

Report on visit to Belgium

15 to 18 September 2015

Positives



Human rights of asylum seekers and migrants

- » Reception capacity bolstered and regular resettlement quota increased for 2015 and 2016
- » Belgian civil society effectively involved in welcoming recently arriving asylum seekers
- » Efforts made to prepare the general population for the new arrivals of asylum seekers
- » Families of migrants with children no longer placed in closed detention centres
- » Detention of unaccompanied migrant minors prohibited since 2007
- » Training of staff in charge of deciding on asylum claims on child's best interests in determination of needs for international protection

Human rights of persons with disabilities

- » A law of 2014 reinforces the legal capacity of persons with psychosocial and intellectual disabilities
- » Reforms launched in parts of the country promote better inclusion of persons with disabilities in the community
- » Measures adopted to improve possibilities for children with disabilities to access mainstream education
- » New institutions to be opened to provide care to detainees with intellectual and psychosocial disabilities

Human rights of Roma and Travellers

- » Promising practices aimed at providing targeted social assistance and using mediators implemented in some cities
- » Caravans have been recognised as housing in some parts of the country

Concerns



Human rights of asylum seekers and migrants

- » Systematic detention of asylum seekers without valid travel documents at the border
- » No systematic and regular judicial review of detention
- » Resuming detention of migrant families with children in closed facilities being considered
- » Reported gaps in services provided to unaccompanied migrant minors by the authorities due to a lack of coordination between the different levels of administration
- » Children not always considered as right holders in asylum and migration proceedings
- » Risk of seriously ill migrants being returned to countries where they would have no effective access to medical treatment

Human rights of persons with disabilities

- » Widespread institutionalisation of persons with disabilities and lack of community-based services
- » High number of children with disabilities who are educated in specialised schools separately from other children
- » Persons with psycho-social and intellectual disabilities sentenced to treatment can spend several years in psychiatric wards of prisons, in totally inadequate detention conditions

Human rights of Roma and Travellers

- » Marginalisation and acute destitution of a limited number of migrant Roma families
- » Reported over-representation of both foreign Roma children and children of Belgian Roma and Traveller background in specialised education
- » Lack of availability of encampment sites for Belgian Roma and Travellers and a growing tendency among local authorities to resort to forced evictions
- » Denials of registration of Roma and Travellers at the local level hampering their access to key services

Recommendations

Human rights of asylum seekers and migrants

- » Refrain from resuming the practice of detaining families of migrants with children in closed detention centres
- » Improve judicial review of detention of migrants and asylum seekers
- » Ratify the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and set up a National Preventive Mechanism for the Prevention of Torture, in accordance with the Protocol
- » Ensure that the best interests of migrant children are a primary consideration in all decisions concerning them
- » Refrain from enacting measures that limit access by refugees to a number of benefits on an equal footing with Belgian citizens
- » Continue to promote the integration of newcomers through comprehensive integration policies

Human rights of Roma and Travellers

- » Bolster implementation of Belgium's national Roma integration strategy
- » Unequivocally condemn at highest level all instances of hate speech and discriminatory practices against Roma and Travellers, including by elected representatives and political leaders
- » Identify sustainable solutions at local level to prevent some migrant Roma families from falling into homelessness and extreme destitution
- » Investigate allegations of unlawful denials of registration on municipal rolls
- » Increase availability of halting sites, avoid evictions and actively seek human rights compliant alternatives
- » Extend possibilities for Travellers to register with local public administrations
- » Take resolute measures to improve the enjoyment by Roma and Traveller children of their right to access quality education

Human rights of persons with disabilities

- » Make a firm nation-wide commitment towards the inclusion of children with disabilities in mainstream education
- » Reroute funding from institutions to persons with disabilities; increase availability of community-based services
- » Ensure that judges in charge of implementing the law on legal capacity are trained
- » Stop detaining persons sentenced to treatment in psychiatric wards of prisons
- » Swiftly implement plans to open new specialised institutions for persons with intellectual and psychosocial disability who are sentenced to treatment