

the committee to monitor police services, the Council on Equal Opportunities for Men and Women; the increase in the participation of women in public affairs; ongoing measures to reform the judicial system, in particular those aimed at strengthening the independence of the judiciary; the introduction of new instructions related to methods and techniques under which deportations are carried out; entitlement to education and medical care for children of illegal immigrants; changes in measures related to unaccompanied minors seeking asylum; commencement of procedures aimed at the abolition of the death penalty; establishment of an inter-ministerial committee to examine trafficking in persons, prostitution and pornography; enactment of new laws to combat traffic in minors more effectively; and the steps taken to improve prison conditions.

The principal subjects of concern identified by the Committee included, *inter alia*: reports of widespread police brutality against suspects in custody; lack of transparency in the conduct of investigations by police and difficulty in obtaining access to this information; the behaviour of Belgian soldiers in Somalia during UNOSOM II, noting that investigations are continuing by the government; procedures used in the repatriation of some asylum seekers; the fact that suspects do not always have access to counsel and medical visits from the moment of arrest; the non-application of judicial guarantees in administrative tribunals and other non-judicial entities; the length of pre-trial detention and the high number of detainees who are still awaiting trial; legal provisions authorizing the incarceration of minors for a period of 15 days; and the continuing practice of keeping psychiatric patients in prison psychiatric annexes for several months before transferring them to hospitals for treatment of mental disorders.

Concern was also expressed with regard to, *inter alia*: the procedures for recognizing religions and the rules for public funding of recognized religions; the requirement of prior authorization for foreign channels on cable networks; the lack of information on the *de facto* situation of women; the production, sale and distribution of paedo-pornography and provisions relating to fake marriage and the expulsion of aliens which may give insufficient protection to the right to marry and family life.

The Committee recommended that the government, *inter alia*:

- ♦ provide information on the investigations related to procedures used in forcible repatriation and any criminal or disciplinary proceedings undertaken in cases causing injury or death; provide special training for all security forces involved in effecting deportations;
- ♦ take steps to monitor and supervise community services and parole in a more coherent way; review sentencing policy and training for the judiciary;
- ♦ take steps to ensure that suspects are promptly informed of their rights in a language they understand;

- ♦ develop rehabilitation programmes both for the time during imprisonment and for the period after release; extend judicial guarantees to the pre-trial detention stage;
- ♦ discontinue the practice of keeping psychiatric patients in prison annexes before transfer to appropriate hospitals;
- ♦ abolish the distinction in law between freedom of assembly and the right to demonstrate;
- ♦ provide, in the next report, precise information on the outcome of measures to promote equality and combat violence against women; and
- ♦ take effective measures to curtail the possession and distribution of paedo-pornography.

The Committee decided that Belgium's 4th periodic report would be due October 2002.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Independence of judges of lawyers, Special Rapporteur on the: (E/CN.4/1998/39/Add.3)

The Special Rapporteur (SR) visited Belgium from 14 to 17 October 1997. The mission was largely prompted by concerns arising from the dismissal of a judge and the associated issue of the independence and impartiality of the judges. These concerns had been signalled in the SR's report to the 1997 Commission (E/CN.4/1997/32, para. 79) in which it was noted that an urgent appeal had been sent to the government based on information related to ongoing demonstrations in Belgium following the dismissal of a magistrate investigating a case of child prostitution, kidnapping and murder (the Dutroux case). The 1998 report recalls that, at the time of the dismissal, the SR had stated that while the removal of the magistrate may have been appropriate under Belgian law because his actions called into question his impartiality, it had underscored a perception that the system by which magistrates and judges were appointed, promoted, and dismissed was motivated by political and/or partisan interests. A lack of public confidence in the judicial system, in part because it was seen as corrupt, was also noted as a subject of concern.

The report of the mission includes, *inter alia*, information on reform proposals, international standards, the Parliamentary Commission of Inquiry, judicial accountability, and the removal of Judge Jean-Marc Connerotte, the investigating magistrate, from the Dutroux case.

The report recalls that questions about the functioning of the judicial system arose from an investigation into a paedophile ring and the subsequent discovery of two young girls, as well as the bodies of two others, who had starved to death when Marc Dutroux was in police custody early in 1996. Jean-Marc Connerotte was the investigating magistrate. The report notes a number of facts