

**Alternative mid-term report**  
**of the Association for the Promotion of the Francophonie**  
**in Flanders (APFF) and the Association for the Promotion of**  
**Human Rights and Minorities (ADHUM)**  
**following the third Universal Periodic Review**  
**of Belgium**

November 2023

Original: French

Translated with  
[www.DeepL.com/](http://www.DeepL.com/)  
Translator

Joint submission from :

- **Association for the Promotion of Francophonie in Flanders (APFF):** non-profit organisation founded on 12 August 1998, whose aim is to promote the French language and culture in Flanders, Avenue de Broqueville 268 bte 12, 1200 Brussels, tel: +32 (0)59.23.77.01, e-mail: [apff@francophonie.be](mailto:apff@francophonie.be), website: <http://www.francophonie.be/ndf>
- **Association for the Promotion of Human Rights and Minorities (ADHUM):** non-profit association founded on 30 August 2013, with the aim of promoting and defending human and minority rights, Rue Joseph II 18, 1000 Brussels, tel: +32 (0)494.14.04.04, email: [e.libert@avocat.be](mailto:e.libert@avocat.be)

**Contact person:** Edgar Fonck  
Spreeuwenlaan 12, B-8420 De Haan, Belgium,  
tel: +32 (0)479.35.50.54  
e-mail: [edgar.fonck@gmail.com](mailto:edgar.fonck@gmail.com)  
website: <http://www.francophonie.be/apff-adhum>

## Introduction

Among the recommendations accepted by Belgium at its third Universal Periodic Review (UPR) in 2021, the Association for the Promotion of the Francophonie in Flandre (APFF) and the Association for the Promotion of Human Rights and Minorities (ADHUM) have chosen to monitor the implementation of the following recommendations:

I. Those relating to the powers of the National Institute for the Protection and Promotion of Human Rights, in accordance with the Paris Principles, as referred to in recommendations: 35.22, 35.23, 35.24, 35.25, 35.26, 35.27, 35.28, 35.29, 35.30, 35.31, 35.32, 35.33, 35.35, 35.36, 35.37, 35.38, 35.39, 35.40, 35.41, 35.42, 35.43, 35.44, 35.45, 35.46, 35.47, including the possibility of receiving complaints from individuals (35.45);

II. Those relating to discrimination as referred to, in particular, in recommendations 35.65, 35.69, 35.72, 35.74, 35.76, 35.77, with Italy specifying in its recommendation 35.77: "to prevent and combat racism, racial discrimination and all other forms of discrimination";

III. Those relating to the participation of civil society, as referred to in recommendations 35.48 and 35.49.

### I. Concerning the National Institute for the Protection and Promotion of Human Rights

1. As stated in point 8 of the report of the Working Group on the Universal Periodic Review: *"Belgium had undertaken to set up a national human rights institution that would cover all fundamental rights for the entire territory, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The establishment of the Federal Institute for the Protection and Promotion of Human Rights in 2019 had enabled progress to be made by covering federal jurisdiction and proposing a scenario of inter-federalisation in a second stage, which should ensure full coverage of human rights. It was also possible for a federated entity to set up its own institution. The federated entities and the federal state had to agree on a common vision by means of a cooperation agreement."*

2. Unfortunately, this commitment has not been fulfilled, as the IFDH points out in its 2022 annual report:

3. There is still no national institute with jurisdiction over the whole country. In its latest submission to the Committee on the Elimination of Racial Discrimination, following the Committee's final observations, Belgium announced that the establishment of a national human rights institution with jurisdiction over the whole country was still subject to negotiations with the federated entities, which were still only at the preparatory stage. The political situation in Belgium is therefore at a standstill!

4. The federal institution created in 2019 does not have the power to receive individual complaints, a fact that has not failed to provoke a reaction from the Committee for the Elimination of Racial Discrimination.

5. As specified by the Committee in the letter that its President, Ms Shepherd, sent on 29.08.2022 to Belgium's Permanent Representative to the United Nations in Geneva: *"The Committee remains concerned about the currently limited mandate of the Institute for the Protection and Promotion of Human Rights. It regrets that no progress has been made in granting the Federal Institute for the Protection and Promotion of Human Rights a mandate enabling it to receive and process individual complaints."*

6. This concern is also shared by :

- The Committee on Economic, Social and Cultural Rights (CESCR);
- The Human Rights Committee (CCPR);
- The Committee on the Elimination of Discrimination against Women (CEDAW).

7. This is why, Ms Shepherd continues and concludes: *"The Committee considers that the State party's response to this recommendation is unsatisfactory and asks it to provide, in its next periodic report, information on the measures taken to fully implement the recommendation."*

8. Finally, it should be noted that in the latest information it provided to CERD following the latter's concluding observations, Belgium laconically announced that the Government's agreement of 30.09.2020 provides for the establishment of a complaints handling mechanism, but without providing any further details. We note that no concrete progress has been made in this respect

## II. Discrimination

9. First of all, it should be remembered that Belgium endorsed recommendation 35.77, formulated by Italy as follows: *"Intensify efforts to prevent and combat racism, racial discrimination and all other forms of discrimination: "Intensify efforts to prevent and combat racism, racial discrimination and all other forms of discrimination".* (including linguistic discrimination).

10. In addition, the Committee for the Elimination of Racial Discrimination, at its 2821st meeting on 29.04.2021, recommended that Belgium (point 8): *"... Give the Institute the mandate to receive and deal with individual complaints, including cases of linguistic discrimination concerning minorities, and allocate it sufficient human and financial resources to enable it to fulfil its mandates"*.

11. It should be noted that this point of view is also supported by the Committee on Economic, Social and Cultural Rights, as well as by recommendation no. 19 of the Commission for the Evaluation of Federal Legislation, to implement article 29§2 of the anti-discrimination law and to designate a body for the promotion of equal treatment with competence on the ground of language. Unfortunately, these recommendations have also gone unheeded.

12. This is hardly surprising, given that Belgium has still not ratified Protocol 12 to the Convention for the Protection of Human Rights, which it signed more than 20 years ago (on 04.11.2000). Article 1 of this protocol stipulates that *"The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status"*.

13. It is disturbing to note that Belgium stubbornly refuses to ratify Protocol 12, despite the European Parliament's resolution of 07.02.2018, which commits all Member States to signing, ratifying and implementing Protocol 12 and the Council of Europe Framework Convention for the Protection of National Minorities.

14. According to the latest information sent by Belgium on 20.05.2021 to the Committee on the Elimination of Racial Discrimination following the latter's concluding observations, Belgium has remained completely silent on the issue of linguistic discrimination.

15. This is why this Committee, in the letter that its Chairperson, Ms Shepherd, sent on 29.08.2022 to Belgium's Permanent Representative to the United Nations, stated: *"The Committee is also concerned by reports that there is no entity in the State party competent to deal with discrimination based on language, and encourages the State party to designate such an entity".* (...) *"The Committee considers that the State party's response to this recommendation is unsatisfactory and requests the State party to provide, in its next periodic report, information on the measures taken to fully implement the recommendation."*

16. Consequently, given that Belgium is not taking any measures to combat linguistic discrimination despite reminders from international institutions, we must unfortunately conclude that Belgium is in favour of maintaining linguistic discrimination on its territory, which is, it must be said, highly reprehensible.

### III. Concerning the participation of civil society

17. At Belgium's second UPR in 2016, Didier Reynders, the Minister of Foreign Affairs at the time, pointed out that there was room for improvement in cooperation with civil society. "We have taken note of civil society's comments on the Belgian approach to drafting Belgium's report under the Universal Periodic Review, and we will not fail to work with all the authorities concerned to see how the process can be further improved in the future. As part of the follow-up to the Working Group's session on the Universal Periodic Review, we will also engage in constructive dialogue with civil society.

18. Despite this commitment, to which must be added Belgium's acceptance of Poland's recommendation (2016) to *"involve civil society in the process of follow-up and implementation of UPR recommendations"*, Malaysia's recommendation (2021) to *"cooperate regularly with civil society in the follow-up to UPR recommendations"* and Albania's recommendation (2021) to *"collaborate actively and regularly with civil society"*, it has to be said that the situation has not changed for the better.

19. During Belgium's second cycle, it took more than three and a half years before the FPS Foreign Affairs organised an information and dialogue session with civil society at the Palais d'Egmont on 19 December 2019. This is the first and only follow-up meeting in which civil society players have been invited to participate since the debriefing in April 2016.

20. And the lack of collaboration with civil society is only repeating itself: in preparing Belgium's latest UPR, civil society was only consulted once, on 12 January 2021, at the end of the process. Just before the deadline for submitting the national report to the UN, which was set for 1 February 2021, civil society's role was limited to endorsing a report drafted exclusively internally, which is unacceptable!

21. At the debriefing of civil society and stakeholders organised by Foreign Affairs on 11 June 2021, following Belgium's 3<sup>rd</sup> UPR, APFF and ADHUM proposed:

- that thematic groups be set up to follow up both the recommendations of the UPR and those of other UN committees;

- that at least one meeting a year be organised, if not two, if we really want to talk about active and regular collaboration with civil society. The response was: *"The request for more consultation is a point that has been well noted"*.

22. Despite this, we had to wait another two years before an information and dialogue session with civil society on the implementation of the recommendations accepted by Belgium at its last UPR was organised on 22 June 2023. Under these conditions, can we speak of active and regular collaboration?

23. Another point we regret is that there was no simultaneous translation of the speeches. While the representatives of the authorities have the courtesy to reply in the language of the speakers, there is also a whole series of exchanges that we might not understand or not understand well enough when they take place in Dutch and we are French speakers and vice versa. Translating the exchanges into the national languages would be a fairly easy investment to make, and would increase the scope of the debates.