

QUESTIONS PUT BY THE RAPPORTEUR

IN CONNECTION WITH THE CONSIDERATION OF
THE FOURTEENTH TO FIFTEENTH PERIODIC REPORTS OF
BELGIUM
(CERD/C/BEL/15)

Composition of the population

1. Please provide updated information regarding the composition of the population, including languages spoken, national or ethnic minorities, immigrants, asylum seekers and refugees (if statistical data is not available, estimates would be useful). Please also provide information on the activities of the inter-ministerial working group discussing the issue of ethnic data collection.

Definition of racial discrimination

2. Please explain the extent to which the definition of racial discrimination in national legislation is in line with the definition provided in article 1, paragraph 1 of the Convention. Did the “anti-racist Act” of 10 May 2007 modify this definition?

Centre for Equal Opportunity and Action to Combat Racism

3. Recalling the recommendation made by the Committee in its previous concluding observations, please provide information on the mandate, composition, independence, resources, activities and results of the activities of the Centre for Equal Opportunity and Action to Combat Racism. Is the State party considering establishing an independent national human right institution in accordance with the Paris principles (GA Resolution 48/134 of 20 December 1993)?

Article 2

4. Please provide detailed information on the objectives, implementation and results of the ten-point action federal plan on racism, anti-Semitism and xenophobia described in § 44 of the report, and especially on the special unit (§ 47 of the report) created in March 2005 to monitor racist messages on the Internet. Please also provide further information on the functioning of the “tolerance barometer” and indicate which conclusions have been reached (§ 47 of the report).

Article 3

5. Please indicate which measures the State party has adopted to prevent and combat *de facto* segregation in certain urban areas, in particular with regard to Travellers, Gypsies and Roma, and provide information on the impact of these measures.
6. According to information before the Committee, some schools in Brussels are mainly attended by children of foreign origin and from disadvantaged social background. What measures is the State party taking to prevent such *de facto* segregation in education?

Article 4

7. According to information before the Committee, part of the acts on discrimination was annulled by the Belgian constitutional court in 2004. Please provide information about the decision of the Constitutional Court and its impact and indicate in particular the implications, if any, regarding some of the elements mentioned in § 21 of the report. Are the two bills mentioned in § 25 of the report (on the suspension of certain civil and political rights applicable to persons convicted for racism and xenophobia) meant to reintroduce some of the provisions that were annulled by the Constitutional Court? Were the two bills enacted in 2007?
8. Please provide detailed information on the provisions of the “anti-racist Act” of 10 May 2007. How does the act improve the previous legislation, in particular regarding the length of procedures for the investigation of complaints by victims of racial discrimination.

9. According to information before the Committee, the Vlaams Belang has initiated a complaint before the Constitutional Court to declare void a provision of the Act on racial discrimination adopted on 10 May 2007 criminalizing hate speech, based on the allegation that it violates freedom of expression. Please provide information on this complaint. Is it correct that a group of citizens not connected to Vlaams Belang have brought a similar complaint?
10. Is the State party considering withdrawing its reservation to article 4?
11. Taking into account the mandatory nature of article 4 of the Convention, does the State party plan to enact legislation declaring illegal and prohibiting any organization which promotes or incites to racism and racial discrimination?
12. Please provide information on the political platform/manifesto of the Vlaams Belang (§ 36 of the report). Have any steps been taken to monitor the Vlaams Belang and has it been found to promote in any way racial hatred and discrimination? Did the first complaint filed under the Act of 4 July 1989 and Royal Decree of 31 August 2005 in late 2005 (§ 29 of the report) concern the Vlaams Belang? What is the status of this complaint and is the procedure still suspended in the State Council? If so, for what reason? Have any other cases been brought?
13. Was the appeal in “cassation” of the sentence dated 18 April 2006 of the Brussels Appeal Court against the chairman of the “Front national” confirmed? Has the sentence been executed?

Article 5

14. Since articles 10 and 11 of the Constitution only apply to Belgian nationals and bearing in mind general recommendation 30 of the Committee on non-citizens, please provide further information on the extent to which non-citizens enjoy protection against racial discrimination under national legislation.

15. According to information before the Committee, there is widespread use of detention for asylum-seekers, including unaccompanied children. Is the State party considering changing this policy?
16. Information has been received that expulsions of foreigners have taken place with excessive brutality. What measures is the State party taking to prevent such situations? Please provide specific information on the “lasting solutions” to be found for unaccompanied minors (§§ 136 to 139 of the report).
17. Please provide detailed information on the exact components of the “civic integration programme” (§ 94 of the report) and how many persons newly arrived are following it, and with which results. Is there a similar program in Wallonia? Please provide information on the results of the decree on social cohesion (§ 111 of the report)?
18. According to a study, minors of foreign origin are treated more severely by the juvenile courts than others. Does this also apply to the treatment of adults? Please comment and indicate which measures have been taken to prevent such discrimination in the criminal justice system (See the Committee’s General Recommendations 30 and 31).
19. According to information before the Committee, racial discrimination against Belgians of foreign origin and persons belonging to ethnic minorities, migrant workers and members of their families, members of the Muslim community and Roma is still widespread among some sectors of the population, especially in the fields of employment, housing, health, education, and access to public places. Please provide information on measures taken to prevent this situation, especially with regard to employment.
20. According to information before the Committee, many immigrants have encountered difficulties regarding the recognition of their foreign diplomas, thus hindering their integration in the labour market. Have measures been taken to improve this situation?

21. Please provide additional information on the measures taken to ensure the equal enjoyment of economic, social and cultural rights by Roma and Travellers in the State party, bearing in mind that the “reception and support policy” (§ 86 of the report) does not confer them any automatic right to welfare. As the report contains more concrete information on the steps taken to ensure the rights of Travellers in Flanders than in Wallonia, please provide additional information regarding the situation in this part of the territory of the State party (§§ 70 and 89 to 91 of the report).

22. According to information before the Committee, a decree adopted by the Flemish region on 15 December 2006 limits access to social housing to persons speaking or learning Flemish. Please explain the compatibility of this decree with the Convention.

23. According to studies undertaken in the State party, the majority of begging children are children of Roma origin who face an integration problem into the community as well as with regard to schooling. What are the targets for school attendance by Roma children (§90 of the report)?

24. Please provide updated information on the trafficking of children and young adults into Belgium, including for the purpose of prostitution and sports, and on the measures taken to prevent this phenomenon and to protect victims. Please also provide information on investigations, prosecutions and convictions in this regard, including of Belgian citizens involved in child sex tourism.

Article 6

25. Please clarify further the status of the Convention in the domestic legal order of the State party. Which provisions of the Convention “having direct effect” can be directly invoked before national courts (§ 292 of the report)? Please provide examples of such cases, if any. Which non “self-executing provisions” of the Convention needed to be incorporated in domestic law? Please specify which ones have yet to be incorporated?

26. According to the statistics mentioned in the report (§§ 264 and 265 of the report), the number of racists offences has increased. What explanation does the State party have for this phenomenon and which specific measures have been taken to prevent such offences? Please indicate the type of complaints and their outcome, and explain why a majority of complaints for racism (approximately 70 %) have been dismissed (§ 267 of the report). Please comment on the information before the Committee according to which complaints of discrimination in employment are rarely brought before the courts. Please explain why this may be the case and provide examples of cases brought to the courts and their outcome. What has been the impact of the increased role given to labour inspectors to monitor compliance with anti-racism and anti-discrimination legislation (§ 20 and 21 of the report)?
27. Please indicate what measures, in addition to the new circular mentioned in § 307 of the report, have been taken to combat and prevent acts of racial discrimination perpetrated by the Police (§ 303 of the report)? What is the status of the implementation of the new circular? Please provide detailed information on the outcome of the complaints against racial discrimination by Police officers (Annex A of the report) and update the information on the two cases of racially motivated violence and police brutality mentioned by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Please provide information on the plan to increase the recruitment of members of ethnic minorities in the police to reflect the diversity of Belgian society.
28. Please provide information on the total number of complaints received by the Centre for Equal Opportunity and Action to Combat Racism and their outcome. Please also provide information regarding the number and outcome of notifications of acts of racial discrimination by the Centre to the Standing Committee P or the Police Inspector-General's Office. How may the Centre react if the Standing Committee P or the Police Inspector-General's Office considers that it should not prosecute alleged acts of racial discrimination? What measures have been taken to ensure greater efficiency and independence to the Standing Committee P? (§ 298 of the report)

Article 7

29. What measures promoting tolerance have been taken at the federal level to combat prejudice and promote tolerance between the French-speaking and Flemish-speaking communities?

30. According to various sources available to the Committee, racists, xenophobic, anti-Semitic and anti-Muslim acts persist in the State Party, despite the efforts to combat such phenomenon. Please provide statistical data on their occurrence and inform the Committee on the policies and measures adopted to combat such acts including awareness raising campaigns and other effective public education measures and measures adopted by the State party with regard to the role of the media in promoting racial tolerance.

31. Please provide detailed information on any specific training programmes and courses for members of the judiciary, law enforcement officials and other public officials on the provisions of the Convention and their application.
