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**Human Rights Committee**
**100th session**

**Summary record of the 2751st meeting**
Held at the Palais Wilson, Geneva, on Friday, 15 October 2010, at 10 a.m.

*Chairperson*: Mr. Iwasawa

## Contents

*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant** (*continued*)

*Fifth periodic report of Belgium* (continued) (CCPR/C/BEL/5; CCPR/C/BEL/Q/5; CCPR/C/BEL/Q/5/Add.1)

1. *At the invitation of the Chairperson, the delegation of Belgium took places at the Committee table.*

2. **The Chairperson** invited the Belgian delegation to continue its replies to questions raised by the Committee members at the previous meeting.

3. **Mr. Brauwers** (Belgium) said that, on 21 July 2009, the United Nations Security Council Sanctions Committee had decided to remove Ms. Vinck's and Mr. Sayadi's names from the list of persons and entities belonging to or associated with Al-Qaida and the Taliban, in line with which Council of the European Union regulation No. 881/2002, imposing restrictive measures against certain persons and entities, had been amended, and Ms. Vinck's and Mr. Sayadi's names removed from the list of individuals targeted by the freeze of funds and economic resources. That amendment had been published on 28 July 2009 in the Official Journal of the European Union. Since the legal proceedings were still pending, the delegation would refrain from making any comment on the matter of compensation.

4. **Ms. De Souter** (Belgium) said that the country's criminal policy put emphasis on alternatives to imprisonment, such as community service, which had been introduced in 2002. Conditional release was used to replace preventive detention. Various methods were adopted to promote the use of that type of measure. Consultative mechanisms had been set up at local and federal levels to bring the people involved together and facilitate exchange of information. Training courses had also been organized, for the judiciary among others. Each community justice centre had a coordinator for alternative measures, responsible for raising awareness among those primarily concerned and the general public. More than 10,000 cases had been referred for community service in 2009. While the current system was working satisfactorily, it did have possible limitations in respect of the conditions required for community service if only the need to find enough jobs for the persons convicted.

5. Corporal punishment was not a specific offence under Belgian legislation, but it was directly addressed by a certain number of provisions. Children's right to respect for their physical and mental integrity was referred to in article 22 bis of the Constitution, and protected by article 371 of the Civil Code. Corporal punishment could imply both bodily assault and degrading treatment, which were punishable under articles 398 et seq. of the Criminal Code. The Criminal Code also provided for aggravating circumstances in the case of ill-treatment of a minor by his or her parents or any other person with authority over him or her. A Ministry of Justice circular dated 21 October 2008 specifically referred to the definition of corporal punishment adopted by the Committee on the Rights of the Child.

6. There were many prevention and assistance mechanisms, particularly in terms of family support, to protect children. The federal authorities had set up two independent agencies: the Perinatal and Children's Service for the French Community, and Kind en Gezin for the Flemish Community. They provided a wealth of information and advisory services, as well as individual support for families, and endeavoured to ensure that children were brought up in an atmosphere of due respect, banning corporal punishment and proposing educational solutions.

7. The 2006 reform of the Youth Act strengthened the measures that juvenile judges could take to deal with young offenders. They were all based on the principles of subsidiarity and restorative justice, and were aimed at restricting the use of custodial sentences for minors as far as possible. Rehabilitation measures included supervision by the social services, intensive educative support, outpatient treatment in the mental health services, and mediation or restorative conferencing. Electronic surveillance was never used with minors.

8. **Mr. Sempot** (Belgium) said that, in theory, court decisions concerning minors were implemented at community level. However, the State did play a supporting role in three federal centres (Everberg, Tongres and Saint-Hubert), where a number of places were set aside for minors. That back-up capacity was used only when no juvenile places were available in community establishments, and then for not more than a maximum period of two months and five days.

9. **Mr. Vidal** (Belgium) said that the Flemish Community also had some 100 places for young people in two of its closed centres. The courts did nevertheless try wherever possible to place juveniles in open centres or day treatment centres. In all cases, the education team maintained close contact with the family in order to prepare and facilitate the return home.

10. **Mr. Clairbois** (Belgium) said that the French Community had four public institutions for the protection of young persons, with a total of 69 closed regime places, in Braine le Château, Fraipont, Wauthier-Braine and Saint-Servais. Reintegration and rehabilitation measures were used in preference, however, as they were tailored to the individual and made maximum use of external resources, particularly in relation to keeping the young person in school or literacy classes. Emphasis was put on partnership with the families and the judicial authorities.

11. **Mr. Wanderstein** (Belgium) said that police activities were subject to rigorous monitoring under the Police Functions Act, the Police Service Code of Ethics, and the Integrated Charter of Police Values. Guidelines on the hierarchic internal monitoring mechanisms were currently under revision. The external monitoring mechanisms were the Inspectorate-General of Police, which came under the Ministry of the Interior and the Ministry of Justice, and Committee P, under Parliament. Committee P's reports did not show any negative trend regarding ill-treatment by the police. The Committee had, however, found that more than 80 per cent of complaints made against the police were baseless; it was therefore considering establishing a procedure to penalize unjustified complaints. Committee P was composed of five elected members of Parliament, who were thus independent of the police. It had an investigating department for field investigations that consisted mainly of police officers on secondment. However, the quota setting a 50 per cent minimum of police personnel in that department had been repealed, and the proportion of statutory members who were not from the police had gradually increased.

12. The use of tasers was governed by articles 1 and 37 of the Police Functions Act on the use of constraint and force, by the Royal Decree of June 2007 on the weapons of the integrated police service, and by Ministerial Circular GPI62 of 2008. It was subject to prior ministerial authorization, and required individual training and regular practice sessions. Only special units of the federal police and one specialized unit of the Antwerp police currently had staff who were trained and authorized to used tasers. Each use had to be recorded by the unit concerned and the Department for Prevention and Well-being in the Workplace had to be informed. Tasers had been used fewer than 10 times in 2009. Recently, more authorization requests had been received from local police departments faced with several very violent incidents involving the use of firearms. On 5 October 2010, the Minister of the Interior had stated her opposition to the more widespread use of tasers. She was, however, still considering the requests and would give her decision in the light of a study on the issue by the University of Liège, a report of the European Committee for the

Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and an opinion from the Department for Prevention and Well-being in the Workplace.

13. The mass arrests that had taken place on 29 September and 1 October 2010 needed to be put in context, which in both cases was the negotiated use of a public place. On 29 September, between 50,000 and 80,000 people had arrived to take part in a European trade union demonstration, the route of which had been decided by the police in consultation with the organizers. At the same time, the one-week No Border Camp in Brussels had attracted a number of anarchist extremists, which had been deemed a real threat to public order. The campers had agreed to remain neutral and to keep control of the extremist elements in their ranks. Despite the prior agreements, however, some individuals had seriously disrupted the demonstration on 29 September. Taking account of the views of the Threat Analysis Coordination Agency (OCAM) and the results of bags searches, the police had carried out checks and made administrative arrests. On 1 October, 100 people had been apprehended during a banned rally in Saint-Gilles and Forest. The Mayor had taken the decision, in consultation with the law enforcement forces, for security reasons. The arrests had avoided violence that could have led to deaths and serious damage. No individual complaints had as yet been received.

14. **Mr. Charlier** (Belgium) said that a major anti-discrimination public awareness campaign had been organized to mark the adoption of three anti-discrimination acts on 10 May 2007 during the European Year of Equal Opportunities for All. A free telephone hotline to report cases of discrimination had been set up jointly by the Centre for Equal Opportunities and the Institute for Equality between Women and Men. In 2010, the Walloon Region had held a Stop Discrimination campaign in application of the anti-discrimination decree. A brochure was being distributed to the French Community.

15. The College of Senior Crown Prosecutors circulars Nos. 6/2006 and 14/2006 allowed the police and courts to record racist or homophobic motives. The data on racist and homophobic offences had been published for some years. A new system for processing discrimination cases that facilitated data collection had been introduced in 2009 and was eventually to be extended to all units engaged in combating discrimination. A “diversity barometer” project was also being considered to produce figures on prejudice and discrimination against specific target groups (such as women, foreigners, young people and older persons). It was supported by all the federal and federated entities.

16. The federal, regional and community institutions coordinated their anti-discrimination work. The discussions on making the Equal Opportunities Centre an interfederal body had indeed been suspended pending the formation of a new Government. However, the Centre had signed several protocols on collaboration with the French Community and the Walloon Region, and staff had been taken on at regional and community level to deal with discrimination issues. Training and diversity awareness and intercultural communication activities were also being organized in consultation with the Flemish Community. Finally, a specific convention on employment had been signed with the Brussels Region.

17. Information and awareness-raising measures and incentives were deployed to ensure implementation of laws against discrimination on grounds of disability, but legal action was rarely taken. Convictions had, however, been handed down for disability-based discrimination, such as in the case of a tour operator who had refused to allow a deaf person to join an organized tour, citing security reasons. Another court order had decried the lack of funding for integrating deaf children into the educational system.

18. High female unemployment was partly due to the fact that women tended to have fewer qualifications, although that situation had been improving over the previous decade. The most recent unemployment figures for the Walloon Region showed that women no

longer formed the majority of the unemployed, but that was more a consequence of the rise in unemployment among men because of the economic and financial crisis than of an actual reduction in female unemployment. At federal level, the introduction of in-service training for part-time workers, most of whom were women, was a significant step forward, as it allowed them to expand their range of skills and increase their chances of promotion. Since 2006, an annual report had been produced on the trend in wage differentials between men and women. The most recent report had shown a slight fall, from a gap of 17 per cent in 2006 to one of 16 per cent in 2010. The Institute for Equality between Women and Men had conducted a study of the double discrimination that could be suffered by women and girls with disabilities, which was available on request. The Flemish Community had begun discussing multiple discrimination and action would be taken before the end of the year.

19. **Mr. Clairbois** (Belgium) said that the French Community had launched an awareness-raising campaign on discrimination, called "*Discrimination toi-même*", aimed at young people between the ages of 12 and 18. The idea was to give them comprehensive information on the law and how it was applied, and explain in a clear and amusing way the concepts of discrimination, incitement to hatred, racism and sexism.

20. **Ms. Grisard** (Belgium) said that measures aimed specifically at women and people with disabilities had been adopted in the framework of the 2004–2007 and 2008–2009 action plans to increase diversity within public service personnel. The strategy laid out in the new 2009–2010 action plan still included measures according to target group but was aimed more at encouraging neutrality in human resources. The most recent World Economic Forum report on representation of women in 134 countries showed that Belgium, which had risen from thirty-third ranking in 2009 to fourteenth in 2010, had made significant progress in terms of women's participation in economic and public life. There were many examples of women in high-level positions of responsibility in both politics and the economy. Several women were members of the federal Government and regional governments, and sat on the boards of a number of large public companies. The Belgian Company Management Code expressly stated that both women and men must be included on company boards. The 3 per cent quota for representation of persons with disabilities in the federal public service set by the Royal Decree of 5 March 2007 had not yet been achieved. Measures had been taken to encourage the recruitment of such persons, particularly by adapting working conditions to take account of their specific needs. A commission had been set up in February 2009 to assess the situation concerning their employment in the federal public service and to give the Government policy advice. Its first report had shown very little improvement in the representation of persons with disabilities in the public workforce over recent years, from 0.8 per cent in 2004 to 0.9 per cent in 2008. The commission's recommendations were being studied by the Government and would be taken into account in formulating more effective action in favour of integrating persons with disabilities in the pubic service. The measures to encourage their recruitment had, however, been taken only relatively recently, and time would be needed before any significant results could be seen.

21. **Mr. Vidal** (Belgium) said that the Constitutional Court had judged the Flemish Housing Code to be in accordance with the rights guaranteed under the Constitution and international instruments. The Flemish Government had used its powers of administrative oversight to annul several decisions by municipal councils that set language conditions that violated the Constitution and the Covenant.

22. **The Chairperson** thanked the delegation for its replies and invited the members of the Committee to ask further questions.

23. **Mr. Thelin** welcomed the fact that the use of tasers was restricted to specially trained units but said that they nevertheless remained dangerous, and potentially lethal, weapons. It seemed, moreover, that there were plans for extending their use by the police

and that was a matter of concern. It would be useful, before any decision was taken, if the Government were to commission a study of the extent and effects of their use since they had first been introduced in 2007.

24. **Mr. Amor** thanked the delegation for the information it had given in response to his question about follow-up to the Committee's decision on the *Sayadi and Vinck* case. He would like additional information on whether any particular body had specific responsibility for implementing the Committee's Views.

25. **Mr. El-Haiba** said that, while he understood the technical and political problems posed by the establishment of a national human rights institution in the State party, he feared that the existence of a variety of institutions in the regions and communities, with different powers and capacities, could be counterproductive. The creation of a national institution would avoid that risk. It would also help prepare for the national mechanism that Belgium was required to set up under the Optional Protocol to the Convention against Torture.

26. **Mr. Tysebaert** (Belgium) said that the Government was working on setting up a coordination mechanism that would look at all the treaty body recommendations and decide on the measures required and the appropriate actors to implement them.

27. **Mr. Wery** (Belgium) said that the different competences at regional and community levels that were inherent to the country's federal system were not counterproductive but, rather, reflected their complementary nature and enhanced the effectiveness of their work. He was not saying that a national human rights institution would not be useful, but it did not, at that juncture, appear indispensable, since the existing mechanisms were fulfilling their role quite adequately.

28. **Mr. Wanderstein** (Belgium) said that tasers had been tested for three years before being authorized for use in 2007. The special unit personnel who were currently the only officers allowed to carry them received very thorough training. Even among the police, there was much reluctance to allow their wider use. A study would be carried out before any decision was taken.

29. **The Chairperson** thanked the delegation and invited it to respond to questions 18 to 27 of the list of issues.

30. **Mr. Tysebaert** (Belgium) said that a number of national action plans had been introduced to combat human trafficking. A multidisciplinary strategy had been drawn up to take account of all aspects of trafficking, and particularly that of protecting the victims. The law guaranteed access to a doctor as soon as an individual was detained. All the departments that dealt with arrests had very clear instructions on the matter and the necessary arrangements had been made to ensure their implementation. Work was currently under way to modify legislation on access to a lawyer to comply with the European Court of Human Rights' judgement in the *Salduz* case. In respect of deportations, it was planned that the Inspectorate-General of Police would make the necessary checks to ensure that they were carried out in accordance with the law and the rights of the person being expelled. A watchdog unit had been set up within the Centre for Equal Opportunities and Action to Combat Racism to ensure that all complaints concerning anti-Semitic acts were followed up; it had held its 25th meeting in June 2010. The Centre had also carried out a study of the phenomenon of Islamophobia. An information leaflet and a stage play on forced marriage had been produced and disseminated on the initiative of the French Community.

31. **The Chairperson** thanked the head of the Belgian delegation and invited the Committee members to ask additional questions.

32. **Ms. Majodina** said that, while the police action plans and programmes to combat human trafficking that were described in detail in the written responses should be

applauded, the measures planned to protect the victims seemed quite inadequate and needed to be strengthened. In 2008, the Committee against Torture had made several recommendations in that respect (CAT/C/BEL/CO/2), particularly on ensuring that assistance to victims should not be conditional on their cooperation with the authorities, and on considering granting them temporary residence permits. It would be interesting to know whether any steps had been taken to follow up those recommendations. Belgium had not ratified the Council of Europe's Convention on Action against Trafficking in Human Beings; did it intend to do so?

33. Appeals by foreigners detained in closed centres that challenged the lawfulness and conditions of their detention were still problematic because they were not really effective. The Council of Europe's Commissioner for Human Rights had highlighted the problem in his report on his visit to Belgium from 15 to 19 December 2008. The situation had indeed changed to a certain extent, with the amendments to the Act of 15 December 1980 on the entry, temporary and permanent residence and removal of aliens; however, appeals against an expulsion or a deportation order did not always have proper suspensive effect, as the five-day deadline was still insufficient. It was, moreover, practically impossible for persons who had been expelled to lodge a complaint in cases where the police had used excessive means during deportation proceedings.

34. In respect of the measures taken to improve the monitoring of deportation operations, and to ensure that individuals who suffered ill-treatment during deportation had access to effective remedy and compensation, it seemed from the written replies that surprisingly few complaints had been lodged by foreign nationals compared to the number of persons concerned (3 complaints in 2004 and 6 in 2008), which called for an explanation.

35. **Sir Nigel Rodley** said he believed that Belgium intended to modify its legislation in response to the European Court of Human Rights' 27 November 2008 judgement in the *Salduz* case to allow access to a lawyer from the first hours of detention. What was the practice while the legal steps to do so were being taken?

36. **Mr. Amor** said that he was not sure whether Belgian legislation on anti-Semitism, racism, xenophobia and violence, which seemed well developed, and the commendable action taken by the authorities were enough to contain those practices, which were growing both in Belgium and in the other countries of Europe. It would be interesting to know how many incidents of an anti-Semitic nature had been reported, and what investigations and prosecutions had resulted. Given the increasing number of such incidents, it would also be useful to know whether the authorities intended to take any additional measures to contain the trend. In its written replies, the State party had mentioned the existence within the Centre for Equal Opportunities and Action to Combat Racism of a watchdog unit responsible for collecting, analysing and investigating all complaints related to acts of anti-Semitism. The delegation might provide more information on the activities of the unit, its composition and whether its mandate enabled it to take cases to court when it found that acts of an anti-Semitic nature had been committed. There was also an increasing number of incidents of an Islamophobic nature and the Muslim issue was being politicized. It seemed that political parties were making it their stock-in trade and even those political organizations known for their moderation did not dare protest against that tendency since there was little they stood to gain by doing so. It could be questioned whether the Belgian State's reaction to the phenomenon had been as effective as it might have been. In its consideration of the State party's previous periodic report, the Committee had found that there was not a single mosque in Belgium; had the situation changed since then?

37. It also seemed that the Belgian State was not able or not willing to ban racist and neo-Nazi organizations, which seemed to be gaining ground once again. It even gave funding to extremist organizations and parties that propagated hatred, violence, racism and

xenophobia; that amounted to fuelling extremism, which it said it wanted to repress. The rise in extremism called for greater firmness from the authorities.

38. **Mr. Salvioli** asked whether offenders aged between 16 and 18 could be tried in adult courts, an issue of concern to the Committee on the Rights of the Child. The State party's measures to prevent and prohibit forced marriage were to be welcomed; it would be interesting to know whether the courts had made use of the provisions yet. In its concluding observations, the Committee on the Rights of the Child had also recommended that the State party develop comprehensive prevention and sensitization programmes to combat bullying and any other forms of violence in schools; what had been done to implement the recommendation?

39. **Ms. Chanet** said that the alternatives to imprisonment mentioned by the delegation as ways of avoiding overcrowding in prisons were very interesting and could usefully be applied to persons held in administrative detention prior to expulsion. It was surprising that none of the court decisions mentioned in respect of discrimination concerned linguistic discrimination. The delegation had explained that Belgium was not able to legislate on police custody because its Parliament was not operational. Was the current custody regime, which did not provide for the presence of a lawyer, still applied, or was European Court of Human Rights case law, including the Salduz, Dayanon and Brusco judgements, enforced in practice? Did the courts consider confessions made in police custody, without the presence of a lawyer, to be admissible evidence?

*The meeting was suspended at 11.50 a.m. and resumed at 12.05 p.m.*

40. **Ms. Van Lul** (Belgium), responding to the questions on human trafficking, said that Belgium had ratified the Council of Europe Convention on Action against Trafficking in Human Beings, which had come into effect on 1 August 2009. The Act of 15 December 1980 on the entry, temporary and permanent residence and removal of aliens had been amended to transpose into national legislation Directive 2004/81/CE, adopted by the Council of the European Union on 29 April 2004, on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. That Directive provided for protection against trafficking as well as against certain forms of people smuggling, and included provisions related to minors. In addition, the circular of 26 September 2008, laying out the provisions for care and support for potential victims of trafficking, specified the requirements for obtaining the status of victim. In line with those texts, victims of trafficking were entitled to psychosocial, medical, legal and administrative assistance.

41. With regard to appeals available to foreigners detained prior to expulsion, the Act of 15 December 1980 on the entry, temporary and permanent residence and removal of aliens had been amended by the Act of 6 May 2009 establishing various provisions on asylum and immigration. Foreigners thus had a period of five days, instead of 24 hours, in which to submit an emergency appeal. There could be no forced removal or refoulement without the consent of the person concerned within less than five days, or at the earliest three working days, after notification of the removal order. In practice, the deadline set for foreigners to lodge an appeal was sufficient for the competent bodies to consider it. Under article 72 of the Act of 15 December 1980, the Council Chamber must ensure the lawfulness and proportionality of the custodial measure and the removal measure. It must verify the need for continued detention in the light of the objective, which was the removal of a foreigner in an irregular situation or who did not meet the conditions for entry or stay. Any foreigner arriving at the borders of Belgium without meeting those conditions could be held in a closed centre and had the possibility of lodging a request for asylum. Foreigners illegally or irregularly resident could also be held in a closed centre and be subject to an order to leave the country, within a time limit soon to be modified with the transposition into Belgian law

of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, applicable in the Member States to the return of nationals of third countries in an irregular situation, referred to as the "return directive". Voluntary return was generally encouraged; detention in a closed centre was only resorted to when a series of other measures had proved ineffective.

42. Moreover, since 1 October 2008, families with children who did not leave the country on their own initiative could be placed in accommodation units that were governed by the Royal Decree of 14 May 2009, modified on 22 April 2010 to admit families with children who arrived at one of the country's borders without meeting the conditions for entry and stay. The use of force was governed by the Police Functions Act of 5 August 1992 and the police departments had received extensive training on the principles of legality, subsidiarity, appropriateness and proportionality laid out in articles 1 and 37 of the Act. The use of force was thus a measure of last resort, and force had never been used as a sanction or a means of intimidation. The Inspectorate-General of the Federal Police and the Local Police (AIG) was responsible for the preventive monitoring of removal measures and for dealing with any complaints; it submitted a monitoring report each year to the Minister of the Interior. With the transposition into national law of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, it was planned to make AIG responsible for monitoring forced repatriations. The system would cover all phases of the return, from leaving the closed centre to arrival in the country of return. The Belgian State resorted to forced repatriation only when other removal measures had not worked; there had been few departures under escort with the use of force or secure flights. It was planned to set up a permanent commission to monitor policy on the removal and return of foreigners.

43. **Ms. De Souter** (Belgium) said there was no legislation that made it compulsory to ensure that a detainee had access to the services of a lawyer from the first examination. The law provided for access to a lawyer after 24 hours in detention and after the person had appeared before the examining magistrate. According to guidelines issued by the College of Senior Crown Prosecutors, where an investigation was decided on, the Crown Prosecutor would specifically request the examining magistrate not to base the arrest warrant on statements made by the suspect without prior consultation with a lawyer, but solely on other evidence. The Crown Prosecutor would also specifically request the examining magistrate, once the suspect had consulted a lawyer, to hold another hearing on the basis of the evidence, without reference to the suspect's initial statements made without prior consultation with a lawyer. The Court of Cassation had already ruled on the matter on several occasions. In a judgement of 31 March 2010, it stated, inter alia, that "article 5, paragraph 1, and article 6, paragraphs 1 and 3 (c), of the European Convention for the Protection of Human Rights and Fundamental Freedoms, as currently interpreted by the European Court of Human Rights, do not oblige the investigating courts to immediately rescind a warrant for arrest on the sole grounds that the suspect had been questioned without the assistance of a lawyer (...). Hearings conducted without the assistance of a lawyer are not, in themselves, a legal obstacle to continuation of the investigation (...)." Parliament was currently discussing amending the law in that respect.

44. Under the comprehensive 2006 reform of legislation affecting young people, several measures had been taken to provide better guidance for the system of relinquishment of jurisdiction by the courts, to reduce the number of cases concerned and to underline the exceptional nature of relinquishment of jurisdiction. The number and duration of educative and rehabilitative measures had been increased; new conditions were planned, and relinquishment of jurisdiction would be in future applicable only in the case of juveniles being tried for acts considered as offences over the age of 16. The appropriateness or

otherwise of educative or rehabilitative measures would be assessed on the basis of the young person's personality, level of maturity and peer group, and relinquishment of jurisdiction could be decided only if the young person had already been subject to rehabilitative measures that had not produced the expected results, or had committed very serious acts such as manslaughter or murder. Moreover, where the prosecutor decided to prosecute a minor after relinquishment of jurisdiction, the minor would, in theory, be tried by a specific chamber of the juvenile court, composed of three judges: two with the necessary training to be juvenile judges, and the third a Criminal Court judge. With regard to forced marriage, there were as yet no reliable statistics.

45. **Mr. Sempot** (Belgium) added that, prior to 2009, persons subject to a relinquishment of jurisdiction had been held in standard prisons. Since then, with the opening of the federal closed centres for juveniles in Tongres (17 places) for Dutch-speakers and Saint-Hubert (13 places) for French-speakers, minors whose cases were relinquished by the juvenile courts served their sentence or were held in provisional detention in specialized facilities, separate from other prisons, with specific support and supervision.

46. **Mr. Tysebaert** (Belgium) said that recognition of religions was optional in Belgium, the system in that respect being related not to freedom of religion but only to public funding; any denomination could request recognition from the authorities, including Parliament, to obtain funding. For a denomination to be recognized, it had to have a representative body. Islam had been recognized in 1974, and the Muslim Executive submitted proposals to the authorities regarding recognition of mosques. There were currently 79 recognized mosques in Belgium, and stipends were paid for 20 imams from the budget of the Federal Public Justice Service. The discrepancy between the number of recognized mosques and the number of recognized imams was due to a procedural backlog. In terms of budgeting, it was planned to recognize approximately 145 mosques of the 300 known to the authorities, and between 200 and 250 imams.

47. **Mr. Charlier** (Belgium) said that Islamophobia and anti-Semitism were covered by civil provisions prohibiting discrimination, and criminal provisions on incitement to hatred or acts with a base motive. Prosecution and conviction were thus possible. The anti-Semitism watchdog unit in the Centre for Equal Opportunities and Action to Combat Racism brought together representatives of Belgium's Jewish community and of the interior, justice and equal opportunities ministries. It was a forum for consultation between the various stakeholders and had held its 25th meeting in June 2010. The many subjects discussed over the years had included combating anti-Semitism and Holocaust denial on the Internet, and action against organized racism, with particular attention to neo-Nazi concerts; a number of projects had also been considered. The Centre had commissioned a study by the University of Liège on the effects of international events on inter-community relations in Belgium. That study had shown that international conflicts, particularly in the Middle East, had an effect on relations between the communities in Belgium. That explained why the number of anti-Semitic acts and incidents had increased significantly in 2009. Between 2004 and 2009, 437 cases linked to acts of an anti-Semitic nature had been opened. In 39 of them, assistance had been provided to the victims; cautions had been issued in 15 per cent; legal action had been brought in 12 per cent; in 6 per cent the cases had been dismissed as groundless; 8 per cent had not been sufficiently substantiated; 9 per cent had been passed on to higher authorities and the remaining cases had led to mediation and conciliation. The watchdog unit did not have the legal status that allowed it to take part in court proceedings, but the Centre did. Islamophobia was particularly present on the Internet and a watchdog unit with specific responsibility for the Internet had been set up within the Centre. It organized training activities for website moderators from the press and media, immediately demanded the withdrawal of any unacceptable content, analysed and deconstructed racist messages, including chain e-mails, and, in the most serious cases, invoked the courts.

48. **Mr. Clairbois** (Belgium) said that the delegation did not have any figures on violence and harassment at school and suggested providing them at a later date. Awareness-raising campaigns were conducted on the subject and the Delegation-General for Children's Rights of the French Community had drawn up a list of playground games that would encourage children to behave in a non-violent and non-discriminatory manner.

49. **Mr. Lallah** said that the Committee had already, in paragraph 16 of its 2004 concluding observations (CCPR/CO/81/BEL), recommended that the State party should guarantee the rights of individuals in detention to have access to a lawyer within the first few hours of detention. Since current legislation did not provide for access to a lawyer immediately on detention, but did not prohibit it either, it would be sufficient to issue guidelines to the police in that respect. It was surprising that that had not yet been done.

50. **Mr. Amor** asked whether the mosques that had been recognized were actual buildings or Muslim groups. Given the large number of mosques mentioned by Mr. Tysebaert, perhaps the mosques were actually just "prayer rooms".

51. **Ms. Majodina**, referring to paragraph 21 of the list of issues, asked what paths were open to foreigners subject to an expulsion order who wished to complain about their treatment, what inquiries had been conducted by Committee P, the AIG and the federal police, whether there had been convictions and whether any compensation had been ordered by the appeals bodies. She also asked what position was taken by the criminal justice system in respect of individuals with mental disabilities or psychiatric problems who had committed criminal offences but could not be held responsible for their acts. Information showed that 1,000 such individuals were currently in prison.

52. **Mr. Salvioli** said that the Committee had received information on the situation of persons with disabilities that led it to ask how juveniles with disabilities in institutions were guaranteed the exercise of their civil and political rights.

53. **Mr. Tysebaert** (Belgium) said that the delegation would respond in writing to the questions raised. He thanked the Committee for the very informative dialogue and exchange of ideas and said that the delegation would pass on the observations made to the political authorities, who would follow them up and ensure that the Committee's recommendations were implemented.

54. **The Chairperson** thanked the delegation of Belgium for its cooperation, which had allowed a very thorough consideration of the periodic report.

*The meeting rose at 1 p.m.*