

Responses to Recommendations

BELGIUM

Review in the Working Group: 2 May 2011
 Adoption in the Plenary: 21 September 2011

Belgium's responses to recommendations (as of 05.01.2012):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
85 recs. accepted (among which 26 are considered as already implemented or in course of implementation); 23 rejected; 13 pending	No addendum	Out of the 13 pending, 3 were accepted, 8 rejected and 2 were responded without giving a clear position	Accepted: 88 Rejected: 31 No clear position: 2 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/18/3:

A - 100.1. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Czech Republic, United Kingdom, Norway, Spain, Brazil, Ecuador);

A - 100.2. Consider ratification of the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Palestine);

A - 100.3. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain, Brazil); consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights as recommended by the CRC (South Africa);

A - 100.4. Consider withdrawing its reservations to various instruments to which it is a party (South Africa);

A - 100.5. Ratify Additional Protocol III to the Geneva Conventions of 12 August 1949 (Democratic Republic of Congo);

A - 100.6. Accede to the Optional Protocols to the Convention against Torture, to the International Covenant on Economic, Social and Cultural Rights and to the International Convention for the Protection of All Persons Enforced Disappearance, as recommended by certain treaty bodies (Ecuador);

A - 100.7. Condemn any manifestation of racism, discrimination, xenophobia and Islamophobia in political statements and pursue its efficient measures to combat these phenomena in official and media sectors and within the public at large (Algeria);

A - 100.8. Promote freedom of all religions, including by passing laws to give Buddhism the status of a recognized religion (Thailand);

A - 100.9. Consider the establishment of a national human rights institution in compliance with the Paris Principles (India); establish an independent national human rights institution in compliance with the Paris Principles (United Kingdom, Poland, Egypt, Afghanistan, Portugal, Australia, Norway, Spain, Democratic Republic of Congo, Palestine, Ecuador, Djibouti, Russian Federation); in order to further strengthen and institutionalize the government's policies and strategies (Indonesia); continue considering the establishment of a national human rights commission in compliance with the Paris Principles (Chile); make effective the Paris Principles, notably those relating to the establishment of a national human rights commission (Burkina Faso); explore the possibility of consolidating the work of existing institutions and establishing a national human rights institution in conformity with the Paris Principles (Malaysia);

A - 100.10. Take into consideration the recommendations made by the Belgian Parliamentary Special Commission on "the treatment of sexual abuse and acts of paedophilia within a relation of authority, in particular in the Church" aiming at better ensure the rights of the juvenile victims of sexual offences and in particular to increase the limitation period applicable to crimes of rape of or sexual assaults on minors (France);

A - 100.11. Redouble effort to achieve the appropriate implementation of the Convention of the Rights of the Child, in particular with regard to full exercise of right to education, and the protection of minors from sexual abuse and exploitation and, above all, to put an end to detention of foreign children in closed detention centres, in accordance with the decision of Minister of Migration Policy and Asylum (Ecuador);

A - 100.12. Continue efforts to strengthen its international cooperation to prevent and punish acts involving the sale of children, child prostitution, child pornography and child sex tourism (Moldova);

A - 100.13. Adopt and fully implement as soon as possible the national action plan against domestic violence (Austria);

A - 100.14. Continue its efforts in the area of women's rights and finalize the national action plan to combat domestic violence (Canada);

A - 100.15. Include homeless women and children, including unaccompanied children of foreign origin as priority beneficiaries into poverty reduction strategy (Kyrgyzstan);

A - 100.16. Fully implement all laws, policies and programmes which have been adopted to strengthen gender equality and the rights of women (Moldova);

A - 100.17. Strengthen relevant measures in order to improve further gender equality (Japan);

A - 100.18. Accelerate efforts aimed at fully implementing the wide range of laws, policies and programmes aimed at strengthening gender equality and women's rights (Malaysia);

A - 100.19. Continue its efforts relating to human rights education and training, particularly for law enforcement agents (Morocco);

A - 100.20. Increase human rights education and training for police officers (Austria);

A - 100.21. Fully implement in time the provisions contained in the Master Plan regarding penal establishments (Austria);

A - 100.22. Ensure full integration of persons with disabilities into socio-economic and political affairs, particularly equal access to job opportunities, promoting of their right to education, adequate resources for care and support for children with psychosocial disabilities in the family and in the community, and finally, to ensure their accessibility to public transportation and buildings (Thailand);

A - 100.23. Continue and further step up efforts with regard to the promotion of human rights education (Slovenia);

A - 100.24. Continue its close cooperation with civil society in the follow-up to the UPR session (Austria);

A - 100.25. Facilitate the active involvement of civil society stakeholders, including human rights non-governmental organizations, in follow-up to the review (Portugal);

A - 100.26. Clear the backlog in responses to thematic questionnaires of the Human Rights Council Special Procedures (Russian Federation);

A - 100.27. Pursue its efforts relating to human rights education and training in order to make its internal mechanism to combat discrimination effective and more efficient (Burkina Faso);

A - 100.28. Increase its efforts to eradicate any types of stereotypes against women (Uzbekistan);

A - 100.29. Take necessary measures to enable women to exercise their rights without harassment, coercion, and discrimination (Palestine);

A - 100.30. Take all appropriate action, including programmes of education and training, in order to eliminate prejudice and discrimination based on sexual orientation and gender identity (Norway);

A - 100.31. Strengthen its measures to prevent and combat xenophobia and racial prejudice among politicians, public officials and the general public, in line with the recommendation of the CERD (South Africa);

A - 100.32. Increase the effectiveness in preventing any cases of xenophobia or racial discrimination that have been demonstrated by officials and increase its activities to combat these scourges (Uzbekistan);

A - 100.33. Take effective measures to curb racial hatred and religious intolerance, by strengthening its measures to prevent and combat xenophobia and racial prejudice among politicians, public officials and the general public (Bangladesh);

A - 100.34. Take further steps to prevent racially motivated violence through awareness-raising activities and improve the employment situation of immigrants, as well as to combat violence in general and strengthen the prosecution of those who still engage in it (Japan);

A - 100.35. Improve overall conditions in prisons and adopt relevant measures to tackle the problems such as overcrowding (Czech Republic);

A - 100.36. Improve conditions in Belgium's prisons, including in relation to overcrowding (Australia);

A - 100.37. Remedy prison overcrowding and its repercussion on the right to health (Djibouti);

A - 100.38. Continue promoting political and legislative developments in this regard regarding measures taken to reduce overcrowding in prisons and to implement the master plan, as this is a theme that affects countries in several regions in the world (Chile);

A - 100.39. Allocate more resources from the national budget and take additional measures to improve the situation in prisons and so as to ensure that the deteriorated penitentiary situation is no longer be a problem in the country (Ecuador);

- A - 100.40. Adopt efficient measures to reduce prison overcrowding and enhance hosting conditions of penitentiary facilities and shelters (Algeria);
- A - 100.41. Enhance its efforts to reduce prison overcrowding (United States);
- A - 100.42. Take measures to reduce the amount of time that defendants spend in pre-trial detention (United States);
- A - 100.43. Take steps to improve the conditions in the closed centres for aliens (Sweden);
- A - 100.44. Finalize the implementation of the “Master Plan for More Humane Prison Facilities” and continue to take action to address the problem of overcrowding in prisons and its consequences in regards to the conditions of the prisoners (Sweden);
- A - 100.45. Give priority to measures that reduce the backlog of court cases and that provide for adequate staffing in law courts (Netherlands);
- A - 100.46. Adapt procedural law to the requirements established in the Salduz case, guaranteeing to detained persons access to a lawyer from the moment of the first interrogation (Spain);
- A - 100.47. Address the situation in its prisons and detention facilities particularly in relation to their exposure to frequent strikes of the prison guard personnel (Slovakia);
- A - 100.48. Bring ODA up to the internationally committed 0.7 per cent of GDP to Developing countries and 0.2 per cent to LDCs, specially, to support in the areas of poverty reduction, climate challenges and persons with disabilities (Bangladesh);
- A - 100.49. Fully respect the economic and social rights of migrant workers and their families and ensure their safety and security (Bangladesh);
- A - 100.50. Promote equal access to education through inclusive policies in the education system aimed at children from poor, foreign and minority families (Mexico);
- A - 100.51. Strengthen the asylum procedures by, among others, improving legal assistance for asylum-seekers, expediting the procedures, and responding to specific needs of asylum-seekers who are children, women and the elderly (Thailand);
- A - 100.52. Find long-term solutions to avoid situations where asylum-seekers, especially women and children, have to live in degrading conditions (Norway);
- A - 100.53. Ensure sufficient safe and secure housing for asylum seekers (United Kingdom);
- A - 100.54. Continue to give special attention to the rights of children and women asylum seekers, in particular by providing shelter, and ensuring their protection from violence (Indonesia);
- A - 100.55. Improve the living conditions in centres for asylum-seekers and revise existing system of dealing with individual complaints including the need to ensure that legal advice services are available in those centres (Czech Republic);
- A - 100.56. Consider making the asylum procedure more transparent including at the appeals stage (Nigeria);
- A - 100.57. Implement with strict observation to the principle of non-refoulement, the monitoring mechanism that is being developed to monitor forcible removals (Indonesia);
- A - 100.58. Continue to increase its capacities for integration of migrants (Slovakia);
- A - 100.59. Find a positive solution to the institutional crisis, that Belgium has been going through for several months, through a dialogue between the various communities of the Belgian society (Djibouti).

101. The following recommendations enjoy the support of Belgium, which considers that they are already implemented or in the process of implementation:

A - 101.1. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain, Brazil, Argentina); become a party to the International Convention for the Protection of All Persons from Enforced Disappearance at an early stage (Japan);

A - 101.2. Complete at the earliest the ratification process of the International Convention for the Protection of All Persons from Enforced Disappearance and fully recognize the competence of the Committee on Enforced Disappearances, as provided for in articles 31 and 32 of the Convention (France);

A - 101.3. Introduce a provision permitting the dissolution of organizations inciting racial hatred in domestic law (France);

A - 101.4. Not relax its efforts to eradicate practices such as incitement to hatred and violence from certain far-rights groups, wherever they appear, including on the Internet, where they are especially prevalent (Indonesia);

A - 101.5. Take action to eliminate sale of children, child prostitution and child pornography (Bangladesh);

A - 101.6. Provide adequate support to sexually exploited or at-risk children (Islamic Republic of Iran);

A - 101.7. Develop a strategy to eradicate the process of child trafficking, child prostitution, and child pornography in the process of the development of the national plan of actions on combating trafficking in human beings (Belarus);

A - 101.8. Effectively address through legislation and policies the sexual exploitation of children, including child pornography (Egypt);

A - 101.9. Allocate substantial resources and give special attention to children of the most vulnerable groups in the society (Afghanistan);

A - 101.10. Adopt comprehensive legislation concerning domestic violence (Poland);

A - 101.11. In consultation and cooperation with relevant partners, take appropriate measures to implement the National Plan of Action for Children (Hungary);

A - 101.12. Approve and implement as soon as possible the National Action Plan 2010–2014 to combat domestic violence (Spain);

A - 101.13. Seek the opinion of the concerned parties before the approval of the draft national action plan against domestic violence 2010–2014 (Hungary);

A - 101.14. Implement the recommendation of the Human Rights Committee to discontinue public funding of political parties which propagate hate, discrimination and violence (Russian Federation);

A - 101.15. Ensure effective coordination at the federal, regional and community levels for the implementation of the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the International Covenant on Economic, Social and Cultural Rights (Poland);

A - 101.16. Tackle the issue, noted by the Human Rights Committee, that complaints against police officers did not always lead to the imposition of commensurate penalties (Turkey);

A - 101.17. Pay particular attention to tackle the pay gap between men and women through reinforced policy measures (Nigeria);

A - 101.18. Protect gender identity and expression under anti-discriminatory laws and policies (Norway);

A - 101.19. Strengthen its measures to prevent and combat xenophobia and racial prejudices amongst politicians, public officials and the general public, as well as to promote tolerance between all ethnic and national groups (Pakistan);

A - 101.20. Monitor the incidence of and combat racism and xenophobia (Brazil);

A - 101.21. Take necessary measures to prevent inquiries, arbitrary detentions, searches and questioning by judicial and police authorities motivated by physical appearance, skin colour and racial or ethnic origins. Additionally, impose severe sanctions on authorities that commit such excesses and ill treatment (Ecuador);

A - 101.22. Stop detention of minors in adult prisons (Islamic Republic of Iran);

A - 101.23. Take actions to ensure that no ill-treatment occurs during expulsions, inter alia by introducing an effective system for lodging complaints of such treatment (Sweden);

A - 101.24. Ensure that legal advice services are available inside the asylum-seeker and irregular migrant closed detention centres (United Kingdom);

A - 101.25. Eliminate the systematic detention at the border of asylum-seekers and migrants in an irregular situation and limit to exceptional cases the deprivation of liberty of asylum-seekers during the period of the determination of their request for asylum (Mexico);

A - 101.26. Ensure that no arms are traded with regions that deploy child soldiers (Netherlands).

102. The following recommendations will be examined by Belgium which will provide responses in due time, but no later than the eighteenth session of the Human Rights Council in September 2011:

R - 102.1. Withdraw its reservations to the International Covenant on Civil and Political Rights (Czech Republic);

R - 102.2. Withdraw its reservations and interpretative declarations on the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (Iran);

R - 102.3. Harmonize national legislation with human rights treaties, and in particular withdraw reservations to the International Covenant on Civil and Political Rights (Ecuador);

NC - 102.4. Ratify the European Charter for Regional or Minority Languages, the leading instrument in this respect (Hungary);

R - 102.5. Elaborate a National Action Plan for the promotion and protection of human rights that allows federal and non-federal institutions that work in this field to better coordinate policies and their implementation (Ecuador);

R - 102.6. Establish a national human rights institution fully compliant with the Paris Principles by elaborating an action plan for the protection and promotion of human rights (Djibouti);

R - 102.7. Accelerate the process of withdrawal of declarations under article 2 of the Convention on the Rights of the Child concerning non-discrimination principle, which limits the enjoyment of the Convention rights by children who do not have Belgian nationality (Kyrgyzstan);

R - 102.8. Renew its action plan against the sexual exploitation of children for commercial purposes (Canada);

R - 102.9. Adopt clear and comprehensive legislation regarding domestic violence, in full compliance with CEDAW recommendations (Brazil);

A - 102.10. Develop a comprehensive and coordinated national strategy to combat all forms of violence against women and girls, as recommended in 2008 by the Committee on the Elimination of Discrimination against Women (Kyrgyzstan);

NC - 102.11. Ratify, pursuant to the recommendation of the Committee on Economic, Social and Cultural Rights, the Council of Europe Framework Convention for the Protection of National Minorities (Russian Federation);

A - 102.12. Further step up efforts to extend the action plan against domestic violence to cover all forms of violence against women (Norway);

A - 102.13. Circulate and implement the Bangkok Rules on the treatment of women prisoners and non-custodial measures for women offenders as part of its reform of the judicial system (Thailand).

103. The recommendations below did not enjoy the support of Belgium:

R - 103.1. Ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Argentina; Islamic Republic of Iran; Egypt; Pakistan; Democratic Republic of Congo; Palestine);

R - 103.2. Adhere to international human rights instruments, which it is not yet a party to, notably the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Burkina Faso);

R - 103.3. Reconsider its position relating to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families pursuing to recommendation 1737 of 17 March 2006 of the Parliamentary Assembly of the Council of Europe, which Belgium is a member of (Algeria);

R - 103.4. Consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Nigeria); Accede to the International Convention on the Rights on the Protection of all Migrant Workers and Members of their Families as an additional fundamental step for the protection of human rights (Guatemala, Ecuador);

R - 103.5. Afford sufficient legal safeguards so that complaints by foreigners do not have negative consequences regarding their stay in the country, in order to implement penal provisions relative to acts of xenophobia and racial discrimination and to investigate and effectively sanction human rights violations committed against foreigners or persons belonging to minorities (Mexico);

R - 103.6. Increase the effectiveness of measures taken to prevent manifestations of racial hatred or intolerance, including in the statements of politicians, civil officials or the press and promptly introduce legal ban on the activities of any political parties and organizations that propagate hatred and racial discrimination (Belarus);

R - 103.7. Establish a national mechanism to coordinate and implement policies and programmes to combat child exploitation (Canada);

R - 103.8. Revise its penal code to ensure that its legislation on child pornography covers representation of a child by whatever means for primarily sexual purposes (Pakistan);

R - 103.9. Specify child trafficking as a separate crime in criminal legislation as recommended by the Committee on the Rights of the Child (Belarus);

R - 103.10. Take necessary measures to ensure that corporal punishment is explicitly prohibited by law under all circumstances (Poland);

R - 103.11. Provide human rights education and training about non-discrimination in particular to law enforcement officials and take effective measures to prevent and prohibit racial profiling by the police (Egypt);

R - 103.12. Take specific steps to strengthen the institution of the family, including raising awareness among the youth of traditional understanding of the family and its social values (Belarus);

R - 103.13. Consider lifting the ban on headscarves in schools (Malaysia);

R - 103.14. Implement the recommendation of the Committee on the Elimination of Racial Discrimination to declare illegal and prohibit organizations which promote and incite racial discrimination (Russian Federation);

R - 103.15. Recognize that, though national Belgium's legislation fully complies with requirements to guarantee the absence of racial discrimination, it is not truly effective as complaints of discrimination by non-citizens and persons of foreign origin continue to be numerous, encourage the adoption of necessary measures to combat racial discrimination establishing public polices that would fight outbreaks of intolerance, discrimination and xenophobia. Additionally, fully respect the human rights of foreigners independently of their migration status (Ecuador);

R - 103.16. Undertake a comprehensive set of measures to tackle racial discrimination and combat more resolutely all forms and manifestations of racism, racial discrimination, xenophobia and religious intolerance against foreigners and religious minorities, such as Muslims (Islamic Republic of Iran);

R - 103.17. Tackle discrimination against the Muslim community and insults against Islamic sanctities and allow all Muslims to practise Islam in accordance with their religious beliefs, without Government interference or approval (Islamic Republic of Iran);

R - 103.18. Establish a specific mechanism to monitor Islamophobia and adopt effective measures to combat this evil phenomenon among political parties and extreme right-wing organizations (Islamic Republic of Iran);

R - 103.19. Take additional steps, including legislative steps, to eradicate discrimination against migrant workers, members of their families as well as representatives of religious and national minorities (Belarus);

R - 103.20. End the excessive use of force by the police in maintaining order during mass demonstrations as well as against foreigners subject to deportation from the country (Belarus);

R - 103.21. Discontinue authorization for the excessive use of force by the law enforcement, especially indiscriminate use of Tasers (Islamic Republic of Iran);

R - 103.22. Terminate the practice of holding persons suffering from mental illness in prisons and prison psychiatric wards (Iran);

R - 103.23. End detention of asylum-seekers at borders and create alternatives to detention for asylum-seeking families (Iran).

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