

- ▶ take the necessary legal steps to implement article 4 (b) of the Convention and declare illegal and prohibit organizations which promote and incite racial discrimination;
- ▶ include in its next report information on complaints of discrimination under article 4 and on how the courts handle them;
- ▶ include in its next report statistical data on the ethnic composition of the Belgian population, and especially the percentage of Belgian citizens of foreign origin in the country and in the various communities, and the number of persons established in Belgium who are not Belgian citizens, including detailed information on their socio-economic situation and particularly the unemployment rate in the various ethnic communities;
- ▶ ensure through appropriate information and training, that the judicial authorities and the police treat persons of European and non-European origin in the same way;
- ▶ reconsider provisions in law that violate article 5 (d) (i) of the Convention related to freedom of movement and residence; and,
- ▶ provide in its next report additional information on the activities of the Centre for Equal Opportunity and Action to Combat Racism, along with detailed information on the number of complaints of racial discrimination filed with the courts, the results of proceedings instituted in cases of racial discrimination and the compensation granted, where appropriate, to the victims of discrimination.

#### **Discrimination against Women**

Signed: 17 July 1980; ratified: 10 July 1985.

Belgium's third periodic report was due 9 August 1994.

*Reservations and Declarations:* Article 7; paragraphs 2 and 3 of article 15.

#### **Torture**

Signed: 4 February 1985.

#### **Rights of the Child**

Signed: 26 January 1990; ratified: 16 December 1991.

Belgium's second periodic report is due 14 January 1999.

*Reservations and Declarations:* Articles 13 and 15; paragraph 1 of article 14; paragraph 2 (b) (v) of article 40.

### **THEMATIC REPORTS**

#### ***Mechanisms of the Commission on Human Rights***

##### **Extrajudicial, summary or arbitrary execution, Special Rapporteur on:** (E/CN.4/1997/60/Add.1, para. 56)

The report notes that in August 1996, Belgium abolished the death penalty for all crimes.

##### **Independence of judges and lawyers, Special Rapporteur on:** (E/CN.4/1997/32, paras. 10, 11, 17, 20, 79-81)

The Special Rapporteur (SR) took up a case with the government involving the dismissal of a magistrate who was investigating a case of child prostitution, kidnapping and murder. The SR acknowledged that the dismissal may have been appropriate under Belgian law because the magistrate's actions had called his impartiality into question; but the SR observed that the dismissal underscored a perception that the system by which magistrates and judges are appointed,

promoted and dismissed is affected by political and/or partisan interests, thus undermining public confidence in the judicial system. The SR also informed the government of his deep concern about media reports alleging that the public perceived the judicial system to be corrupt. The report took note of assurances by the Prime Minister that he would try to reform the system constitutionally so as to stop political considerations from influencing the appointment of magistrates. The government provided the SR with a copy of the proposed revision to the Constitution, and invited him to Brussels to discuss the proposal.

##### **Racial discrimination, Special Rapporteur on:** (E/CN.4/1997/71, paras. 20-21)

The report of the Special Rapporteur on racism includes information provided by Belgium's Centre for Equal Opportunities and Opposition to Racism. The Centre reported that between 1 January and 1 October 1995, 665 complaints were lodged. Twenty per cent of the complaints related to perceived discrimination with regard to entry into and residence within the country. Most of the cases involving residence concern expulsion or problems with obtaining a visa or work permit. Complaints were also received with respect to public services: e.g., refusal to register a person in a commune; to publish marriage bans; or to grant welfare or financial assistance. The Centre's report acknowledges that if those working in the public services handled applications properly, there would be far fewer complaints. In terms of complaints related to employment, those received by the Centre involve not only allegations of discrimination in the workplace and in hiring, but also harassment and racist remarks, including racist jokes. Referring to disputes in daily life, the Centre states that most of the problems reported relate to social conflicts in the victims' immediate neighbourhoods and some involved incidents of verbal or physical aggression against aliens. Elderly people were often harassed by groups of youth. The Centre has found that such incidents often involve situations in which violence plays a large part. According to the Centre's report, 63 per cent of the victims are Belgian and many of them are naturalized citizens. The largest group of non-Belgians filing complaints are Moroccans, followed by Zairians (Congolese), Turks and Italians. The Centre indicated that almost all complaints are lodged against public institutions, and over half specifically concern the Aliens Office.

The Special Rapporteur's interim report to the General Assembly (A/52/498, paras. 22, 38, 39) cites information received indicating that the government has "sub-contracted" to private firms the expulsion of undocumented aliens. The report states that, since 1994, Belgium has been sending hundreds of deported Africans to Abidjan (Côte d'Ivoire) — not to their countries of origin — where they are received and dispersed by the French firm Budd.

##### **Sale of children, child prostitution, child pornography, Special Rapporteur on:** (E/CN.4/1997/95, paras. 25, 30, 48)

The report briefly comments on the 13 April 1995 Act which includes provisions for combatting traffic in persons and child pornography aimed at sex tourism. The provision on extraterritoriality allows a Belgian national or a foreigner found in Belgium to be prosecuted for sexual crimes committed in another country against children under 16 years of age.