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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Belgium and welcome the constructive engagement of the Government of Belgium during the 38<sup>th</sup> session of the UPR Working Group in May 2021.

As the final outcome report on the review of Belgium was recently adopted by the Human Rights Council at its 48<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Belgium - the Compilation of United Nations information and the Summary of Stakeholders' submissions - which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 119 delegations and the presentation made and responses provided by the delegation of Belgium. I have also considered the actions taken by the Government of Belgium to implement the 185 recommendations fully supported as well as those that were partially accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the establishment of the Federal Institute for the Protection and Promotion of Human Rights (FHRI) as a national human rights institution and encourage expanding its mandate to cover as broad a mandate as possible. In this endeavour, I also encourage to consider authorizing the Federal Human Rights Institute to hear and consider complaints concerning individual situations and to assist addressing human rights concerns in a meaningful manner. I also welcome the commitment of Belgium to establish a National Action Plan against Racism and urge further efforts to make this a reality.

I encourage Belgium to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the Representative of the United Nations System before the EU in Brussels.

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H.E Ms. Sophie WILMES  
Deputy Prime Minister and Minister of Foreign Affairs, European Affairs and Foreign Trade and  
the Federal Cultural Institutions  
Belgium



I also encourage Belgium to establish a national mechanism for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf)

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Belgium of submitting a mid-term report in the previous cycles and encourage the Government of Belgium to continue with this practice and to submit a mid-term report on follow-up to the third cycle of the review by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Belgium in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet  
High Commissioner for Human Rights

cc: Ms. Camilla BRUCKNER  
Director of the United Nations Office in Brussels  
Representative of the United Nations System before the EU  
Belgium

Ms. Birgit VAN HOUT  
Regional Representative of the United Nations High Commissioner for Human Rights  
OHCHR Regional Office for Europe  
Belgium

## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in accordance with the Sustainable Development Goal 16 and establishing an effective national preventive mechanism.

### **National human rights framework**

- Completing the process of establishing a National Human Rights Institution with an A status in accordance with the Paris Principles.

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Adopting the measures necessary to bring perpetrators of hate speech and violence to account and taking measures to combat hate crimes and incitement to violence in line with the International Covenant on Civil and Political Rights.
- Continuing efforts to raise awareness among the public, judicial authorities and social workers to promote tolerance and respect for cultural diversity and to combat discrimination, racism and xenophobia.
- Adopting a comprehensive national action plan against racial discrimination and related intolerance in close cooperation with civil society, including action to eliminate discriminatory practices.
- Stepping up efforts to combat racism and all forms of discrimination, including in the areas of housing, education and employment.
- Adopting clear measures to effectively combat discrimination based on racial, ethnic, national or religious stereotypes.
- Ensuring equality and non-discrimination based on sexual orientation and gender identity, including against sexual minorities.

##### *Development, the environment, and business and human rights*

- Taking concrete action to address the negative impacts of climate change, both at home and abroad.
- Developing a national plan of action to reduce greenhouse gas emissions.
- Adopting new measures to encourage enterprises headquartered in Belgium to respect human rights and to carry out human rights due diligence throughout their global operations and supply chains.
- Strengthening the implementation of the Guiding Principles on Business and Human Rights, including at the legislative level, by requiring companies to conduct human rights due diligence.



### *Human rights and counter-terrorism*

- Ensuring that the Coordination Unit for Threat Analysis respects human rights and international human rights law in advancing its mandate to implement counter-terrorism measures.
- Refraining from transferring weapons when there is a risk that they could be used to commit or facilitate serious violations or abuses of human rights or international humanitarian law.
- Continuing its efforts for the repatriation of nationals recruited abroad as terrorist fighters and their families, particularly children, and ensuring adequate rehabilitation and reintegration measures.

## **B. Civil and political rights**

### *Right to life, liberty and security of person*

- Investigating promptly and thoroughly all cases of police abuse and brutality and holding all perpetrators of these crimes accountable.
- Raising awareness against racial profiling by law enforcement bodies and maintaining police training in order to address the issue of excessive use of force.
- Ensuring that the legal definition of torture is consistent with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### *Administration of justice, including impunity, and the rule of law*

- Taking additional measures to improve living conditions in prisons and detention facilities, including overcrowding.

### *Prohibition of all forms of slavery*

- Continuing efforts to combat human trafficking and protecting the rights of all victims of trafficking, by providing further training to first responders to identify victims of trafficking and necessary financial and human resources to first-line actors, including specialized shelters and the judiciary.

## **C. Economic, social and cultural rights**

### *Right to an adequate standard of living*

- Ensuring that measures to address and reduce poverty focus on marginalized persons and groups, especially children.
- Making affordable housing more widely available, including through coordination between the federal state and the regions, and expanding the supply of social housing.

### *Right to work and to just and favourable conditions of work*

- Intensifying measures to advance equality between men and women, particularly with regard to equal pay, and effectively implementing the Act of 22 April 2012 aimed at reducing the wage gap between men and women.



### *Right to health*

- Ensuring that patients receive high-quality palliative care.
- Ensuring equitable access to health services, including to COVID-19 vaccines, for all vulnerable groups, including migrant workers regardless of migration status.
- Ensuring that the human rights of older persons, who suffered greatly in care homes during COVID-19, are respected, including through adequate funding, equipment, and specialized and trained staff in care homes.

### *Right to education*

- Taking specific measures to ensure access to quality education for vulnerable children and accelerating the process of inclusive education policy, by integrating children with disabilities into the mainstream education system,
- Continuing efforts to address inequalities in education and to combat intolerance and hate speech among children, especially against migrant and refugee children.

## **D. Rights of specific persons or groups**

### *Women*

- Ensuring adequate funding and increased coordination between state and federal actors and civil society in order to fight domestic violence even more effectively.
- Adopting a national action plan against gender-based violence and provide adequate financial resources.
- Continuing efforts to improve the data-gathering system, ensuring that data are disaggregated by complaints and later convictions involving all forms of violence against women.

### *Children*

- Taking steps to reduce the rates of child poverty and discrimination against children, particularly those of migrant backgrounds, and preventing discrimination against children living in poverty and children with disabilities in access to health care, education and housing.
- Ensuring the development of programmes and policies to prevent the sexual exploitation and abuse of children, as well as the recovery and social reintegration of victims.
- Taking the necessary measures to ensure that the rights of unaccompanied minors seeking asylum are protected in accordance with the best interests of the child.
- Placing the best interests of the child as a priority in migration policies, including on family reunification.
- Stopping the detention of children for immigration-related reasons.



### *Persons with disabilities*

- Developing policies related to the inclusion of persons with disabilities, especially in employment, and taking steps to ensure the meaningful participation of persons with disabilities in political and public decision-making processes.
- Adopting adequate measures to facilitate greater access for persons with disabilities to employment and to ensure inclusive education for all children with disabilities.

### *Minorities*

- Ensuring the effective implementation of the national strategy for Roma integration, by adopting a plan that includes special measures for Roma women and children and creating a special and adequate budget for these purposes.

### *Migrants, refugees and asylum seekers*

- Adopting measures to ensure that an individual assessment is carried out for each case of asylum, deportation or expulsion, with full respect for the principle of non-refoulement.
- Continuing to strengthen and improve the processes for accommodating asylum seekers with an independent and thorough examination of their asylum applications and an effective appeal process.
- Eliminating and prohibiting the practice of detaining migrant families with children and developing less coercive measures.
- Providing legislative guarantees for the effective protection of all migrant workers from various forms of discrimination, including in terms of working conditions and wages.