et les conditions de vie (EU-SILC) sont un instrument destiné à recueillir des micro données multidimensionnelles, transversales et longitudinales, actuelles et comparables, sur le revenu, la pauvreté, l'exclusion sociale et les conditions de vie. Cet instrument s'appuie sur le système statistique européen (SSE).
- <sup>26</sup> <http://barometer.mi-is.be/fr>.
- <sup>27</sup> [http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:At\\_risk\\_of\\_poverty\\_or\\_social\\_exclusion\\_%28AROE%29](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:At_risk_of_poverty_or_social_exclusion_%28AROE%29).
- <sup>28</sup> Cela concerne 50,3% de la population avec des revenus <AROE.
- <sup>29</sup> Cela concerne 15,4% de la population avec des revenus <AROE (contre 12,4% en 2012).
- <sup>30</sup> [http://www.mi-is.be/sites/default/files/doc/nationaal\\_kinderamoedebestrijdingsplan\\_fr.pdf](http://www.mi-is.be/sites/default/files/doc/nationaal_kinderamoedebestrijdingsplan_fr.pdf).
- <sup>31</sup> Loi du 17 mars 2013 réformant les régimes d'incapacité et instaurant un nouveau statut de protection conforme à la dignité humaine.
- <sup>32</sup> En matière d'enseignement des enfants handicapés voir la partie 'droit à l'enseignement' sous IV. F.
- <sup>33</sup> Loi du 10 avril 2014 portant dispositions diverses concernant la procédure devant le Conseil du Contentieux des étrangers et devant le Conseil d'Etat (M.B. 21/05/2014).
- <sup>34</sup> Un pays est considéré comme un pays d'origine sûr lorsque, sur la base de la situation légale, de l'application du droit dans le cadre d'un régime démocratique et des circonstances politiques générales, il peut être démontré que, d'une manière générale et de manière durable, il n'y est pas recouru à la persécution au sens de la Convention internationale relative au statut des réfugiés, signée à Genève le 28 juillet 1951, telle que déterminée à l'article 48/3, ou des motifs sérieux de croire que le demandeur d'asile court un risque réel de subir une atteinte grave telle que déterminée à l'article 48/4 de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers.
- <sup>35</sup> EASO est le Bureau européen d'Appui pour l'Asile.
- <sup>36</sup> Article 74/19 de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers.
- <sup>37</sup> Depuis le 7 mai 2007, seules les personnes qui se déclarent MENA, qui ne satisfont pas aux conditions d'entrée sur le territoire belge et à l'égard desquelles un doute est émis concernant la minorité invoquée, sont maintenus dans un centre fermé durant la détermination de leur âge par le service des Tutelles du SPF Justice. En vertu de l'article 41§2, alinéa 2, de la loi du 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines autres catégories d'étrangers, cette détermination doit avoir lieu dans les trois jours ouvrables de l'arrivée à la frontière. Conformément à l'article 41, §3, de la même loi du 12 janvier 2007, lorsque la personne est identifiée comme MENA, celle-ci est transférée dans les 24 heures de la notification de la décision relative à la détermination de son âge dans un centre d'observation et d'orientation.
- <sup>38</sup> Lorsque les familles sont maintenues au centre Caricole ce n'est que pendant quelques heures et dans une chambre spécifique, soit dans l'attente de leur transfert le jour de leur arrivée dans un lieu d'hébergement, soit dans l'attente de leur éloignement en raison du fait que leur vol est très tôt et afin d'éviter des transferts très tôt au matin des lieux d'hébergement à l'aéroport. Dans ce cas, le maintien se limite à quelques heures. La loi du 16 novembre 2011 insérant un article 74/9 dans la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, en ce qui concerne l'interdiction de détention d'enfants en centres

fermés, consacre le principe de non-détention des familles avec enfants, à moins que le lieu de détention ne soit adapté aux besoins de ces familles avec enfants mineurs.

- <sup>39</sup> Arrêté royal du 17 septembre 2014 déterminant le contenu de la convention et les sanctions pouvant être prises en exécution de l'article 74/9, §3, de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers (M.B. du 25/09/2014) (et en vertu de l'article 48 de l'arrêté Royal du 14 mai 2009 fixant le régime et les règles de fonctionnement applicables aux lieux d'hébergement au sens de l'article 74/8 §1 de la loi de 1980 précité.
- <sup>40</sup> Cette brochure contient non seulement des informations concernant la procédure d'asile en elle-même mais aborde également d'autres thématiques plus spécifiques telles que la santé, la question de l'égalité hommes-femmes, les violences intra familiales, la problématique des mutilations génitales féminines, la traite des êtres humains etc. Afin de toucher le plus grand nombre possible de demandeuses d'asile, elle a été traduite dans neuf langues.
- <sup>41</sup> Des brochures telles que celle d'Intact sur 'Le secret professionnel et les mutilations génitales', de Vrouwenraad 'Asile et migration : l'accueil des femmes dans les centres. Vers une politique d'accueil sensible au genre' et 'Trucs et astuces pour une approche genre', le DVD de Senperforto 'Makeitwork! Training manual for prevention of Sexual and Gender Based Violence in the European Reception & Asylum Sector'.
- <sup>42</sup> Ces mesures consisteront à: enregistrer les mutilations génitales féminines dans le dossier médical; élaborer un plan d'action avec l'aide d'experts, institutions et organisations spécialisées ayant pour objectif d'organiser la prévention contre la violence (SGBV), organiser des sessions d'info concernant la violence intra familiales sur le droit de plainte individuelle et le droit de défense en cas de sanction et de sessions de formation sur l'interdiction de violence intra familiale et de SGBV et renforcer le règlement d'ordre intérieur des structures d'accueil moyennant l'interdiction de toutes les formes de discrimination, de violence verbale et non-verbale, y compris l'interdiction de violence sexuelle (SGBV).
- <sup>43</sup> Article 74/19 de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers.
- <sup>44</sup> Art.74/5, § 1er, de la loi du 15 décembre 1980.
- <sup>45</sup> En ce qui concerne les lieux d'hébergement, il leur est aussi demandé s'ils souhaitent bénéficier de l'assistance du Comité belge d'aide aux réfugiés (CBAR) et une liste avec les coordonnées des organisations non gouvernementales pour aide aux demandeurs d'asile est également disponible.
- <sup>46</sup> Art.62 de l'arrêté royal du 2 août 2002 fixant le régime et les règles de fonctionnement applicables aux lieux situés sur le territoire belge, gérés par l'Office des étrangers, où un étranger est détenu, mis à la disposition du gouvernement ou maintenu, en application des dispositions citées dans l'article 74/8, § 1er, de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers.
- <sup>47</sup> Le Centre Caricole est un centre fermé qui remplace le Centre INAD et le centre 127 et offre aux occupants une infrastructure adaptée à leur besoin.
- <sup>48</sup> Décision 2004/573/CE du Conseil du 29 avril 2004 relative à l'organisation des vols communs pour l'éloignement, à partir du territoire de deux Etats membres ou plus, de ressortissants de pays tiers faisant l'objet de mesures d'éloignement sur le territoire de deux Etats membres ou plus.
- <sup>49</sup> Nous pensons, par exemple, à la question de la torture et des traitements inhumains dans le cadre de la lutte contre le terrorisme, aux formes de discriminations dans le cadre de formations destinées aux magistrats des juridictions du travail, au droit au respect de la vie privée et familiale, à la question du trafic et de la traite des êtres humains qui aborde la question des victimes.
- <sup>50</sup> Voir notamment les documents suivants: pour la Communauté flamande, le décret relatif aux objectifs finaux, objectifs de développement et objectifs finaux spécifiques dans l'enseignement fondamental et secondaire; pour la Communauté française, le décret «missions de l'enseignement», les décrets «neutralité» et le décret «citoyenneté».