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Belgium

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I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Elimination of Racial Discrimination encouraged Belgium to consider ratifying the international human rights treaties that it had not yet ratified, in particular treaties with provisions that had direct relevance to communities that might be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It also encouraged Belgium to consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.²

3. The International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement recommended that Belgium promptly ratify the Optional Protocol to the Convention against Torture.³

III. National human rights framework

4. The International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement recommended that the competent authorities: (a) adopt an inter-federal action plan against racism that included the areas of law enforcement and the criminal justice system, with the effective participation of civil society, including Africans and people of African descent; (b) allocate sufficient financial and human resources for its implementation; and (c) establish a mechanism to assess and monitor its progress.⁴



Institutional infrastructure and policy measures

5. The Committee on the Elimination of Discrimination against Women recommended that Belgium ensure that the Federal Institute for the Protection and Promotion of Human Rights had a mandate to receive and examine individual complaints and petitions and that it complied with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).⁵

6. The same Committee also recommended that Belgium facilitate the application of the Federal Institute for the Protection and Promotion of Human Rights for accreditation by the Global Alliance of National Human Rights Institutions, provide it with adequate human, technical and financial resources and encourage its cooperation with women's civil society organizations.⁶

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

7. The International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement recommended that Belgium strengthen the direct financial support provided to organizations working to combat racism. It also recommended that Belgium ensure that cases of hate speech and hate crimes were investigated and prosecuted consistently and impartially, systemic issues were identified and support was provided to the victims and their families.⁷

8. The Committee on the Elimination of Discrimination against Women recommended that Belgium adopt without delay an inter-federal action plan against racism, covering areas such as access to justice, education, employment, health, housing, the media, cultural life and sports and including specific measures for women. It also recommended that Belgium take measures to eliminate intersecting forms of discrimination against migrant, refugee and asylum-seeking women, both in society at large and within their communities.⁸

9. The Committee on the Rights of Persons with Disabilities recommended that Belgium: (a) enhance protection against discrimination by revising and implementing legislation at the federal and regional levels; (b) create reporting centres and conduct surveys to collect the data necessary for the documentation of discrimination; and (c) establish a single point of contact, covering the federal, regional, community and municipal levels, for victims of discrimination to file complaints.⁹

2. Administration of justice, including impunity, and the rule of law

10. The Committee on the Elimination of Racial Discrimination recommended that Belgium take measures to ensure that prompt, thorough and impartial investigations were carried out into all racist incidents caused by or involving the police, ensure that those responsible for such acts were prosecuted and appropriately punished and provide adequate reparation to the victims.¹⁰

11. The same Committee also recommended that Belgium improve the system for the collection of data and the recording of complaints concerning racially motivated police violence, using appropriate indicators that identified the descent or national or ethnic origin of victims, and promote ethnic diversity within the police force. It further recommended that Belgium strengthen measures taken to prevent, investigate and punish acts of racism between police officers and carry out a comprehensive survey aimed at streamlining and strengthening the procedures and mechanisms for monitoring the police services.¹¹

12. The International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement welcomed the initiative of several federal and local authorities to designate special departments or officers, in different regions and cities across the country, to fight discrimination.¹²

13. The Expert Mechanism also welcomed the efforts made by Wallonia, the French Community and the Brussels-Capital Region to develop action plans to combat racism. It further welcomed the adoption of a horizontal integration policy for the period 2025–2029 by the Flemish Region, one of the aims of which was to combat discrimination and racism in all sectors. It expressed concern, however, that it had not yet been possible to develop an inter-federal action plan against racism.¹³

14. The Expert Mechanism noted a widespread and deeply rooted lack of trust in law enforcement among Africans and people of African descent, in particular among the youth. It also noted the importance of police officers understanding the cultural and socioeconomic contexts in which they operated. It emphasized the importance of a human rights-based approach to policing, whereby law enforcement officers had a duty to respect, protect and fulfil the human rights of the individuals and communities that they served. It noted that law enforcement officers must be fully aware of all their human rights responsibilities.¹⁴

15. The Expert Mechanism recommended that the competent authorities adopt a human rights-based and intersectional approach to law enforcement and the criminal justice system. It also recommended that they establish a comprehensive diversity and inclusion programme designed to increase representation and foster inclusivity within law enforcement agencies and the criminal justice system, including by adapting the police entry and examination strategy and requirements to increase diversity effectively and efficiently, including in terms of race and gender, within the ranks.¹⁵

16. The Expert Mechanism also recommended that Belgium prohibit racial profiling, record all identity checks and consider issuing a written certificate to the individual after each identity check, establish clear guidelines to regulate the use of artificial intelligence in the conduct of law enforcement activities and ensure that all allegations of racial profiling were investigated, prosecuted and punished.¹⁶

17. The Expert Mechanism recommended that the competent authorities ensure that: (a) law enforcement officers received specific training on fighting racial discrimination, racial bias and racial profiling at police academies and throughout their career; and (b) all laws, policies, procedures and practices to restrict the use of force complied with international standards, in particular the principles of legality, precaution, necessity, proportionality, accountability and non-discrimination.¹⁷

18. The Expert Mechanism recommended that the competent authorities: (a) adopt a national strategy to reduce the overrepresentation of Africans and people of African descent in criminal detention; (b) pursue efforts to improve conditions of detention and alleviate the overcrowding of penitentiary institutions and other detention facilities, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and other relevant international standards; and (c) favour the application of alternatives to detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).¹⁸

19. The Committee on the Elimination of Discrimination against Women recommended that Belgium ensure that the eligibility criteria for legal aid and public defence services were based on the real income and disposable assets and that the procedure to access aid was accessible.¹⁹

20. The same Committee also recommended that: (a) all complaints be registered by the police; (b) that the police receive adequate training on gender-based violence against women and specialized services for victims; and (c) that all appropriate measures be adopted to eliminate the serious obstacles to access to justice that women faced, by ensuring the provision of procedural and age-appropriate accommodation, as well as interpretation services, and by granting a residence permit during the entire judicial proceedings for undocumented victims.²⁰

21. With regard to prisons and detention facilities, the Committee on the Rights of Persons with Disabilities recommended that Belgium urgently address overcrowding, the lack of accessibility and the lack of support measures on disability and mental health, including the provision of reasonable accommodation.²¹

3. Fundamental freedoms and the right to participate in public and political life

22. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Belgium: (a) decriminalize defamation and place it within civil defamation legislation that was in accordance with international standards; and (b) ensure the establishment of a transparency and accountability mechanism in the governance of digital platforms to ensure that human rights were upheld and the risks associated with the spread of harmful content online were mitigated.²²

23. UNESCO invited Belgium, when implementing measures to guarantee the right to freedom of opinion and expression, the right to information and the right to education, to include within those measures the freedoms indispensable for scientific research, and access to scientific education at all levels.²³

24. UNESCO also invited Belgium to expand on issues covered by the above-mentioned recommendation, on the freedoms indispensable for scientific research and access to scientific education at all levels, in its national report to the universal periodic review, particularly by providing information about the implementation of the right to science and scientific freedom and addressing more broadly freedom of opinion and expression, which would allow further discussions thereon by the Council and the formulation of specific recommendations.²⁴

4. Right to marriage and family life

25. The Committee on the Elimination of Discrimination against Women noted with concern that: (a) the legislation of Belgium provided for exceptions to the legal minimum age of marriage of 18 years for both women and men; (b) the harmful practices of child and/or forced marriage persisted within migrant and Roma communities; (c) in case of application for divorce, shared custody of children was automatically applicable without exception, which might have a negative impact on women who were victims of gender-based violence and their children; and (d) the amendments introduced in 2017 in the legislation on inheritance could have a negative impact on women and girls.²⁵

26. The same Committee recommended that Belgium amend its Civil Code to eliminate all exceptions to the legal minimum age for marriage of 18 years for both women and men; ensure that family courts took incidents of domestic or other forms of gender-based violence into consideration when deciding on child custody upon dissolution of a marriage or union; and monitor and take all measures necessary to ensure that the new law amending the Civil Code with regard to inheritance did not negatively affect women and girls.²⁶

5. Prohibition of all forms of slavery, including trafficking in persons

27. The Committee on the Elimination of Discrimination against Women recommended that Belgium fully implement the action plan to combat trafficking in persons and the anti-trafficking law, and ensure adequate resources were allocated, particularly for judicial officers and victim support.²⁷

28. It urged Belgium to: (a) amend the definition of trafficking in legislation to align it with recommendations from the Council of Europe Group of Experts on Action against Trafficking in Human Beings; (b) adopt concrete measures to address the so-called lover boy phenomenon, with underage girls who were victims; and (c) consider increasing the reflection period for women and girls who were victims of trafficking, as victims of sexual exploitation particularly might need more time to recover before making a decision whether or not to cooperate with competent authorities.²⁸

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

29. The Committee on the Elimination of Discrimination against Women noted with concern: (a) the persistent gender pay gap, vertical and horizontal segregation in the labour market and women's concentration in part-time jobs in both the public and private sectors; (b) the high number of complaints about employment discrimination based on pregnancy and maternity; and (c) the low number of cases of sexual harassment in the workplace investigated and where penalties had been imposed.²⁹

30. The same Committee expressed its alarm at reports of exploitation and abuse of women domestic workers by employers, and the persistence of inequality in the working conditions of domestic workers compared to other workers. It also expressed concern about the high unemployment rates and the additional obstacles faced by women from disadvantaged groups (such as migrant women, undocumented women, women with disabilities, Roma women and older women) in accessing, remaining in and securing promotions in the labour market.³⁰

7. Right to an adequate standard of living

31. The Committee on the Rights of Persons with Disabilities recommended that Belgium ensure that the income of persons with disabilities was sufficient to lead their life with dignity, including by maintaining the full allowance covering disability-related costs when they entered employment.³¹

32. The same Committee encouraged Belgium to: (a) mainstream disability into poverty and homelessness reduction strategies in the next federal anti-poverty plan; (b) adopt regional action plans to combat poverty, in particular to address the situation of women and children with disabilities and older persons with disabilities; and (c) set up monitoring mechanisms to ensure their effective implementation.³²

33. The Committee on the Elimination of Discrimination against Women encouraged Belgium to adopt targeted measures for the economic empowerment of women, to mainstream gender into poverty reduction strategies and to continue to conduct gender impact assessments of fiscal policies to ensure that they were gender-sensitive and non-discriminatory.³³

8. Right to health

34. The Committee on the Rights of Persons with Disabilities recommended that Belgium take measures to train and raise awareness among health personnel on the rights of persons with disabilities and on how to provide unbiased guidance and support to prospective parents following a prenatal diagnosis of Down syndrome or other impairment, in order to allow them to make fully informed decisions on the pregnancy.³⁴

35. The same Committee also recommended that Belgium adopt policies to provide persons with disabilities, including children with disabilities, with age-appropriate and gender-responsive information and education in accessible formats on sexual and reproductive health and rights, including family planning.³⁵

36. The International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement expressed concern about the placement of persons with psychosocial disabilities in prisons, as adequate medical care could not be provided there and persons with such disabilities tended to be overmedicated due to the insufficient number of qualified medical staff. It emphasized that deprivation of liberty in a prison was likely to have a deleterious impact on persons with psychosocial disabilities and to exacerbate their mental health conditions.³⁶

9. Right to education

37. UNESCO recommended that Belgium ratify the Convention against Discrimination in Education, enshrine the right to education within the legislation of all communities and continue efforts to ensure the right to inclusive education for vulnerable groups, including children with disabilities.³⁷

38. The Committee on the Rights of Persons with Disabilities expressed concern that, although Belgium had the highest percentage of students in special education in the European Union, efforts to build public support for inclusive education were lacking. It observed that there was no comprehensive plan for the realization of quality inclusive education in all areas of education and that there were limited provisions on accessibility, reasonable accommodation, individualized support and assistance in classrooms under the existing framework on inclusive education.³⁸

39. The same Committee noted with concern that regular schools could refuse the enrolment of children with disabilities if they considered that the provision of reasonable accommodation would be too burdensome, thus often excluding children with complex support requirements from regular education. It recommended that Belgium remove the barriers and address the challenges that had prevented effective transition from special education to inclusive mainstream education, by, inter alia, raising awareness of the right to inclusive education, combating negative attitudes towards and low expectations of students with disabilities, promoting research on inclusive education methodologies and defining best practices for inclusive educational facilities.³⁹

10. Development, the environment, and business and human rights

40. The Committee on the Elimination of Discrimination against Women noted with concern the absence of a gender-responsive national strategy to address environmental risks and challenges, climate change and disaster risk management, including risk reduction, preparedness, response and rehabilitation. It recommended that Belgium ensure that women were represented and participated in the development of legislation, policies and programmes on climate change, disaster response and disaster risk reduction. It also recommended that Belgium integrate a gender perspective into such plans and policies and ensure that women, in particular rural women, were consulted in their development.⁴⁰

41. The same Committee recommended that the State take measures to address the impact of climate change specifically on women's access to resources and livelihoods, in order to ensure that women were not disproportionately affected.⁴¹

B. Rights of specific persons or groups

1. Women

42. The Committee on the Rights of Persons with Disabilities recommended that Belgium mainstream the rights of women and girls with disabilities under the Convention into all public policies, action plans and strategies, including those concerning the rights of persons with disabilities and the rights of women, at all levels of government and establish mechanisms to collect and compile statistics, disaggregated by impairment, race, age, region and other relevant criteria, on the barriers that women and girls with disabilities encountered in the exercise of their rights under the Convention.⁴²

43. The same Committee also recommended that Belgium take all the legislative, policy and administrative measures necessary to ensure that the use of sterilization and contraception among all women and girls with disabilities, in all settings, was based on their free and informed personal consent, respecting the dignity and autonomy of women and girls with disabilities, and that institutions or facilities did not require their residents to undergo sterilization or use contraceptives as a precondition for being accepted into the institution.⁴³

44. The Committee on the Elimination of Discrimination against Women noted with concern the limited number of places in shelters for victims of gender-based violence, the decreasing funding of policies to combat violence against women and the lack of comprehensive and updated statistical data on the extent of gender-based violence in Belgium.⁴⁴

45. The Committee on the Rights of Persons with Disabilities recommended that Belgium ensure that: (a) persons with disabilities, including women and girls with disabilities, were provided with accessible information on how to avoid, recognize and report cases of violence, including gender-based violence; (b) persons with disabilities who were victims of exploitation, violence or abuse had access to independent complaint mechanisms and appropriate remedies, such as redress and adequate compensation, including rehabilitation; and (c) services for victims of gender-based violence, including support measures, centres for victims of sexual assault and emergency shelters, were accessible to women and girls with disabilities, including by ensuring that buildings and facilities, information and communication were accessible and disability-related support and assistance was provided.⁴⁵

2. Children

46. The Committee on the Rights of Persons with Disabilities recommended that Belgium amend legislation at all levels of government to ensure the right of children with disabilities to express their views freely on all matters affecting them and allocate sufficient resources to develop and provide the support measures necessary for children with disabilities and the persons caring for them, in order to avoid their placement in institutions and in other non-inclusive structures.⁴⁶

47. With regard to the right to live independently and be included in the community, the same Committee recommended that Belgium provide support to children with disabilities and their caregivers to allow them access to non-segregated services, for example, in school, leisure and accommodation, on an equal basis with other children.⁴⁷

3. Persons with disabilities

48. Recalling its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals, the Committee on the Rights of Persons with Disabilities recommended that, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, Belgium: (a) enhance protection against discrimination by revising and implementing legislation at the federal and regional levels; (b) create reporting centres and conduct surveys to collect the data necessary for the documentation of discrimination, particularly intersecting discrimination; and (c) establish a single point of contact, covering the federal, regional, community and municipal levels, for victims of discrimination to file complaints.⁴⁸

49. Recalling its general comment No. 5 (2017), its guidelines on deinstitutionalization, including in emergencies, and a report of the Special Rapporteur on the rights of persons with disabilities on the transformation of services for persons with disabilities, the same Committee recommended that Belgium: (a) ensure that persons with disabilities, including persons with intellectual and/or psychosocial disabilities, could effectively exercise their right to live independently and be included in the community; and (b) cease the practice of actively promoting the placement in psychiatric hospitals and other institutions in Belgium of persons with disabilities who resided in France.⁴⁹

4. Migrants, refugees and asylum-seekers

50. The International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement noted that migrants in Belgium were highly vulnerable to racial discrimination and other human rights violations by law enforcement and other authorities and that the lack of legal documents hindered the access of migrants in irregular situations to basic services, with a dire impact on their enjoyment of human rights.⁵⁰

51. The Expert Mechanism stressed that access to housing was particularly critical in the absence of proper documentation, leading to homelessness, and that the intervention of the police to remove homeless migrants from accommodation risked escalating the situation and resulting in violations of the use of force. It noted that there were reports of criminalization and dehumanization of African asylum-seekers and undocumented migrants and allegations of instances of excessive use of force and harassment against them.⁵¹

52. The Committee on the Rights of Persons with Disabilities recommended that Belgium coordinate the various levels of federal government to remedy the exceedingly long duration of reception processes and provide services to all persons with disabilities requesting international protection, including by ensuring speedy assessments of impairment and the provision of the requisite support requirements, procedural accommodation, reasonable accommodation, essential services, disability-related support and accessible housing and accommodation, including for undocumented migrant families with children or family members with disabilities.⁵²

53. The International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement noted that the overpolicing of individuals perceived as foreigners, including Africans and people of African descent, placed undocumented migrants at particular risk of being searched and detained.⁵³

54. The Expert Mechanism recommended that Belgium ensure that migration status did not influence decisions on criminal deprivation of liberty and access to alternatives to detention, in both the pretrial and the post-sentencing phases.⁵⁴

5. Stateless persons

55. The Committee on the Elimination of Discrimination against Women urged Belgium to establish legal safeguards and effective remedies for individuals whose nationality, residence permit or passport had been revoked since their names or those of close relatives were included in databases for preventing and combating terrorism and regulate the granting of nationality or residence permits to persons recognized as stateless. It recommended defining and implementing a clear procedure for the repatriation of children born to Belgian citizens from areas of conflict, respecting at all times the best interest of the children.⁵⁵

Notes

- ¹ [A/HRC/48/8](#), [A/HRC/48/8/Add.1](#) and [A/HRC/48/2](#).
- ² [CERD/C/BEL/CO/20-22](#), para. 32.
- ³ [A/HRC/60/75/Add.1](#), para. 89 (t).
- ⁴ *Ibid.*, para. 89 (v).
- ⁵ [CEDAW/C/BEL/CO/8](#), para. 18.
- ⁶ *Ibid.*
- ⁷ [A/HRC/60/75/Add.1](#), para. 89 (w) and (x).
- ⁸ [CEDAW/C/BEL/CO/8](#), para. 54.
- ⁹ [CRPD/C/BEL/CO/2-3](#), para. 11.
- ¹⁰ [CERD/C/BEL/CO/20-22](#), para. 14.
- ¹¹ *Ibid.*
- ¹² [A/HRC/60/75/Add.1](#), para. 20.
- ¹³ *Ibid.*, para. 20.
- ¹⁴ *Ibid.*, paras. 29–31.
- ¹⁵ *Ibid.*, para. 89 (a) and (b).
- ¹⁶ *Ibid.*, para. 89 (c).
- ¹⁷ *Ibid.*, para. 89 (d).
- ¹⁸ *Ibid.*, para. 89 (o).
- ¹⁹ [CEDAW/C/BEL/CO/8](#), para. 14.
- ²⁰ *Ibid.*
- ²¹ [CRPD/C/BEL/CO/2-3](#), para. 29 (c).
- ²² UNESCO submission for the universal periodic review of Belgium, paras. 26 and 27.
- ²³ *Ibid.*, para. 30 (iii).
- ²⁴ *Ibid.*, para. 30 (iv).
- ²⁵ [CEDAW/C/BEL/CO/8](#), para. 59.
- ²⁶ *Ibid.*, [CEDAW/C/BEL/CO/8](#) para. 60.
- ²⁷ *Ibid.*, [CEDAW/C/BEL/CO/8](#) para. 34 (a).
- ²⁸ *Ibid.*, [CEDAW/C/BEL/CO/8](#), para. 34 (b)–(d).
- ²⁹ *Ibid.*, [CEDAW/C/BEL/CO/8](#) para. 43 (a)–(c).
- ³⁰ *Ibid.*, [CEDAW/C/BEL/CO/8](#), para. 43 (d) and (e).
- ³¹ [CRPD/C/BEL/CO/2-3](#), para. 59 (a).
- ³² *Ibid.*, para. 59 (b).
- ³³ [CEDAW/C/BEL/CO/8](#), para. 48.
- ³⁴ [CRPD/C/BEL/CO/2-3](#), para. 47 (a).
- ³⁵ *Ibid.*, para. 47 (b).
- ³⁶ [A/HRC/60/75/Add.1](#), para. 80.
- ³⁷ UNESCO submission, para. 25 (i), (ii) and (v).
- ³⁸ [CRPD/C/BEL/CO/2-3](#), para. 48.
- ³⁹ *Ibid.*, paras. 48 and 49.
- ⁴⁰ [CEDAW/C/BEL/CO/8](#), paras. 49 and 50.
- ⁴¹ *Ibid.*, para. 50.
- ⁴² [CRPD/C/BEL/CO/2-3](#), para. 13.
- ⁴³ *Ibid.*, para. 35.
- ⁴⁴ [CEDAW/C/BEL/CO/8](#), para. 25.
- ⁴⁵ [CRPD/C/BEL/CO/2-3](#), para. 33.
- ⁴⁶ *Ibid.*, para. 15.
- ⁴⁷ *Ibid.*, para. 39.

⁴⁸ Ibid., para. 11.

⁴⁹ Ibid., para. 39.

⁵⁰ [A/HRC/60/75/Add.1](#), para. 69.

⁵¹ Ibid., paras. 69 and 70.

⁵² [CRPD/C/BEL/CO/2-3](#), para. 37.

⁵³ [A/HRC/60/75/Add.1](#), para. 70.

⁵⁴ Ibid., para. 89 (p).

⁵⁵ [CEDAW/C/BEL/CO/8](#), para. 40.
