

EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE

REPORT ON BELGIUM

(seventh monitoring cycle)



Adopted on 30 June 2026

Published on 20 October 2026

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European Commission against Racism and Intolerance (ECRI)
Council of Europe
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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to preventing and combating racism, intolerance and related discrimination (on grounds of “race”, ethnic or national origin, citizenship, skin colour, religion, language, sexual orientation, gender identity and sex characteristics). It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism and intolerance.

Within the framework of its statutory activities, ECRI conducts country monitoring work, which consists of analysing the situation in each of the member States of the Council of Europe regarding racism and intolerance and action against these phenomena, and of drawing up relevant proposals and recommendations to address any issues that have been raised during the monitoring process.

ECRI's country monitoring deals with all member States on an equal footing. The work takes place in cycles of about five years, on average. The first-cycle reports were completed in 1998. Work on seventh-cycle reports started in 2025.

The working methods for the preparation of the reports involve desk research and documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Desk research and documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with various stakeholders directly concerned (such as relevant public officials, national or local elected officials, prosecutors and judges, representatives of equality bodies, national human rights institutions and civil society organisations working in areas of relevance to ECRI, relevant professionals and people belonging to groups of concern to ECRI) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the text might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The seventh-cycle country reports focus on two topics common to all member States: (1) preventing and combating hate speech and hate crime, and (2) ensuring equal treatment and inclusion in education and healthcare.

In the framework of the seventh cycle, priority implementation is requested by ECRI for two specific recommendations chosen from those made in the report. These recommendations should be implemented within 18 months after the publication of the report on the country in question. A process of interim follow-up is subsequently conducted by ECRI to review action taken to implement them.

The following report was drawn up by ECRI under its own responsibility. It was prepared following a visit to Belgium from 3 to 7 November 2025. The visit was preceded by online meetings on 27 and 28 October 2025. Unless otherwise indicated, the report covers the situation up to 18 March 2026; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the findings, proposals and recommendations therein.

SUMMARY

Since the adoption of ECRI's sixth report on Belgium on 12 December 2019, progress has been made and good practices have been developed in a number of fields.

In the area of combating hate speech and hate crime, the revision of Circular COL 13/2013 relating to judicial anti-discrimination policy has brought about numerous improvements in the system for data collection by the police and prosecution.

Some initiatives have been taken or supported by the authorities to prevent online hate speech, encourage reporting of hate speech and hate crime, raise awareness of support and assistance services for victims and strengthen co-operation between law enforcement agencies and groups of concern to ECRI.

With regard to equal treatment and inclusion in education, human rights and equality are included in school curricula, as is media education. In addition, the catalogue of training courses for teachers includes subjects such as managing diversity in schools, combating discrimination and teaching human rights.

A number of measures have been taken to prevent and combat bullying, such as the establishment of a School Climate Observatory and of a special hotline for pupils, parents and educational professionals who are confronted with the problem in the Wallonia-Brussels Federation.

As to equal treatment and inclusion in healthcare, the authorities have supported the establishment of the first Belgian health centre specialised in providing medical and psychological care to LGBTI persons. They have also set up designated health centres in which multidisciplinary teams provide comprehensive care to transgender persons wishing to undergo gender-affirming treatment.

Many initiatives to provide interpretation and intercultural mediation services in the health sector have been taken at the federal and local levels, including awareness-raising activities and supporting people belonging to target groups in accessing healthcare.

Evaluations of anti-discrimination legislation at federal and federate-entity level have led to legislative changes and the adoption of a Brussels Equality Code.

ECRI welcomes these positive developments in Belgium. However, despite the progress achieved, some issues give rise to concern.

ECRI's findings showed an increase in hate speech and stigmatising language, in particular online, in politics, in the media and in football. Violent attacks against people of African descent, Jews and Muslims, LGBTI people, migrant women and Roma and Travellers have been reported, along with incidents of vandalism of a racist and LGBTI-phobic nature.

Article 150 of the Constitution has still not been amended and underreporting of hate speech and hate crime cases remains a key issue. Police officers are also not sufficiently aware of the need to prevent and combat hate speech and hate crime.

A major difficulty in assessing the situation related to equality and inclusion of pupils belonging to groups of concern to ECRI and in developing targeted measures in connection with policies to prevent and combat racial discrimination and other forms of discrimination arises from the fact that the Belgian authorities do not systematically gather disaggregated equality data.

Children with migration backgrounds continue to face multiple challenges, including lower educational outcomes than their peers belonging to the majority population and lower expectations from teachers. It also seems that there is a form of de facto segregation in schools.

In spite of the subject of reinforcing protection of the right of intersex persons to bodily integrity being increasingly present in public debate, there is still no suitable legislative framework prohibiting the conduct of non-medically necessary sex assignment surgical intervention on the sex characteristics of children before such time as they are capable of giving their free and informed consent.

Patients belonging to groups of concern to ECRI, especially migrants, people with a migration background, including people of African descent, and Roma, are still sometimes said to meet with discriminatory or inappropriate treatment on the part of healthcare professionals.

No equality body has yet been designated or set up to address issues relating to discrimination on the ground of language.

In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.

In terms of combating hate speech and hate crime, ECRI strongly recommends that the authorities continue making sustained efforts with the federal legislature to revise and expand Article 150 of the Constitution so that hate speech based on religion, sexual orientation, gender identity and sexual characteristics can be prosecuted in criminal courts.

The authorities should also ensure, as a matter of priority, that suitable, practical and targeted training on hate speech and hate crime is part of the initial and continuing training for police officers.*

A system of collecting appropriately disaggregated equality data on the situation of pupils belonging to groups of concern to ECRI in the area of education should be established.

The authorities should develop and implement a set of measures to facilitate the inclusion of children with a migration background in the area of education, including by: (i) developing strong policies aimed at ending all de facto segregation in schools and ensuring their effective implementation; (ii) providing tailored support to pupils with a migration background, their families and schools to decrease educational gaps; (iii) providing training and awareness-raising

activities to teachers and other educational professionals in order to eliminate any bias in the assessment of children with a migration background and in the provision of educational and career advice to them.

Measures should be taken, as a matter of priority, with a view to drafting and adopting legislation specifically recognising the right of intersex persons to physical integrity and prohibiting medically unnecessary surgery and other non-therapeutic treatments until such time as intersex children are able to participate in decisions affecting them based on the principle of free and informed consent.*

The authorities should encourage and support the development of anti-racism, anti-discrimination and cultural competency training for healthcare professionals, including through associations of health professionals, the inclusion of human rights education as a mandatory course in the curricula of medical schools and the provision of in-service training on intercultural health, discrimination-related health issues, racism and exclusion.

Lastly, the authorities should introduce an effective system of recording identity checks by law enforcement officials, as part of a policy aimed at strengthening mutual trust between them and all sections of society and their co-operation in the fight against discrimination.

* This recommendation, which will be subject to a process of interim follow-up by ECRI, should be implemented within 18 months after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. PREVENTING AND COMBATING HATE SPEECH AND HATE CRIME¹

Data on and manifestations of hate speech and hate crime

1. ECRI welcomes the fact that since its previous report on Belgium (§ 41), improvements have been made to the system for data collection on hate speech and hate crime by the police and prosecution services through the revision of the circular relating to judicial anti-discrimination policy (Circular COL 13/2013).² In particular, a category and a sub-category³ should now to be recorded for each incident. Automatic data transfer between the police and prosecution service IT systems has also been introduced. ECRI nevertheless regrets the fact that precise statistical data on court rulings in this area are still not available and strongly encourages the authorities to continue improving data collection in order to establish an integrated system, taking due account of relevant Council of Europe instruments.⁴
2. Official statistical data submitted to ECRI show that the police recorded 1 665 incidents involving hate elements based on one of the criteria of concern to ECRI in 2020, 1 495 in 2021, 1 498 in 2022, 1 709 in 2023 and 1 174 in the first three quarters of 2024, as well as 78 cases of denialism and revisionism over the same period from 2020 to 2024. The main criteria (categories and sub-categories) recorded in the first three quarters of 2024 were “homophobia” (267 times), “Afrophobia” (121 times), “antisemitism” (98 times), “transphobia” (68 times) and “Islamophobia” (60 times). Over the same period, incidents involved hate speech, violence against individuals and destruction of property.
3. The number of cases falling within ECRI’s mandate recorded by prosecutor’s offices was 1 250 in 2020, 1 194 in 2021, 1 093 in 2022, 1 069 in 2023 and 1 728 in 2024. The authorities informed ECRI that 53% of cases were dealt with without criminal prosecution on technical grounds (insufficient evidence, no offence committed or perpetrators unknown), that prosecutorial probation was one of the measures frequently proposed in such cases (8%) and that 7% of cases resulted in ordinary prosecution.⁵
4. The Interfederal Centre for Equal Opportunities and Opposition to Racism (Unia) closed 2 046 cases relating to hate speech and 1 144 cases relating to hate crimes based on criteria of concern to ECRI between 2020 and 2024 (“racial” criteria, religious or philosophical beliefs and sexual orientation).⁶ According to data provided by the authorities, the Institute for the Equality of Women and Men (IEFH) received 18 reports of transphobic hate incidents in 2020, 23 in 2021, four in 2022,

¹ See definitions of hate speech and hate crime in ECRI’s [glossary](#).

² See [Circular COL 13/2013](#) relating to judicial anti-discrimination policy (including hate crimes and offences, denialism and gender-based discrimination), 25 January 2024 (came into force on 22 April 2024).

³ The categories and sub-categories that can now be considered among the grounds for hate of concern to ECRI are as follows: racism (“Afrophobia”, “antisemitism”, “Romaphobia”, “other”); religion (“Islamophobia”, “antisemitism”, “anti-Christianity”, “other”); “homophobia”, “transphobia”, “other grounds”.

⁴ See § 3 c) and d) of [ECRI General Policy Recommendation No. 15](#) on combating hate speech; Council of Europe, Committee of Ministers (2022), [Recommendation CM/Rec\(2022\)16](#) on combating hate speech: § 58; Council of Europe, Committee of Ministers (2024), [Recommendation CM/Rec\(2024\)4](#) on combating hate crime: §§ 52-54. For information, for an analysis of case law on specific topics relating to hate speech and hate crimes, see Unia: (2024, March), [Analysis of case law](#) on denialism; (2024, June), [Analysis of case law](#) on racist and other hate speech in the workplace; (2024, December), [Analysis of case law](#) on criminal racist hate speech on social media.

⁵ See also Public Prosecutor’s Office (2025), *Statistiques annuelles 2025 des parquets correctionnels – Analyse sur la discrimination 2025*.

⁶ Unia: (2025a) [Rapport chiffres 2024](#): 105, 108-112; (2024a) [Rapport chiffres 2023](#): 112-116; (2023a) [Rapport annuel 2022 – Discours et délits de haine](#): 38-39; (2022a) [Rapport chiffres 2021](#): 72-74; (2021a) [Rapport chiffres 2020](#): 71-73.

31 in 2023 and 72 in 2024. In addition, in 2024, the Flemish Institute for Human Rights (VMRI) received two reports relating to hate speech.⁷

5. All of the interlocutors that ECRI met during the visit expressed serious concerns about the increase in hateful and stigmatising speech in Belgium, which appear to be most prevalent online, in political discourse (including during electoral campaigns), in the media and in football. Much of such speech is said to be disseminated through social media. In this connection, concerns were also raised about the impact of social media on the spread of hate speech, particularly among young people.⁸ ECRI's attention was also drawn to growing trivialisation of hateful remarks and increasing polarisation of public debate and right-wing extremism.⁹
6. According to a study, many comments relating to ethnic origin, religious beliefs and sexual orientation made by politicians and social media influencers during election periods fell into a "grey area". Without openly inciting hatred, this type of discourse played a part in conveying a negative image of people belonging to certain groups, as demonstrated by the reactions to the messages.¹⁰
7. According to information at ECRI's disposal, hate speech against people of African descent remains widespread, with significant overlapping (intersectionality) between various personal characteristics. In particular, a 2025 study highlighted the high frequency of microaggressions faced by people from sub-Saharan Africa in Belgium.¹¹
8. ECRI also noted that antisemitic rhetoric, including denialism, was recurrent and persistent, and that there was a sharp increase in antisemitic hate speech incidents, in particular online, following the Hamas terror attack of 7 October 2023 against Israel and the subsequent war waged by Israel in Gaza.¹² ECRI is deeply concerned about this situation.
9. ECRI is also concerned that intolerance towards Muslims remains high and is amplified by some political and media discourse. Muslims are frequently portrayed as a threat to Belgian society, based on allegations concerning national security or integration, stigmatising, in particular, the wearing of the veil.¹³
10. It also emerged from the findings during the ECRI visit that xenophobic discourse was based on divisive rhetoric and portrayed migrants as a threat to security or a burden on the social protection system. It is said to be propagated by rhetoric from members of far-right political parties, to have gradually infiltrated the discourse of other political forces and to have been amplified by media coverage.¹⁴
11. ECRI is concerned about information indicating a sharp increase of hate speech, especially in the political arena, targeting LGBTI people, in particular transgender

⁷ When criminally prosecutable, they are referred to the police and/or Unia.

⁸ See also, *inter alia*, General Delegate for Children's Rights (DGDE) (2025), [Avis relatif au phénomène du radicalisme en milieu scolaire](#).

⁹ See also, *inter alia*, Unia 2023a: 4; Unia (2021b), [Rapport annuel 2020](#): 11; Hannah Arendt Institute (2021), [Online preventie en remediëring in de praktijk: Mechelen als case](#).

¹⁰ Unia (2020, May 29), [Opinion vs discours de haine: une analyse de la communication des personnalités politiques](#) (French: UC Louvain, [Rapport final de recherche](#) and Dutch: VUB, [Eindversie van het onderzoeksrapport](#)).

¹¹ Université Catholique de Louvain et al. (2025), [Portrait des personnes originaires d'Afrique sub-saharienne en Belgique](#): 93-95. See also, *inter alia*, KifKif (2023), [Hoe extreemrechts, journalistiek en sociale media een racistische haatstorm veroorzaakten](#).

¹² See also, *inter alia*, Unia (2024b), [Antisémitisme en Belgique](#); European Union Agency for Fundamental Rights (EU FRA) (2024a), [Jewish People's Experiences and Perception of Antisemitism](#).

¹³ See also, *inter alia*, EU FRA (2024b), [Being Muslim in the EU](#): 68; Unia (2025b), [Rapport annuel 2024](#): 17; Ans De Nolf (2025), [Experiencing and Responding to Islamophobia: Media Representations, Lived Experiences, and Strategies of Resistance](#).

¹⁴ See also, *inter alia*, Unia 2023a: 11; LEVL (2022), [Genuanceerde beeldvorming van personen met een migratieachtergrond in de media](#): 8-9; Unia: (2025c), [Information](#) on Ghent Court of Appeal judgment of 20 June 2025 and (2026), [Press release](#).

people, which very often involves incitement to violence and discrimination.¹⁵ According to the authorities, the anti-gender movement has been a significant source of hate speech against LGBTI people.¹⁶

12. While various interlocutors indicated that Roma and Travellers continue to be targeted by hate speech, including from politicians, the ECRI delegation also heard during its visit that their image in the mainstream media has improved in recent years.¹⁷
13. Civil society representatives also reported that the Covid-19 pandemic had exacerbated stereotyping and racist behaviour against people of Asian descent or those perceived as such.¹⁸
14. The continuing use of racist and intolerant hate speech (particularly targeting people of African, Arab and Jewish descent) and LGBTI-phobic hate speech in connection with football, during matches or in the vicinity of football stadiums, as well as online, is also a cause for concern.¹⁹
15. ECRI notes that violent incidents against people of African descent, Jews and Muslims (in particular women wearing headscarves), LGBTI persons, migrants and Roma and Travellers had been reported, along with incidents of vandalism against property belonging to the Jewish community.²⁰ Cases of vandalism targeting rainbow flags in public spaces and arson attacks on certain schools implementing the EVRAS programme (education in relationships, emotions and sexuality) have also been reported.²¹ There have also been violent racist acts linked to football matches.²²

Responses to hate speech and hate crime

16. ECRI notes the various action plans against racism and LGBTI-phobia adopted in recent years at federal level²³ and by the federated entities (regions and communities)²⁴ and welcomes the fact that they have included measures to prevent and combat hate speech and hate crime, including online hate speech, which are at various stages of implementation.
17. The authorities informed ECRI that an interfederal framework enabling the adoption of interfederal plans to combat racism and LGBTI-phobia has been approved by the Interministerial Conference on Equal Opportunities set up in 2025. ECRI trusts that the authorities will continue their efforts to adopt these plans,

¹⁵ See also, *inter alia*, Transgender Infopunt and UZ Gent (2023), [Genoeg-Enough-Assez](#); KifKif, Sankaa and Hand in Hand (2023), [De ervaringen van vrouwen en non-binaire personen met migratieachtergrond met online haat](#); Unia and IEFH (2025, May 12), [Press release](#).

¹⁶ See also Université Libre de Bruxelles (2024), [Rapport sur les campagnes anti-genre en Belgique](#).

¹⁷ See, *inter alia*, RTBF (2023, November 17), [Les propos racistes de Conner Rousseau font largement réagir](#).

¹⁸ See also, Federal Government (2022a), [Mesures fédérales du Plan d'Action National contre le Racisme 2021-2024](#): 6; CERD (2021, May 21), [Concluding observations on the combined twentieth to twenty-second periodic reports of Belgium](#), § 18; Unia 2021b: 47.

¹⁹ See, *inter alia*, NOA (2022), [National report card on Belgium](#), 25; Prisme (2025), [Dossier de recommandations](#).

²⁰ See, *inter alia*, EU FRA 2024b: 76-77; Brussels Observatory for Prevention and Security (OBPS) (2024), [Les violences LGBTQIA+phobes : état des lieux de la situation en Région bruxelloise](#); Unia 2025b: 11-12; Unia 2023a: 22; Liège Court of First Instance, Liège Division, [Decision](#) of 12 March 2025; EU FRA (2026), [Antisemitism overview – Belgium](#); Antisemitisme.be, [Rapport annuel 2024](#).

²¹ See, *inter alia*, Unia, IEFH and DGDE (2023, October 27), [Press release](#).

²² See, *inter alia*, RTBF (2025, May 6), [La revue de presse : le raid des hooligans brugeois à Bruxelles, du « racisme à l'état pur »](#).

²³ Federal Government (2022a) [Rapport intermédiaire](#); Federal Government (2022b), [Plan d'action fédéral « Pour une Belgique LGBTQI+ friendly » 2021-2024](#) and SPF Justice, Equal Opportunities Department (2024): [Rapport de monitoring](#).

²⁴ Brussels Capital Region: (2023) [Plan bruxellois de lutte contre le racisme 2023-2026](#); (2022) [Plan bruxellois d'inclusion des personnes LGBTQIA+ 2022-2025](#); Flemish Government: (2019), [Horizontaal Integratie-en Gelijke Kansenbeleidsplan 2019-2024](#); (2025), [Horizontaal Gelijkekansen-Beleidsplan 2025-2029](#); Wallonia-Brussels Federation (2023), [Plan de lutte contre le racisme 2023-2026](#); Walloon Region: (2023), [Plan wallon de lutte contre le racisme 2023-2026](#); (2022), [Plan wallon d'inclusion des personnes LGBTQIA+ 2022-2024](#) and [Rapport final](#).

which it believes are clearly intended to address the long-standing concerns of many stakeholders,²⁵ as reiterated by various parties it met during its visit in 2025, and to implement them effectively, in close consultation with persons belonging to the groups of concern to it and relevant civil society organisations.

18. In this context, ECRI welcomes, as a **promising practice**, the establishment in January 2024 of the Interfederal Co-ordination Mechanism for Combating Antisemitism, which brings together for the first time representatives of the various Belgian administrations at the federal level as well as at the level of federated entities, civil society and equality bodies.
19. Outside the sphere of education (see Section II.A of this report), ECRI is pleased to note that measures have been taken to raise awareness among the general public. For example, awareness-raising campaigns have been organised by the authorities on disinformation aimed at young people and against online hate speech in Flanders, on the prevention of discrimination and violence against LGBTI people in Wallonia. The Belgian football governing bodies have also organised awareness-raising campaigns on the prevention of online hate speech related to football.²⁶
20. During its visit to Belgium, the ECRI delegation was pleased to learn that more and more citizens were developing a counter-narrative, particularly on social media. In this regard, ECRI considers that the initiatives taken by the city of Ghent to offer free training to citizens who witness racism and intolerance, including online hate speech, to teach them how to respond appropriately²⁷ are **good practices**.
21. It also appears that counter-narratives or alternative narratives to hate speech are being put forward by public figures, civil society representatives and various bodies and institutions.²⁸ ECRI notes with regret, however, that efforts to counter the exploitation of racism and intolerance in political discourse, including online, are still insufficient. It emerged from many meetings that the ECRI delegation held during the visit that stigmatising political hate speech all too often remains unchallenged.
22. ECRI recommends that public figures, such as high-level officials and politicians on all sides, be strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and to react to any such expression with strong counter-speech messages and alternative speech, as well as to promote understanding between communities, including by expressing solidarity with those targeted by hate speech. All elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec (2022)16 of the Committee of Ministers of the Council of Europe on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in Resolution 2443 (2022).
23. Among legislative developments, ECRI notes with satisfaction that the provisions relating to hate crime in the Criminal Code have been amended to broaden the protected characteristics, which may now either actually be present or merely be

²⁵ See also, *inter alia*, NAPAR Coalition, [Memorandum](#); Unia and IEFH (2025, May 12).

²⁶ VRT (2023, October 4), [Press article](#); Walloon Region (2024, May 17), [17 mai: journée mondiale contre l'homo/trans/biphobie](#); BeSafe, (2024, March 7), [Le football belge lance une campagne contre le discours de haine en ligne](#).

²⁷ City of Ghent, [Omstaandertrainingen](#); [Online haatspraak: wat kan jij doen?](#). During its field visit to Ghent, the ECRI delegation was informed that approximately 10 000 people had taken these courses between 2021 and September 2025.

²⁸ Examples of counter-speech and alternative speech include: RTBF 2023, November 17; Unia, IEFH and DGDE (2023, October 27); La Libre (2021, March 9), [Press article](#); La Ligue des droits humains (2024, November 21), [Prise de position](#).

assumed by the perpetrator.²⁹ Following the formal notice issued by the European Commission in 2021 for failure to correctly transpose Framework Decision 2008/913/JHA of the European Council of 28 November 2008,³⁰ the provisions relating to hate crime were amended so that discriminatory motives on the part of perpetrators now constitute aggravating factors³¹ for all offences, except in cases where the law makes discriminatory motives aggravating circumstances.³²

24. In 2025, the authorities informed ECRI that a new Criminal Code would come into force on 1 September 2026 and that this would have a positive impact on anti-discrimination legislation and its practical application. For instance, specific offences relating to hate speech, set out in various specific laws, would thus be incorporated into the code, while the range of criminal penalties would be expanded.³³ This is a positive development.
25. ECRI regrets to note, however, that despite its long-standing recommendations,³⁴ Article 150 of the Constitution has still not been revised due to the lack of a sufficient parliamentary majority.³⁵ There was consensus among the interlocutors that ECRI delegation met during the 2025 visit that this provision prevents effective action being taken against all forms of hate speech (and not only racist speech).³⁶ In ECRI's view, the fact that proceedings cannot be brought before the ordinary courts for hate speech based on criteria such as religious belief, sexual orientation, gender identity and sexual characteristics may lead to a form of de facto impunity, particularly on social media due to the difficulty of bringing cases before the Assize Court.
26. ECRI strongly recommends that the authorities continue making sustained efforts with the federal legislature to revise and expand Article 150 of the Constitution so that hate speech based on religion, sexual orientation, gender identity and sexual characteristics can be prosecuted in ordinary criminal courts.
27. Underreporting of hate speech and hate crime cases was identified as a key issue in Belgium by all interlocutors whom the ECRI delegation met during its visit. This situation can be explained, in particular, by a lack of trust in the police, insufficient knowledge of rights and available remedies, fear of reprisals and secondary victimisation, the belief that reporting such incidents would be pointless, the repetitive nature of these incidents and their perception as being too insignificant, obstacles arising from Article 150 of the Constitution and excessive legal costs – even in cases where legal aid is granted.³⁷

²⁹ Article 78ter of the [Criminal Code](#), as introduced by the [Law of 6 December 2022](#) aiming to make justice more humane, swifter and stricter. The Criminal Code now covers all the protected criteria of concern to ECRI.

³⁰ [Framework Decision](#) on combating certain forms and expressions of racism and xenophobia by means of criminal law.

³¹ Under Article 78bis of the Criminal Code, if the law provides for aggravating factors, courts must take them into consideration when choosing penalties or measures and their severity, but may not impose penalties greater than the maximum provided for the offences. See also Article 28 of the [new Criminal Code](#).

³² Article 78ter of the Criminal Code. Discriminatory motives constitute aggravating circumstances that may apply to offences covered by Articles 405quater, 417/20, 422quater, 438bis, 442ter, 453bis, 514bis, 525bis, 532bis and 534quater of the Criminal Code. If an aggravating circumstance is found to exist, the offence is punishable by a more severe penalty. See also Article 29 of the new Criminal Code (aggravating circumstances become aggravating elements).

³³ Articles 249 et seq. of the new Criminal Code will bring together the provisions relating to offences concerning the punishment of discrimination, incitement to hatred and denialism.

³⁴ ECRI 2020: § 49; ECRI 2014: § 73.

³⁵ Article 150 of the [Constitution](#) states that: "a jury is sworn in for all criminal matters, as well as for political and press offences, with the exception of press offences motivated by racism or xenophobia." See also Federal Government, Interim report: 19.

³⁶ See also, 40 organisations (25 April 2024), [Carte blanche](#); Commission d'évaluation des lois fédérales tendant à lutter contre la discrimination (2022), [Rapport final](#): 195-199.

³⁷ See also, *inter alia*, Fondation Roi Baudouin (2020, October), [Comment \(mieux\) aider les victimes de délits de haine à se reconstruire?](#); Université Catholique de Louvain et al. 2025: 94-96; EU FRA: 2024b: 58; 2024a: 85 ; (2024c), [EU LGBTIQ survey III – Belgium](#).

28. In this context, ECRI welcomes the initiatives supported and funded by the authorities to encourage the reporting of hate crimes against LGBTI people and Muslims,³⁸ as well as those aimed at raising awareness of support and assistance services for victims³⁹ and establishing a network of civil society organisations.⁴⁰ ECRI also noted with interest that some pilot projects which were under way at the time of its 2025 visit were designed both to explore the role that local authorities can play in referring complaints to equality bodies and also to develop and formalise a network of contact points for victims of racism and discrimination at federal and decentralised level.
29. ECRI also welcomes initiatives aimed at strengthening co-operation between law enforcement agencies and groups of concern to it, such as the work by the mediation teams of the Ghent police district, the awareness-raising activities carried out by the Charleroi police and the establishment of a second desk specialising in combating hate crime within the Brussels North police force,⁴¹ in addition to the one that already existed in Ghent. ECRI considers these measures to be **good practices**. It was also pleased to hear that the law enforcement agencies maintained good co-operation with the Jewish community, as confirmed by numerous civil society representatives during the visit. It nevertheless regrets the fact that there is no sustainable framework for dialogue and co-operation between law enforcement agencies and the other groups of concern to it. In this connection, it also regrets to note that Circular COL 13/2013 does not provide for structural consultation with civil society.
30. ECRI recommends that the authorities take further action aimed at tackling the underreporting of racist and LGBTI-phobic hate speech and hate crimes, in consultation with a broad range of civil society organisations and members of groups of concern to ECRI. Such action should include awareness-raising activities about victims' rights and available remedies, support to civil society organisations providing support to victims (in particular, legal assistance) and further improvement of the dialogue and co-operation between law enforcement agencies and groups of concern to ECRI, particularly people of African descent, Muslims and LGBTI people.
31. ECRI welcomes the revision of Circular COL 13/2013 in 2024. In addition to improvements to the data collection system, it provides indicators for identifying hate crimes and pays particular attention to the application of alternative measures, either in place of legal proceedings or as conditions for sentences.⁴² The establishment, in particular by public prosecutors' offices, of action plans to combat hate crimes in each judicial district is also planned.
32. The revised Circular COL 13/2013 maintains the designation of contact police officers and prosecutors as contact points at all levels.⁴³ Contact police officers were appointed in each district, with a total of 55 officers in 2025. They were trained as part of a course organised and run by the police in collaboration with Unia. Circular COL 13/2013 also provides that the contact prosecutors in each public prosecutor's office and each labour court prosecutor's office (*auditorat*) must undergo basic training organised by the judicial training institute. The contact

³⁸ The projects were implemented by Equal.brussels, Safe.brussels and *RainbowHouse* (jointly), and by the Collectif pour l'Inclusion et contre l'Islamophobie en Belgique.

³⁹ An awareness-raising campaign was launched by the Walloon Region in 2024.

⁴⁰ The [Speak Up](#) network was founded in 2020 and focuses on interdisciplinary and cross-border networking of civil society stakeholders from the German-speaking Community with expertise in the field of hate speech.

⁴¹ The [No Hate](#) contact point of Brussels North police zone was established in 2024.

⁴² Circular COL 13/2013, Appendices: 57. All public prosecutor's offices in the country can offer individual guided tours of Kazerne Dossin Holocaust Memorial, Museum and Documentation Centre in the form of educational experiences. The Liège public prosecutor can do the same for the permanent exhibition organised by the non-profit organisation, Les Territoires de la Mémoire.

⁴³ Circular COL 13/2013: 33-38.

prosecutor from each public prosecutor's office must also attend in-depth training in combating hate crimes provided by the same institute.

33. ECRI welcomes the efforts to train contact police officers and prosecutors in combating hate speech and hate crime. However, it became clear during ECRI's visit that other police officers, in particular, needed to be made more aware of preventing and combating hate crimes, in addition to the existing components of their initial training and opportunities for continuing training, especially since such cases were not dealt with solely by contact police officers.
34. ECRI recommends that the authorities ensure, as a priority, that suitable, practical and targeted training on hate speech and hate crime is part of the initial and continuing training for police officers. Civil society and persons belonging to groups of concern to ECRI should be involved in the development and, where possible, in the implementation of such training. In this context, due account should be taken of Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.
35. It should be noted in this context that ECRI's attention was also drawn to the need to strengthen awareness-raising and continuing training measures for all prosecutors and judges dealing with complaints relating to racist remarks, particularly antisemitic remarks against the background of the terrorist attacks of 7 October 2023 against Israel and the subsequent war waged by Israel in Gaza, including those made in a humorous or satirical manner. ECRI encourages the authorities to take or support such measures, bearing in mind its December 2023 Statement on the rise of antisemitism in Europe as a result of the current conflict in the Middle East.⁴⁴
36. ECRI notes that the First Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, had not yet been ratified at the time of its 2025 visit. Nevertheless, the ECRI delegation was encouraged to learn that the ratification process had been initiated. ECRI sincerely hopes that this procedure will be completed very soon.
37. ECRI notes with satisfaction that, with a view to ensuring the application of the European Union Digital Services Act,⁴⁵ four authorities were designated in 2024 as being competent for supervision.⁴⁶ If online platforms fail to respond to users' reports of hateful content, users can now file complaints with these authorities.
38. ECRI is pleased to note the financial support provided by the authorities to civil society organisations to promote initiatives to prevent online hate speech. In ECRI's view, this type of measure is consistent with strengthening mechanisms for reporting and detecting cases of online hate speech.
39. ECRI was also interested to learn that, since 2020, as part of a pilot project, various local authorities in the Flemish Community have been exploring the use of an AI tool to identify online hate speech and disinformation in order to tackle it more effectively.
40. Lastly, ECRI was pleased to learn that Circular COL 13/2013 paid particular attention to removing hateful content online and to the role of the i2-IRU section of the federal police, which is the national contact point for online hate speech.⁴⁷ However, during its visit, the ECRI delegation was informed that the unit did not

⁴⁴ ECRI (2023b), [Statement](#) on the rise of antisemitism in Europe as a result of the current conflict in the Middle East.

⁴⁵ [Regulation \(EU\) 2022/2065](#) of the European Parliament and of the Council of 19 October 2022.

⁴⁶ See Belgian Institute for Postal Services and Telecommunications, Flemish Media Regulator, Conseil supérieur de l'audiovisuel (CSA) and Medienrat (2024, May 24), [Press release](#).

⁴⁷ Circular COL 13/2013: 45-53. The i2-IRU section is not intended to be in direct contact with the public. It liaises with Unia and the IEFH, and supports requests from police officers, prosecutors and judges.

have sufficient human and operational resources to ensure proactive detection of hateful content online.⁴⁸

41. ECRI recommends that the authorities step up their efforts to combat online hate speech by strengthening the human and operational resources of the specialised services of the federal police.
42. With regard to media regulation, ECRI was informed that co-operation protocols are in place between the Audiovisual Council (CSA) and Unia, and between the Audiovisual Council (CSA) and the IEFH, enabling the Council to call on the specific expertise of the two bodies.⁴⁹
43. With regard to media self-regulation, issues around incitement to racist and LGBTI-phobic hatred are examined in the context of complaints received by the Council for Journalism and the Journalists' Ethics Council.⁵⁰ ECRI's attention was drawn in particular to the challenges that certain publications relating to the situation in the Middle East could pose in terms of preventing and combating racism, including antisemitism. ECRI invites the authorities to encourage debate within the media professions on their role in combating antisemitism, and on the particular responsibility of media professionals, in this context, to report on all world events in a manner that avoids perpetuating racist stereotypes and prejudices, in particular of an antisemitic nature, and also refers to Recommendation CM/Rec(2022)16 of the Committee of Ministers on combating hate speech (§ 42), which highlights the positive role which media self-regulation bodies should play in combating hate speech.
44. With regard to combating hate speech and hate crime in football, ECRI notes with satisfaction the measures taken by football governing bodies since 2021, such as the adoption of the Come Together action plan, the establishment of a reporting centre, the creation of a national disciplinary chamber to combat discrimination and racism and the holding of training courses.⁵¹ It is also pleased to note the support, in particular financial, provided by the authorities for the implementation of some of these measures. ECRI nevertheless notes that considerable challenges remain and that sustained efforts are necessary to prevent and combat the problem. It therefore calls on the authorities to take robust and targeted measures as part of a co-ordinated approach involving football governing bodies and groups of concern to ECRI.

II. ENSURING EQUAL TREATMENT AND INCLUSION IN EDUCATION AND HEALTHCARE

A. Equal treatment and inclusion in education

Legislation and remedies

45. The area of education in Belgium remains an almost exclusive competence of the linguistic communities, with three systems of education linked to the French-speaking (Wallonia-Brussels Federation), Dutch-speaking (Flemish) and German-speaking Communities. Discrimination on the grounds relevant to the work of ECRI is as a matter of principle prohibited in all those systems and equality bodies may handle complaints related to equal treatment in education.⁵²

⁴⁸ See also Commission d'évaluation des lois fédérales tendant à lutter contre la discrimination 2022: 199-201. According to the authorities, the relevant federal police services did not have AI or automated systems to detect online hate speech; all searches were carried out manually.

⁴⁹ See, for example, CSA (2025), [Rapport d'activités 2024](#): 103.

⁵⁰ Journalists' Ethics Council (CDJ), Article 28 of the [Code of Ethics for Journalists](#) (2023 edition); Council for Journalism (RvJ), Article 27 of the [Code of Ethics](#) (2026 version). See *inter alia* decisions of 24 April 2024 ([complaint 23-33](#)) and 21 February 2024 ([complaint 23-35](#)) of the Journalists' Ethics Council (CDJ).

⁵¹ Royal Belgian Football Association, [Come Together](#).

⁵² European Commission (2025a), [Country report. Non-discrimination. Belgium 2025](#): 51.

46. In 2024, Unia received 156 reports of discrimination on all grounds covered by its mandate in the area of education, 223 such reports in 2023, 275 in 2022, 222 in 2021 and 174 in 2020. Out of cases opened in 2024, 36 concerned allegations of racial discrimination, 11 were based on religion or belief and three on sexual orientation.⁵³ The VMRI registered 254 complaints concerning discrimination in education in 2024, against 162 in 2023.⁵⁴ In 2024, 86 of those complaints related to racial discrimination, seven about discrimination based on sexual orientation and 12 concerning gender identity. The Institute for Equality between Women and Men received 14 complaints concerning discrimination against transgender persons in education in 2024, 18 in 2023, 12 in 2022, 13 in 2021 and 14 in 2020.⁵⁵ Complaints regarding racial and other forms of discrimination in schools may also be handled by relevant school inspections.⁵⁶

Equality data

47. A major difficulty in assessing the situation related to equality and inclusion of pupils belonging to groups of concern to ECRI arises from the fact that the Belgian authorities do not systematically gather disaggregated equality data,⁵⁷ including on education, and that there are few comprehensive studies regarding this issue.⁵⁸ In this context, ECRI recalls that, without reliable equality data, the authorities may not be able to obtain a complete picture of the situation of pupils belonging to groups of concern to ECRI and, accordingly, to design targeted policy measures to prevent and combat racial and other forms of discrimination, including that of a structural or deep-rooted nature.⁵⁹
48. ECRI recommends that the authorities develop a system of collecting appropriately disaggregated equality data on the situation of pupils belonging to groups of concern to ECRI in the area of education. While developing such system the authorities should respect the principles of informed consent, self-identification and confidentiality and ensure that the data collected are only used for the promotion of equality and inclusion.

⁵³ Unia 2025a: 56-58.

⁵⁴ VMRI (2025a), [Mensenrechten in Vlaanderen. Stand van zaken 2024](#): 20.

⁵⁵ Data provided by the authorities.

⁵⁶ For instance, according to the information received from the authorities, the school inspection in the German-speaking community handled four such complaints in the period of three school years preceding the ECRI 2025 visit to Belgium.

⁵⁷ See Unia (2021c), [Improving equality data collection in Belgium, Rapport Final](#). For guidance on the collection of equality data, see among others: CDADI (2023), [Training Manual on Equality Data Collection & Analysis to Prevent and Address Systemic Discrimination](#) and European Commission, High Level Group on Non-discrimination, Equality and Diversity: Subgroup on Equality Data (2021), [Guidance note on the collection and use of equality data based on racial or ethnic origin](#).

⁵⁸ Last comprehensive study on diversity in education was published in 2018: Unia (2018), [Baromètre de la diversité: Enseignement](#).

⁵⁹ See also the findings and recommendation of the UN Working Group of Experts on People of African Descent. See: UN WGEPAD (2019), Report of the Working Group of Experts on People of African Descent on its visit to Belgium, [A/HRC/42/59/Add.1](#): §§ 19 and 75 (r).

Teaching on equality and tolerance in schools

49. According to the information provided by the authorities, human rights and equality are included in school curricula in all three Communities, mostly in a transversal way or as an element of citizenship or ethics education. In addition, teaching on LGBTI equality is a part of education on sexuality, relationships and health. Subjects related to diversity and equality are often raised as a part of cooperation between schools and civil society organisations.⁶⁰ ECRI was pleased to learn that, in all three Communities, school programmes also contain elements pertaining to media education, including the topic of hate speech in the media,⁶¹ and that the catalogue of trainings for teachers include subjects such as managing diversity in schools, combating discrimination and teaching human rights.⁶² At the same time, interlocutors met by the ECRI delegation during the visit indicated that the amount and quality of teaching on subjects related to human rights and equality in schools is not regularly monitored and depends on individual schools and teachers, varying significantly between schools. As a result, some pupils reportedly do not receive sufficient information on those subjects.⁶³
50. Moreover, interlocutors met by the ECRI delegation during the visit pointed to a general vacuum regarding teaching on the history and culture of people of African descent, Roma and Travellers, Jews and Muslims.⁶⁴ This may contribute to perpetuating stereotypes, as well as to the feeling of exclusion from historical and other narratives by persons belonging to these groups of concern to ECRI.⁶⁵ Against this background, ECRI welcomes initiatives taken by the educational authorities of the Wallonia-Brussels Federation aimed at providing teachers with materials on those subjects, for example the publication of a set of materials on the colonisation of Congo⁶⁶ and the organisation of training for teachers on the use of these materials in schools.⁶⁷ ECRI strongly encourages the authorities to build on those initiatives and strengthen equality and history teaching in such a way as to encompass the historical dimensions of inequalities and racism, including the historical roots of racism against people of African descent, antigypsyism, antisemitism and anti-Muslim racism.

Preventing and combating racist and LGBTI-phobic bullying in schools

51. Surveys conducted among groups of concern to ECRI suggest that the problem of racist and LGBTI-phobic bullying is still present in Belgian schools. In the 2023 survey of the EU Fundamental Rights Agency (EU FRA), 67% of LGBTI respondents from Belgium indicated that, during their education, they experienced ridicule, teasing, insults or threats because they were LGBTI.⁶⁸ Another survey conducted in 2022 showed that the majority of LGBTI pupils enrolled in Flemish schools do not feel safe and many avoid extracurricular activities or skip classes

⁶⁰ See, for instance, activities provided by [Cavaria](#) and [Prisme](#) (education on LGBTI equality), [Kaleido](#) (health education, including education on sexual orientation and gender identity) or [MRAX](#) (regarding on combating racism).

⁶¹ The basic objectives of such education were revised in 2022 in the German-speaking community, in 2024 in the French-speaking community, and were under revision during the ECRI visit in the Flemish community. The development of curricula and educational materials on those subjects is also supported by specialised centres of media education, such as the “[Conseil supérieur de l'éducation aux médias](#)” (in Wallonia-Brussels Federation), [Mediawijis](#) (Dutch-speaking community and [Medienzentrum](#) (in German-speaking community).

⁶² For instance, in the German-speaking community, such courses are included in initial training of teachers, including kindergarten teachers, and make part of the offer of continuous training.

⁶³ See, for instance, results of the survey conducted by the EU FRA in which 60% LGBTI respondents from Belgium indicated that their school education had never addressed LGBTI issues. See EU FRA 2024c: 3.

⁶⁴ In this respect, see also UN WGEPAD 2019: §§ 27-31 and 75 (w).

⁶⁵ See, for instance, Université Catholique de Louvain et al. 2025: 104-105.

⁶⁶ Fédération Wallonie-Bruxelles (2020, June 25), [Histoire et Colonisation: un nouvel outil digital pour le corps professoral](#).

⁶⁷ Fédération Wallonie-Bruxelles (2023, February 16), [Formations Dob à destination des \(futurs\) enseignants: «Le Congo colonial»](#).

⁶⁸ EU FRA (2024d), [LGBTIQ Equality at Crossroads. Progress and Challenges](#): 59.

because of it.⁶⁹ Experience of racially-motivated bullying was also reported by children of African descent.⁷⁰

52. ECRI notes that the authorities took a number of measures to prevent and combat bullying in schools. For instance, in the Wallonia-Brussels Federation, a School Climate Observatory has been created and tasked with initiating and conducting research on bullying, including cyberbullying, developing guidance for schools and providing trainings to educational professionals.⁷¹ The authorities have also established a special hotline providing information and advice on applicable procedures for pupils, parents and educational professionals who are confronted with bullying,⁷² financed programmes for preventing and combating such phenomenon, and introduced an obligation for every school to establish a procedure for reporting and addressing any allegation of bullying.⁷³ ECRI welcomes all those efforts and initiatives.
53. ECRI nonetheless notes that, according to several interlocutors met during the visit, teachers and other educational professionals still lack guidance and expertise to specifically tackle racist and LGBTI-phobic incidents in schools. ECRI therefore encourages the authorities to ensure that all teachers and educational professionals are trained to adequately respond to those forms of bullying.

Situation of newly arrived migrant schoolchildren

54. Inclusion in schools is especially difficult for newly arrived migrant children who do not have a sufficient command of the language of education. Depending on the linguistic Community in question and the child's age, the approach for their inclusion is either through immediate immersion in mainstream schools that are then allocated additional resources for linguistic support, or by placing children in separate induction programmes.⁷⁴ Children enrolled in separate induction programmes spend in principle up to one year⁷⁵ following separate classes aimed at providing them with sufficient language skills to pursue mainstream education.
55. While in principle ECRI considers that such preparatory classes may be an effective way to prepare migrant children for full inclusion in schools, it also notes that they have sometimes been criticised for failing to provide sufficient opportunities for migrant children to exchange with their Belgian peers.⁷⁶ It was also reported that the resources involved in the implementation of those programmes are sometimes insufficient, which may have resulted in waiting times for pupils to start their education.⁷⁷ Moreover, the subsequent transition of children to mainstream schools is said to be challenging due to a lack of sufficient resources in the mainstream schools to address the specific needs of migrant children.⁷⁸

⁶⁹ Çavaria (2023), [Vlaamse LGBTI+ schoolklimaat enquête 2021-2022](#): 8.

⁷⁰ See, for example, Université Catholique de Louvain et al. 2025: 92; EU FRA 2023: 45.

⁷¹ [Observatoire du climat scolaire](#).

⁷² For more details, see the [website](#) of the educational authorities of the Wallonia-Brussels Federation.

⁷³ Article 1.7.10-4 of the [Decree](#) on improving the school climate and preventing bullying and cyberbullying in schools, adopted by the Parliament of the French-speaking community on 24 April 2023.

⁷⁴ For more details, see [DASPA](#) (*Dispositif d'Accueil et de Scolarisation des élèves Primo-arrivants et Assimilés*) and [OKAN](#) (*Onthaalklas voor anderstalige nieuwkomers*). In the German-speaking Community, no separate preparatory programme has been established, but schools may request resources for organising additional language classes.

⁷⁵ In case of DASPA this period may, in specific cases, be extended up to the total of two years.

⁷⁶ Desmée, L., Cebotari, V. (2023). [School integration of immigrant children in Belgium](#), *Children & Society*: 9, 17-18; IMMERSE (2023), [National recommendations paper: Belgium](#): 8.

⁷⁷ AIDA (2025), [Country Report: Belgium 2024 Update](#): 151; REFUFAM (2025), [Education: Entering and Leaving OKAN](#): 2-3.

⁷⁸ IMMERSE 2023: 3 and 5.

56. ECRI recommends that the authorities ensure that all newly arrived migrant children can be promptly enrolled in schools, including by regularly monitoring the implementation of programmes aimed at integrating and including newly migrant schoolchildren, and committing sufficient resources to the development of suitable support to those pupils.

Situation of schoolchildren with a migration background

57. In its previous reports on Belgium, ECRI pointed to the need of ensuring equal opportunities in schools for children belonging to groups of concern to ECRI, especially children with migration backgrounds.⁷⁹ While there are still no official data on the situation of those children in the education system, there was a consensus among ECRI interlocutors during the 2025 visit to say that children with migration backgrounds had continued to face multiple challenges, including lower educational outcomes than their peers belonging to the majority population. It also appeared that they encountered lower expectations from teachers, which are reflected, among others, in the advice they receive as to the choice of education pathways when pursuing secondary education.⁸⁰ Reportedly, children with a migration background are significantly more often advised to follow vocational education and training, which are considered less demanding.⁸¹
58. In addition, it emerged during ECRI's visit that many children with a migration background are impacted by *de facto* school segregation, attending schools where they constitute a majority or a disproportionately high proportion of pupils.⁸² In this context, ECRI regrets that, according to information received from the authorities, only the Flemish authorities have recognised school segregation as a systemic problem in education and have undertaken some measures aimed at preventing the concentration of children with a migration background in certain schools.⁸³
59. ECRI recommends that the authorities develop and implement a set of measures to facilitate the inclusion of children with a migration background in the area of education, including by: (i) developing strong policies aimed at ending any *de facto* segregation in schools and ensure their effective implementation; (ii) providing tailored support to pupils with a migration background, their families and schools to decrease educational gaps; (iii) providing trainings and awareness-raising activities to teachers and other educational professionals in order to eliminate any bias in the assessment of children with a migration background and in the provision of educational and career advice to them.

Situation of Roma and Traveller schoolchildren

60. Roma and Traveller children in Belgium belong mostly to two distinctive groups: migrant Roma, originated from Central and Eastern European countries, and Travellers, who have had long presence in Belgium. According to a survey conducted by the EU FRA in 2019, while 95% of Roma children aged between six and 15 in Belgium attended school, among Traveller children this number amounted only to 39%.⁸⁴ The relatively high number of Roma children attending schools is often attributed to successful initiatives of deploying mediators working with Roma communities implemented by local authorities and civil society actors⁸⁵ as well as the employment of social workers who act as a bridge between Roma

⁷⁹ See, for example, ECRI 2020: §§ 14-15; ECRI 2014: §§ 123-129; ECRI 2009a: §§ 62-68.

⁸⁰ See, Unia (2022b), [Discrimination à l'encontre des personnes afrodescendantes](#): 37.

⁸¹ See, UN WGEPAD 2019: §§ 57-58; Unia 2022b: 37-38.

⁸² See, Fédération Wallonie-Bruxelles (2024), [TALIS 2024 – Présentation de l'enquête et Paysage de l'enseignement](#): 23-24.

⁸³ Those include additional funding for schools that enrol children who do not speak Dutch at home, as well as initiatives taken by local authorities to ensure that schools cannot deny enrolment to such children unless their number reaches a set threshold.

⁸⁴ EU FRA (2020), [Roms et Gens du voyage en Belgique](#): 3.

⁸⁵ European Commission 2025b, [Civil society monitoring report on the implementation of the national strategic framework for Roma equality, inclusion and participation](#): 14.

families and schools. By contrast, according to interlocutors met by the ECRI delegation during the visit, the very low number of Traveller children attending school is linked to their difficult housing situation, namely the lack of suitable public sites for caravans that would allow families to stay in one area during the school year. It is also impacted by a general lack of targeted policy measures aimed at tackling educational needs of this group of children.⁸⁶

61. ECRI recommends that the authorities develop and implement a set of targeted actions to significantly increase the number of Traveller children attending and completing compulsory education. The development of such actions should involve meaningful consultations with representatives of the communities concerned and relevant civil society organisations.

B. Equal treatment and inclusion in healthcare

Legislation, remedies and data

62. The competences in the area of ensuring equality and inclusion in healthcare are shared between federal authorities and the authorities of federated entities, all of which have in place separate legal frameworks that prohibit discrimination in this area.⁸⁷ Persons who consider that they have been discriminated against may lodge complaints with relevant equality bodies. For instance, Unia received 54 reports of discrimination on all grounds covered by its mandate in the area of health and personal assistance in 2024, 48 such reports in 2023, 40 in 2022, 84 in 2021 and 40 in 2020.⁸⁸ In the statistics of the VMRI, complaints regarding discrimination in the area of healthcare fall under a broader category of “welfare”. In 2024, it received 108 complaints falling within this category, of which 28 were based on “racial characteristics”, five were based on gender identity, and one was based on sexual orientation. The Institute for Equality between Women and Men received 17 complaints concerning discrimination against transgender persons in the area of healthcare in 2024, 12 in 2023, seven in 2022, 12 in 2021 and 17 in 2020.⁸⁹ In addition, some health facilities, including hospitals, have internal patient ombudspersons to whom patients may complain about violations of their rights, including their right to be protected from discrimination.
63. At the same time, surveys conducted among persons belonging to groups of concern to ECRI suggest that the scale of discrimination in the area of healthcare remains significant. For instance, according to a survey conducted by the EU FRA in 2023, 16% of LGBTI respondents from Belgium reported that they had felt discriminated against due to being LGBTIQ when accessing health services within the twelve months preceding the survey.⁹⁰ According to a survey conducted among people of sub-Saharan origin, 23% of respondents said that they experienced discrimination or were poorly treated in healthcare settings due to their origin or colour in the course of five years preceding the survey.⁹¹ A broader study conducted by Unia among persons at risk of racial discrimination indicated that 9% of them felt discriminated against by healthcare providers, 16.1% considered they were disrespected and 19.7% believed that other patients were treated better than them.⁹²

⁸⁶ European Commission 2025b: 14-15.

⁸⁷ European Commission 2025a: 49-50.

⁸⁸ Unia 2025a: 52.

⁸⁹ Data provided by the authorities.

⁹⁰ EU FRA (2024c): 2.

⁹¹ Université Catholique de Louvain et al. 2025: 127-129.

⁹² Unia (2024c), [Etude exploratoire sur l'inégalité raciale et la discrimination dans les soins de santé](#): 4.

Situation of LGBTI persons

64. The improvement of health and well-being of LGBTI persons was one of the main objectives of the federal action plan “For a LGBTIQI+ Friendly Belgium” 2021-2024.⁹³ One of its measures was the support for the creation of the first Belgian health centre specialised in providing medical and psychological care to LGBTI persons (*Maison Arc-en-ciel de la Santé*). The facility, opened in 2025 in Brussels, provides general medicine appointments, psychological support, as well as referrals to other medical professionals working with LGBTI persons. It also hosts training and awareness-raising activities for medical professionals on issues related to the needs of LGBTI persons.⁹⁴ ECRI considers the creation and the functioning of this centre a **promising practice**.
65. Moreover, on 31 July 2023, the Federal Parliament adopted a law introducing a criminal prohibition of all practices, be it physical interventions or psychological pressure, aimed at converting or changing sexual orientation or gender identity of LGBTI people (so-called conversion practices). The legislation provides criminal sanctions for conducting and promoting such practices.⁹⁵ While “conversion practices” cannot under any circumstances be considered a form of healthcare, ECRI considers that their prohibition constitutes an important step forward in the protection of physical and mental health of LGBTI persons, especially children and youth.⁹⁶
66. Surveys suggest that transgender persons still face prejudice and discrimination when accessing general healthcare.⁹⁷ Transgender persons also report that many healthcare professionals do not have sufficient knowledge or sensibility to provide them with adequate care.⁹⁸
67. As regards the provision of gender-affirming healthcare, progress has been made, in particular with the extension of the network of designated health centres in which multidisciplinary teams (“gender teams”) provide comprehensive care to transgender persons wishing to undergo gender-affirming treatment. ECRI considers the development and functioning of such centres a **good practice**.
68. ECRI notes, however, that according to several interlocutors met during the visit, the waiting time to start treatment in those centres is still long, amounting even to three years in some centres. ECRI was informed that this is mainly due to a limited availability of psychological care, which constitutes the first step of care. Moreover, while there are seven such multidisciplinary centres in Belgium, only one of them is situated in Wallonia.
69. ECRI recommends that the authorities take measures to further advance access to quality healthcare for transgender persons, in particular by: i) integrating transgender patients’ rights and specific needs into initial and continuous training of healthcare professionals, and ii) increasing the capacities of multidisciplinary centres providing gender-affirming healthcare throughout the country in order to shorten waiting times for receiving adequate treatment.
70. ECRI’s attention was brought to the fact that transgender persons having obtained legal gender recognition and/or having mixed morphology have difficulties in obtaining the reimbursement of costs of some types of healthcare, which in the

⁹³ Federal government 2022b. As regards implementation, see SPF Justice, Service Egalité des Chances 2024: 44.

⁹⁴ For more information, see [the website](#) of the Rainbow House.

⁹⁵ [Law of 31 July 2023](#) amending the Criminal Code in order to introduce a prohibition of conversion therapies. Criminal provisions prohibiting the conduct and promotion of so-called conversion practices have also been inserted in the new Criminal Code (sections 310–315).

⁹⁶ See ECRI (2023a), [General Policy Recommendation No. 17](#): Combating intolerance and discrimination against LGBTI persons, § 37.

⁹⁷ See, in particular, IEFH (2025), [Living as a transgender and/or gender non-binary person in Belgium](#): 74, 86.

⁹⁸ IEFH 2025: 89.

systems of insurance-providers are linked to a specific gender marker.⁹⁹ ECRI encourages the authorities to review existing arrangements with health insurance providers to ensure that any limitation on insurance coverage for transgender persons who have obtained legal gender recognition and/or have mixed morphology is in accordance with the principle of non-discrimination.

71. In relation to the situation of intersex persons, the subject of reinforcing protection of the right of intersex persons to bodily integrity has been increasingly present in public debate and the Federal Parliament issued a resolution calling upon the government to take measures aimed *inter alia* at designing a suitable legislative framework prohibiting the conduct of non-medically necessary sex assignment surgical intervention on the sex characteristics of children (so-called sex-normalising surgeries) before such time when the child is capable of providing its informed consent.¹⁰⁰ According to the authorities, the Belgian legislation already provides that all medical interventions should be conducted only when necessary and after obtaining patient's informed consent. However, according to several interlocutors met during the visit, those general provisions were not sufficient for an effective prevention of so-called sex-normalising surgeries and treatment.
72. In the light of the above, ECRI regrets to note that the Belgian law still does not explicitly prohibit non-medically necessary sex assignment treatment and/or surgical intervention on the sex characteristics of children.
73. ECRI recommends, as a matter of priority, that the authorities take action towards the development and adoption of a comprehensive bill that expressly acknowledges the right of intersex persons to bodily integrity and prohibits the performance of medically unnecessary surgeries and other non-therapeutic treatments until such time as the intersex child is able to participate in decisions, based on the principle of free and informed consent. In doing so, the authorities should consult relevant experts and healthcare professionals, as well as intersex persons and their parents or guardians. They should also draw inspiration from ECRI's General Policy Recommendation No. 17 on combating intolerance and discrimination against LGBTI persons and Recommendation CM/Rec(2025)7 of the Committee of Ministers of the Council of Europe on equal rights for intersex persons.

Situation of foreign citizens, people with migration background and Roma

74. ECRI notes that the Belgian legislation formally guarantees access to at least urgent and other forms of necessary healthcare to all foreigners residing in the country. In case of migrants irregularly present in Belgium, such access is to be secured through "urgent medical care" (*Aide Médicale Urgente* - AMU). AMU's scope covers not only medical emergencies *sensu stricto*, but also all healthcare allowing to live with human dignity, which in practice should include most forms of necessary healthcare.¹⁰¹ However, some estimates indicate that only approximately 20% of those entitled to AMU actually benefits from it.¹⁰² During the 2025 visit, many interlocutors opined that this was not only due to low level of knowledge of the system among beneficiaries, but also due to shortcomings of the system itself. Those include lengthy administrative procedures necessary to obtain authorisation for treatment, inconsistencies in the documents required by different

⁹⁹ IEFH 2025: 89.

¹⁰⁰ Chambre des représentants de Belgique (2021, February 11), [Résolution visant à reconnaître le droit à l'intégrité physique des mineurs intersexes](#). See also Vlaams Parlement (2024, February 7), [Resolutie over de betere ondersteuning en een betere zorg voor mensen met een intersekseconditie](#); IEFH (2024), [Égalité de genre: 9 axes prioritaires pour la législature 2024- 2029](#): 18 ; Commissariat aux droits de l'enfant (2020), [Advies: Naar een versterkt kinderrechtenperspectief bij kinderen met variaties in seksekenmerken](#): 8-9. See also Prisme (2024), [Pour des politiques plus justes et égalitaires pour les personnes inter*](#): 14.

¹⁰¹ See, for instance, Médecins du Monde Belgique (2024), [Mémoire Élections 2024. Une feuille de route pour la simplification et l'harmonisation de l'Aide Médicale Urgente](#): 4.

¹⁰² Médecins du Monde Belgique 2024: 13.

local social care centres responsible for handling those requests¹⁰³ and a limited number of health providers that can take in patients under this system.¹⁰⁴ As a result, many irregularly present migrants remain without necessary care or seek it within the framework of initiatives undertaken by civil society.¹⁰⁵

75. Asylum seekers accommodated in reception facilities may receive healthcare directly through medical services in those facilities, while other asylum seekers can receive it in generally accessible medical facilities. In the latter case, the costs involved in their care should be reimbursed by the Federal Agency for the Reception of Asylum Seekers (Fedasil). Nonetheless, civil society organisations report that, in practice, asylum seekers often face administrative barriers, delays in obtaining necessary documents or even refusal of treatment on account of healthcare professionals and other staff working in those facilities not being familiar with the applicable procedures or anticipating delays in reimbursement.¹⁰⁶
76. ECRI recommends that the authorities take further action to ensure effective access to healthcare for irregularly present migrants and asylum seekers, including by removing administrative barriers impeding such access and by organising awareness-raising and training sessions on applicable procedures for staff working in relevant healthcare facilities.
77. On a positive note, ECRI learned that Fedasil, together with the provider of public health insurance (CAAMI), had initiated a project aimed at facilitating and accelerating the process of reimbursement of costs for healthcare provided to asylum seekers.¹⁰⁷
78. It emerged from ECRI's findings during the 2025 visit that a number of migrants, people with migration background, and Roma faced language barriers when accessing healthcare. The authorities at various administrative levels sought solutions aimed at providing interpretation and intercultural mediation services in the health sector. These included the employment of intercultural mediators in hospitals¹⁰⁸ and a federal project of community health workers conducting outreach activities and supporting people belonging to target groups in accessing healthcare.¹⁰⁹ In addition, some local authorities sought further solutions. For example, the city of Ghent works with "health guides" who support persons belonging to groups in situations of vulnerability (including migrant communities) in making appointments in health facilities and when receiving healthcare,¹¹⁰ as well as "neighbourhood stewards", whose role consists of general outreach and support to particular communities, including Roma.¹¹¹ ECRI considers the

¹⁰³ See, Cour des comptes (2025), [Aide médicale urgente pour les personnes en séjour illégal](#): 30, 49.

¹⁰⁴ See report by the Belgian Court of Audit (Cour des comptes 2025), as well as SPF Santé publique (2020), [ETHEALTH Rapport 2020. Vers des soins de santé équitables pour les migrants et minorités ethniques. Mémoire explicatif](#) and [Médecins du Monde Belgique 2024](#).

¹⁰⁵ Examples of such initiatives include [humanitarian hubs](#) and [health centres](#) accessible to irregularly present migrants and asylum seekers without additional formalities, as well as mobile teams in so-called [Medibuses](#) organised by [Médecins du Monde](#) in multiple cities in Belgium.

¹⁰⁶ See, for instance, Amnesty International (2025), [Unhoused and unheard. How Belgium's persistent failure to provide reception violate asylum seekers' rights](#): 10-12 and CIRE (2025), [Politique de non-accueil. Etat des lieux. Janvier 2025 - juin 2025](#): 10.

¹⁰⁷ For more information see [memorandum on the project's first phase](#) and [website of Fedasil](#). According to information provided by the authorities, the new procedures started to be implemented on 1st April 2026. They are expected to simplify the administrative formalities related to providing healthcare for asylum seekers.

¹⁰⁸ According to the information received from the authorities in 2025, there were 137 intercultural mediators in the healthcare system in Belgium. For more information, see [Vers une Belgique en bonne santé](#).

¹⁰⁹ At the time of the visit, community health workers were present in Brussels Capital Region, five cities in Flanders, three in Wallonia and two additional locations within German-speaking community. For more details, see [Community Health Workers' website](#).

¹¹⁰ For more information, see [Ghent city's website](#).

¹¹¹ See also, in this context, long-standing programmes targeting Roma and Travellers run by [Foyer](#) and [le Centre de Médiation des Gens du Voyage](#).

employment of intercultural mediators, the community health workers project and similar initiatives at local level to be **good practices**.

79. Nonetheless, most interlocutors met by the ECRI delegation during its visit stressed that, overall, the number of intercultural mediators and interpreters was still insufficient. ECRI invites the authorities to increase the number of intercultural mediators and redouble their efforts to ensure that appropriate interpretation services are available and accessible in healthcare facilities throughout the country.
80. ECRI notes that patients belonging to groups of concern to ECRI, especially migrants, people with a migration background, including people of African descent, and Roma, have reported that at times they still meet with discriminatory or inappropriate treatment by healthcare professionals. This included derogatory comments or ignoring health issues reported by patients on account of an assumption that, due to their citizenship, national origin, skin colour or ethnicity, they were prone to exaggerate their symptoms¹¹². In this connection, it was brought to ECRI's attention that the subjects related to intercultural competences and prevention of discrimination in the health sector were insufficiently covered in the training of medical professionals and that existing training activities were not accredited as part of obligatory training for doctors and other healthcare professionals.¹¹³
81. ECRI recommends that the authorities encourage and support the development of anti-racism, anti-discrimination and cultural competency training for healthcare professionals, including through associations of health professionals, the inclusion of human rights education as a mandatory course in the curricula of medical schools and the provision of in-service training on inter-cultural health, discrimination-related health issues, racism and exclusion. In doing so the authorities should take due account of General Recommendation No. 37 of the United Nations Committee on the Elimination of Racial Discrimination on equality and freedom from racial discrimination in the enjoyment of the right to health.

III. TOPICS SPECIFIC TO BELGIUM

A. Equality bodies

82. In its previous report, ECRI noted that Unia and the IEFH did not have any investigative powers in order to collect evidence, that the IEFH was not fully independent in law in all its functions and that there was no independent body with competence on questions relating to discrimination on the ground of language.¹¹⁴ It regrets that all these findings are still relevant today, despite its recommendations. During the 2025 visit, official interlocutors of the ECRI delegation considered, in particular, that the Federal Institute for the Protection and Promotion of Human Rights¹¹⁵ could, in theory, deal with discrimination on the ground of language within the scope of its remit. However, ECRI notes that, as emerged from its visit, and in view of its General Policy Recommendation (GPR) No. 2 (revised) on equality bodies to combat racism and intolerance at national level, no equality body has yet been set up for that purpose.¹¹⁶

¹¹² See also Bartholomeeusen C., Hanine F. (2023), *Racisme et pratiques de la médecine*, Ethica Clinica vol. 112 : 9 available also [here](#); Bufragech J. (2022, December 16), [Dis les termes : racisme à l'hôpital](#); and BX1 (2025, November 4), [Une femme refoulée lors d'une fausse couche : elle porte plainte contre l'UZ Brussel](#).

¹¹³ Unia (2023b), [Mémoire 74 propositions d'Unia pour les élections 2024](#): 43. See also, in the context of mental health, Unia (2024d), [Etude exploratoire : La prise en compte du racisme sur la santé mentale et physique des personnes](#): 24-26.

¹¹⁴ ECRI 2020: §§ 1-9.

¹¹⁵ See the [Law of 12 May 2019](#) establishing a [Federal Institute for the Protection and Promotion of Human Rights](#). Under Article 4, the Institute's mandate covers all matters relating to fundamental rights under federal jurisdiction, except those dealt with by sectoral bodies for the promotion and protection of human rights.

¹¹⁶ No body has yet been designated under the provisions of Article 29 of the [Law of 10 May 2007](#) on combating certain forms of discrimination. Unia has informed ECRI that it is willing to be assigned the language protected criterion.

83. The authorities informed ECRI that, in 2022, the Flemish Parliament withdrew from the co-operation agreement of 12 June 2013 that had led to the establishment of Unia, in order to establish a separate institution, the VMRI.¹¹⁷ The VMRI, which has been operational since 15 March 2023, performs the role of an equality body in matters falling within the remit of the Flemish authorities, such as education and housing.¹¹⁸ Since then, Unia has remained responsible in Flanders for all matters falling within federal jurisdiction. In this context, ECRI draws the authorities' attention to the reservations expressed by civil society about the effectiveness of such a system, which has become even more complex for discrimination victims. It notes with satisfaction the signing in 2025 of a co-operation protocol between the two institutions concerning the processing of complaints, and stresses the importance of inter-institutional co-ordination with regard to all of their tasks (see § 9 of GPR No. 2).
84. The VMRI has jurisdiction over all forms of direct and indirect discrimination in the public and private sectors based on the protected criteria set out in the Decree of 10 July 2008 establishing the framework for Flemish policy on equal opportunities and treatment, with the exception of discrimination on the ground of language.¹¹⁹ It has most of the powers related to the promotion of rights (see § 10a and 13 of GPR No. 2) and can make recommendations on existing Flemish legal framework.¹²⁰
85. As regards the support and litigation function (§§ 10b and 14 of GPR No. 2), it can provide assistance to victims, offering in particular to mediate. If the mediation process is unsuccessful or cannot be completed, a dispute chamber, which became operational in October 2023, may examine complaints and issue non-binding decisions.¹²¹ The VMRI is not empowered to provide legal representation to victims in court or to bring individual discrimination cases before courts.¹²² It has investigative powers, but only in relation to public services¹²³ (§ 21 of GPR No. 2).
86. ECRI notes with satisfaction the fact that the VMRI performs its remit completely independently and manages its staff and budget freely.¹²⁴ Its financial resources come from public funds and are approved every year by the Flemish Parliament. However, ECRI regrets the fact that no separate budget line has been allocated to the tasks falling within its remit in terms of equality, with the exception of the human and financial resources specifically assigned to the functioning of the dispute chamber (§ 28 of GPR No. 2). During its visit, the ECRI delegation was informed that additional financial resources were needed, in particular for the purpose of carrying out studies and research.
87. Although a public awareness campaign was organised concerning the establishment of the VMRI,¹²⁵ it remains insufficiently well known, according to various interlocutors ECRI met during the visit.

¹¹⁷ [Decree of 28 October 2022](#) establishing a [Flemish Human Rights Institute](#).

¹¹⁸ Article 6 of the Decree of 28 October 2022.

¹¹⁹ Articles 15, 15bis and 20 of the [Decree of 10 July 2008](#); Articles 13 and 14 of the Decree of 28 October 2022.

¹²⁰ Articles 7-11 of the Decree of 28 October 2022. For example, in 2026, the VMRI issued an opinion on the preliminary draft decree amending the Decree of 10 July 2008.

¹²¹ Articles 12-17 of the Decree of 28 October 2022. The dispute chamber only has jurisdiction over discrimination complaints. In 2024, it received around 40 complaints and issued 12 decisions.

¹²² During the visit, the ECRI delegation was informed that the VMRI could bring cases before the courts for the sole purpose of defending a collective interest, on the basis of Article 17 of the [Judicial Code](#). See also Article 41 (1) of the [Decree of 10 July 2008](#).

¹²³ Article 22 of the Decree of 28 October 2022.

¹²⁴ Articles 4 and 40 of the Decree of 28 October 2022. At the time of the visit, the VMRI had a total of 40 employees and a budget of five million euros for the year 2026.

¹²⁵ See VMRI (2025b), [Jaarverslag 2024](#): 6-7.

88. Lastly, ECRI wishes to express its regret that a 25% reduction in federal funding for Unia's activities, whose effectiveness is very widely recognised, was decided in 2025.¹²⁶ According to Unia, this reduction was equivalent to a subsidy of €1 million that it had been receiving since 2022, in addition to its basic funding. These resources had enabled Unia to set up a defence fund to cover the costs of legal proceedings for victims of discrimination in the situation of vulnerability.¹²⁷
89. ECRI recommends that the authorities strengthen the status and powers of the equality bodies, in the light of its General Policy Recommendation No. 2 (revised) on equality bodies to combat racism and intolerance at national level and ensure that they are provided with the budget and staff necessary to perform their functions in full.

B. Preventing and combating any racist abuse by law enforcement officers

90. During its visit to Belgium, the ECRI delegation was informed that misconduct by law enforcement officers that disproportionately affects migrants, people perceived as having an immigrant background or those belonging to minority groups continued to be reported. In addition to cases involving allegations of excessive use of force, including against minors,¹²⁸ the actions of some law enforcement officers have been condemned as potentially racist, particularly in connection with identity checks targeting black people, people of North African origin, Roma or Travellers, especially young people and men.¹²⁹
91. In this context, ECRI welcomes the adoption in 2023 of a circular introducing a reference framework for professional profiling within the Belgian police,¹³⁰ as well as the development in 2025 of targeted online training for law enforcement officers.¹³¹ The rolling out of training courses using virtual reality in certain police districts was also brought to ECRI's attention. However, given the persistent reports of discriminatory checks by law enforcement officers, as confirmed by several interlocutors during the visit, ECRI invites the authorities to make this type of training mandatory for all law enforcement officers.
92. In addition, ECRI considers it vital to enhance the monitoring of proactive checks carried out on the ground by law enforcement officers.¹³² In particular, it notes that there is no system for recording the identity checks they carry out.¹³³ Such recording can contribute to greater transparency in police work in such checks and mitigate the risks of racial profiling. It also enables individuals whose identity is checked to exercise their right to an effective remedy if they believe they have been subjected to discriminatory checks.
93. ECRI recommends that the authorities introduce an effective system of recording identity checks by law enforcement officials, as part of a policy aimed at strengthening mutual trust between law enforcement agencies and all sections of

¹²⁶ See, *inter alia*, Unia (2025, February 3), [Press release](#).

¹²⁷ In this regard, see also § 16 of GPR No. 2.

¹²⁸ See also, *inter alia*, RTBF (2025, June 4), [Mort de Fabian à Ganshoren \[...\]](#); Commissioner for Children's Rights (2025), [Jaarverslag 2024-2025](#): 73; Ligue des droits humains (2024), [Etat des droits humains en Belgique - Rapport 2023](#): 32-36.

¹²⁹ See also, *inter alia*, United Nations, International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement (2025), [Visit to Belgium – Report](#): 9-11; CERD 2021, 21 May: §§ 13, 15; EU FRA: (2023), [Being Black in the EU](#): 78, (2024b): 89; Unia (2021b): 10; Permanent committee for the supervision of the police services (Comité P) (2025), [Rapport annuel 2024](#): 61-65.

¹³⁰ Federal Public Department of the Interior (2023, July 7), [Circular CP 5](#) establishing the reference framework for profiling and professional monitoring. This initiative is based on the framework initially developed in 2020 by the local police districts of Ghent, Antwerp, Brussels North and Mechelen-Willebroek.

¹³¹ Hannah Arendt Institute (2025), [ProProfile](#) training. In this context, see also Comité P (2023), [Rapport annuel 2022](#): 59.

¹³² See also, *inter alia*, Unia et al. (2020, July 2), [Identifier et affronter des problèmes et abus dans la sélectivité policière](#): 17; [Stop Ethnic Profiling](#) platform.

¹³³ A bill dated 3 February 2021 aimed at amending the Law of 5 August 1992 on police duties in order to introduce a requirement to record and justify identity checks was not successful.

society and their co-operation in the fight against discrimination. In this connection, ECRI refers to its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination on preventing and combating racial profiling by law enforcement officials.

94. ECRI notes with concern that, according to several civil society representatives it met during the visit, criminal proceedings against law enforcement officers accused of racist abuse were rare and that persons who considered themselves to be victims were often faced with “counter-complaints” from the officers they reported.¹³⁴ In this context, it also emerged from the information gathered during the visit that improvements are needed in complaint procedures, their accessibility and relevant follow-up.¹³⁵ In ECRI’s view, it is important to ensure that appropriate action is taken in all cases involving racist remarks and behaviour by law enforcement officers. In this connection, ECRI refers to the work of the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in relation to Belgium.

C. Legislative instruments relating to preventing and combating discrimination

95. ECRI welcomes the developments noted in the evaluation of anti-discrimination legislation, in the light of its previous recommendations.¹³⁶ The Committee to Evaluate Federal Anti-Discrimination Laws published its final report setting out several recommendations in June 2022.¹³⁷ According to the authorities, evaluations of the relevant legislative instruments have also been carried out in Flanders,¹³⁸ the German-speaking Community,¹³⁹ the Brussels-Capital Region and the Walloon Region,¹⁴⁰ whilst a similar evaluation is currently underway at the level of the Wallonia-Brussels Federation.¹⁴¹
96. ECRI positively notes the fact that, in most cases, these evaluations have already led to legislative changes, in addition to the adoption of a Brussels Equality Code.¹⁴² In particular, it welcomes the introduction of cumulative and intersectional discrimination in the three federal anti-discrimination laws, the increase and indexation of the lump-sum compensation and the possibility for courts to impose positive measures in the context of injunction proceedings.¹⁴³

¹³⁴ See, in this context, Ligue des droits humains (2023), [État des droits humains en Belgique – Rapport 2022](#): 31-35; European Court of Human Rights, *Boutaffala v. Belgium*, No. [20762/19](#), 28 June 2022; International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement 2025: 11.

¹³⁵ See, *inter alia*, Liga voor Mensenrechten (2023), [Klachten tegen racisme door politie: zet het slachtoffer centraal](#): 14-17.

¹³⁶ ECRI 2014: §§ 25, 28; ECRI 2020: § 97; ECRI (2022a), [Conclusions de suivi intermédiaire sur la Belgique](#).

¹³⁷ See Committee to Evaluate Federal Anti-Discrimination Laws (2022). The evaluation concerned the [Law of 30 July 1981](#) on the punishment of certain acts inspired by racism or xenophobia, the [Law of 10 May 2007](#) to fight certain forms of discrimination and the [Law of 10 May 2007](#) on discrimination between women and men.

¹³⁸ The [Decree of 10 July 2008](#) establishing the framework for the Flemish policy on equal opportunities was evaluated in 2020. According to the authorities, the study also established a link with developments and evaluation at federal level.

¹³⁹ The [Decree of 19 March 2012](#) of the German-speaking Community on combating some forms of discrimination was [evaluated](#) by Unia in 2023, for the period 2017-2022, taking into account other anti-discrimination legislation.

¹⁴⁰ Evaluation of the [Decree of 6 November 2008](#) of the Walloon Region on combating certain forms of discrimination was completed in 2025.

¹⁴¹ In this regard, ECRI has been informed that the evaluation of the [Decree of 12 December 2008](#) of the French Community concerning combating certain forms of discrimination is expected to be completed in 2026.

¹⁴² The Joint Decree and Order of 4 April 2024 of the Brussels-Capital Region, the Joint Community Commission and the French Community Commission establishing the [Brussels Code for Equality, Non-Discrimination and Promotion of Diversity](#). This code, which came into force in October 2024, brings together all the relevant provisions, which were previously spread across some twenty different texts.

¹⁴³ [Law of 28 June 2023](#) amending the law of 30 July 1981 and the laws of 10 May 2007.

97. ECRI is also pleased to note the adoption of a decree laying down the criteria and conditions for positive action in the Wallonia-Brussels Federation,¹⁴⁴ as well as decrees introducing undercover discrimination testing (“situation tests”) in the employment sector and combating discrimination in access to housing in the Walloon Region.¹⁴⁵
98. However, it quickly became clear during ECRI’s visit that the various changes made and the legislation as a whole were not sufficiently well known among the general public, as confirmed by many interlocutors. The ECRI delegation was therefore pleased to learn that information campaigns had been organised by certain federated entities and by the IEFH to explain the scope of some changes. In this context, it was also informed that the federal authorities did not have sufficient human resources to organise such campaigns. In ECRI’s view, raising public awareness of anti-discrimination legal framework is of crucial importance to ensure effective implementation of legislation at all levels. It therefore encourages the authorities to step up their efforts in this area.
99. In addition, ECRI regrets that, despite its long-standing recommendations,¹⁴⁶ Belgium has still not ratified Protocol No. 12 to the European Convention on Human Rights (ETS No. 177)¹⁴⁷ and invites the authorities to take steps to ratify the protocol without further delay.

¹⁴⁴ [Order of 28 November 2023](#) of the Government of the French Community establishing the principles and conditions for positive action.

¹⁴⁵ [Decree of 29 April 2024](#) amending various provisions relating to employment policy with a view to introducing situation tests and the [Decree of 30 November 2023](#) on combating discrimination in access to housing.

¹⁴⁶ ECRI 2004: § 6; ECRI 2009: § 2; ECRI 2014: § 2.

¹⁴⁷ Council of Europe, Treaty Office, [Chart of signatures and ratifications of Treaty 177](#).

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of Belgium are the following:

- (§ 34) ECRI recommends that the authorities ensure that suitable, practical and targeted training on hate speech and hate crime is part of the initial and continuing training for police officers. Civil society and persons belonging to groups of concern to ECRI should be involved in the development and, where possible, in the implementation of such training. In this context, due account should be taken of Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.
- (§ 73) ECRI recommends that the authorities take action towards the development and adoption of a comprehensive bill that expressly acknowledges the right of intersex persons to bodily integrity and prohibits the performance of medically unnecessary surgeries and other non-therapeutic treatments until such time as the intersex child is able to participate in decisions, based on the principle of free and informed consent. In doing so, the authorities should consult relevant experts and healthcare professionals, as well as intersex persons and their parents or guardians. They should also draw inspiration from ECRI's General Policy Recommendation No. 17 on combating intolerance and discrimination against LGBTI persons and Recommendation CM/Rec(2025)7 of the Committee of Ministers of the Council of Europe on equal rights for intersex persons.

These recommendations should be implemented within 18 months after the publication of the report. A process of interim follow-up will subsequently be conducted by ECRI to review action taken to implement them.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 22) ECRI recommends that public figures, such as high-level officials and politicians on all sides, be strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and to react to any such expression with strong counter-speech messages and alternative speech, as well as to promote understanding between communities, including by expressing solidarity with those targeted by hate speech. All elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec (2022)16 of the Committee of Ministers of the Council of Europe on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in Resolution 2443 (2022).
2. (§ 26) ECRI strongly recommends that the authorities continue making sustained efforts with the federal legislature to revise and expand Article 150 of the Constitution so that hate speech based on religion, sexual orientation, gender identity and sexual characteristics can be prosecuted in ordinary criminal courts.
3. (§ 30) ECRI recommends that the authorities take further action aimed at tackling the underreporting of racist and LGBTI-phobic hate speech and hate crimes, in consultation with a broad range of civil society organisations and members of groups of concern to ECRI. Such action should include awareness-raising activities about victims' rights and available remedies, support to civil society organisations providing support to victims (in particular, legal assistance) and further improvement of the dialogue and co-operation between law enforcement agencies and groups of concern to ECRI, particularly people of African descent, Muslims and LGBTI people.
4. (§ 34) ECRI recommends that the authorities ensure, as a priority, that suitable, practical and targeted training on hate speech and hate crime is part of the initial and continuing training for police officers. Civil society and persons belonging to groups of concern to ECRI should be involved in the development and, where possible, in the implementation of such training. In this context, due account should be taken of Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.
5. (§ 41) ECRI recommends that the authorities step up their efforts to combat online hate speech by strengthening the human and operational resources of the specialised services of the federal police.
6. (§ 48) ECRI recommends that the authorities develop a system of collecting appropriately disaggregated equality data on the situation of pupils belonging to groups of concern to ECRI in the area of education. While developing such system the authorities should respect the principles of informed consent, self-identification and confidentiality and ensure that the data collected are only used for the promotion of equality and inclusion.
7. (§ 56) ECRI recommends that the authorities ensure that all newly arrived migrant children can be promptly enrolled in schools, including by regularly monitoring the implementation of programmes aimed at integrating and including newly migrant schoolchildren, and committing sufficient resources to the development of suitable support to those pupils.
8. (§ 59) ECRI recommends that the authorities develop and implement a set of measures to facilitate the inclusion of children with a migration background in the area of education, including by: (i) developing strong policies aimed at ending any

de facto segregation in schools and ensure their effective implementation; (ii) providing tailored support to pupils with a migration background, their families and schools to decrease educational gaps; (iii) providing trainings and awareness raising activities to teachers and other educational professionals in order to eliminate any bias in the assessment of children with a migration background and in the provision of educational and career advice to them.

9. (§ 61) ECRI recommends that the authorities develop and implement a set of targeted actions to significantly increase the number of Traveller children attending and completing compulsory education. The development of such actions should involve meaningful consultations with representatives of the communities concerned and relevant civil society organisations.
10. (§ 69) ECRI recommends that the authorities take measures to further advance access to quality healthcare for transgender persons, in particular by: i) integrating transgender patients' rights and specific needs into initial and continuous training of healthcare professionals, and ii) increasing the capacities of multidisciplinary centres providing gender-affirming healthcare throughout the country in order to shorten waiting times for receiving adequate treatment.
11. (§ 73) ECRI recommends, as a matter of priority, that the authorities take action towards the development and adoption of a comprehensive bill that expressly acknowledges the right of intersex persons to bodily integrity and prohibits the performance of medically unnecessary surgeries and other non-therapeutic treatments until such time as the intersex child is able to participate in decisions, based on the principle of free and informed consent. In doing so, the authorities should consult relevant experts and healthcare professionals, as well as intersex persons and their parents or guardians. They should also draw inspiration from ECRI's General Policy Recommendation No. 17 on combating intolerance and discrimination against LGBTI persons and Recommendation CM/Rec(2025)7 of the Committee of Ministers of the Council of Europe on equal rights for intersex persons.
12. (§ 76) ECRI recommends that the authorities take further action to ensure effective access to healthcare for irregularly present migrants and asylum seekers, including by removing administrative barriers impeding such access and by organising awareness-raising and training sessions on applicable procedures for staff working in relevant healthcare facilities.
13. (§ 81) ECRI recommends that the authorities encourage and support the development of anti-racism, anti-discrimination and cultural competency training for healthcare professionals, including through associations of health professionals, the inclusion of human rights education as a mandatory course in the curricula of medical schools and the provision of in-service training on inter-cultural health, discrimination-related health issues, racism and exclusion. In doing so the authorities should take due account of General Recommendation No. 37 of the United Nations Committee on the Elimination of Racial Discrimination on equality and freedom from racial discrimination in the enjoyment of the right to health.
14. (§ 89) ECRI recommends that the authorities strengthen the status and powers of the equality bodies, in the light of its General Policy Recommendation No. 2 (revised) on equality bodies to combat racism and intolerance at national level and ensure that they are provided with the budget and staff necessary to perform their functions in full.
15. (§ 93) ECRI recommends that the authorities introduce an effective system of recording identity checks by law enforcement officials, as part of a policy aimed at strengthening mutual trust between law enforcement agencies and all sections of society and their co-operation in the fight against discrimination. In this connection, ECRI refers to its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United

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APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix (in French only) does not form part of ECRI's analysis and proposals concerning the situation in Belgium.

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Belgium on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 18 March 2026, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

La Belgique souhaite apporter les observations suivantes au rapport rédigé par l'ECRI lors de son 7^{ème} cycle de monitoring :

1) En ce qui concerne la **recommandation 73 sur les droits des personnes intersexes** :

« L'ECRI recommande, à titre prioritaire, que les autorités prennent des mesures en vue de l'élaboration et de l'adoption d'un projet de loi complet reconnaissant expressément le droit des personnes intersexes à l'intégrité physique, et interdisant les opérations chirurgicales sans nécessité médicale et autres traitements non thérapeutiques jusqu'à ce que l'enfant intersexe soit en mesure de participer aux décisions le concernant, sur la base du principe du consentement libre et éclairé. Ce faisant, les autorités devraient consulter les experts et les professionnels de santé concernés, ainsi que les personnes intersexes et leurs parents ou tuteurs. Elles devraient également s'inspirer de la Recommandation de politique générale n° 17 de l'ECRI sur la prévention et la lutte contre l'intolérance et la discrimination envers les personnes LGBTI et de la Recommandation CM/Rec(2025)7 du Comité des Ministres du Conseil de l'Europe sur l'égalité des droits des personnes intersexes ».

La loi belge relative aux droits du patient fixe des balises pour chaque patient, quel que soit son profil et ses caractéristiques sexuelles. Toute intervention médicale nécessite le consentement libre et éclairé de la personne concernée et/ou de son représentant en cas d'incapacité (ex. mineur, majeur incapable), moyennant information préalable. Le mineur est associé à l'exercice de ses droits de patient et peut exercer ses droits de manière autonome s'il est estimé apte à apprécier raisonnablement ses intérêts. Parmi les informations devant être communiquées par le prestataire de soins avant une intervention figurent les contre-indications, les effets secondaires, les risques ainsi que les alternatives possibles. Le consentement peut être fixé par écrit à la demande du patient ou du professionnel de soins de santé. Si les conditions légales ne sont pas respectées (ex. défaut de consentement, information incomplète), la responsabilité du prestataire de soins peut être engagée. La Justice belge a d'ailleurs déjà condamné une opération de « normalisation sexuelle » médicalement non nécessaire sur une personne mineure intersexe (Cour d'appel de Bruxelles du 7 février 2023). La Cour a pointé un défaut d'informations concernant l'opération et le caractère injustifié de l'intervention.

Les interventions dites de normalisation sexuelle pratiquées sans nécessité médicale et/ou sans le consentement du patient ne sont donc pas autorisées en Belgique. La Belgique partage ainsi les préoccupations exprimées dans la Recommandation (2025)7 du Conseil de l'Europe sur l'égalité des droits des personnes intersexes et soutient la nécessité d'un consentement préalable, libre et éclairé avant toute intervention médicale sur les caractéristiques sexuelles d'une personne.

La Belgique estime que le cadre national actuel offre des garanties suffisantes concernant les interventions médicales à l'égard des personnes intersexes. Cependant, la Belgique souhaite renforcer le parcours de soins. Dans le cadre des mesures du plan LGBTQI+ adoptées le 17 juillet, la Belgique s'engage à élaborer un protocole médical fondé sur les droits humains qui établit des directives pour les soins médicaux prodigués aux personnes présentant des variations des caractéristiques sexuelles. Le protocole doit garantir qu'aucune intervention sur les caractéristiques sexuelles ne soit effectuée sans le consentement préalable, libre, éclairé et explicite de la personne concernée. Le protocole tient compte des souhaits psychologiques, sociaux et futurs de la personne et comprend un accompagnement pluridisciplinaire, y compris des informations, un soutien et un suivi. L'identification et la mise en visibilité de l'expertise existante constituent une première étape essentielle, permettant, le cas échéant, d'envisager un renforcement ciblé de l'accompagnement, notamment psychosocial, afin d'améliorer concrètement la situation des personnes concernées.

- 2) En ce qui concerne **les recommandations concernant l'égalité de traitement et l'inclusion dans le domaine de l'éducation**, la Belgique souhaite apporter des observations concernant :

La recommandation 48 : « L'ECRI recommande aux autorités de mettre en place un système de collecte de données ventilées de manière appropriée en matière d'égalité dans le domaine de l'éducation, et ce, en ce qui concerne la situation des élèves appartenant aux groupes relevant de son mandat. Lors de l'élaboration d'un tel système, les autorités devraient respecter les principes du consentement éclairé, de l'auto-identification et de la confidentialité, et veiller à ce que les données collectées ne soient utilisées qu'à des fins de promotion de l'égalité et de l'inclusion ».

La **Belgique** reconnaît l'importance de disposer de données fiables pour assurer le suivi de l'égalité des chances dans l'enseignement et identifier d'éventuelles inégalités. C'est la raison pour laquelle des caractéristiques contextuelles pertinentes sont déjà enregistrées et utilisées à des fins statistiques et stratégiques. Ainsi, la nationalité est systématiquement enregistrée dans les bases de données en matière d'éducation et figure dans divers instruments de monitoring. Le sexe à la naissance est également enregistré.

Dans le même temps, la recommandation visant à collecter systématiquement des données ventilées sur la base de la race, de l'origine ethnique, de l'identité de genre ou de l'orientation sexuelle appelle à la prudence. L'ethnicité est une identité complexe, liée au contexte et en partie subjective, qui ne peut être définie ou enregistrée de manière univoque. De même, en ce qui concerne la race et l'identité de genre, d'importantes questions se posent quant à leur définition, leur délimitation et leur enregistrement. L'orientation sexuelle ne peut pas toujours être exprimée en catégories administratives univoques. La collecte systématique de telles données à caractère personnel sensibles par les autorités publiques soulève en outre d'importantes questions sur le plan de la vie privée, de la proportionnalité, de la protection des données et de la confidentialité.

Pour ces raisons, la politique belge en matière d'enseignement opte aujourd'hui pour un monitoring des inégalités dans l'enseignement au moyen de critères objectifs, mieux définis sur le plan juridique et pertinents sur le plan stratégique. Ces données permettent de recenser de manière fiable les retards scolaires et les inégalités sans avoir à classer les élèves selon des catégories difficiles à définir.

La recommandation 59 : « L'ECRI recommande aux autorités d'élaborer et de mettre en œuvre un ensemble de mesures visant à faciliter l'inclusion des enfants issus de l'immigration dans le domaine de l'éducation, notamment : (i) en élaborant des politiques solides pour mettre fin à toute forme de ségrégation de fait dans les écoles et en veillant à leur mise en œuvre effective ; (ii) en apportant un soutien adapté aux élèves issus de l'immigration, à leurs familles et aux écoles afin de réduire les écarts scolaires ; (iii) en proposant des formations et des activités de sensibilisation au corps enseignant et aux autres professionnels de l'éducation afin d'éliminer tout préjugé dans l'évaluation des enfants issus de l'immigration et dans les conseils qui leur sont prodigués en matière d'éducation et d'orientation professionnelle » (§§55-59).

En Communauté française, l'enseignement est accessible à tous les enfants soumis à l'obligation scolaire, indépendamment de leur nationalité, de leur origine ou de leur statut administratif. Les élèves nouvellement arrivés peuvent être inscrits à tout moment de l'année dans l'établissement choisi par leurs parents, sans obligation de recourir à un dispositif spécifique.

Afin de favoriser leur réussite scolaire, les élèves qui ne maîtrisent pas suffisamment la langue de l'enseignement peuvent bénéficier d'un accompagnement renforcé dans le cadre du Français Langue d'Apprentissage (FLA). Cet accompagnement s'inscrit dans une logique inclusive visant à permettre à l'élève de suivre sa scolarité dans les meilleures conditions.

La Communauté française organise également le Dispositif d'Accueil et de Scolarisation des élèves Primo-Arrivants et Assimilés (DASPA). Ce dispositif constitue une mesure

d'accompagnement temporaire destinée à permettre aux élèves concernés d'acquérir la langue d'enseignement et les compétences nécessaires à leur pleine intégration dans l'enseignement ordinaire. Sa finalité est de favoriser une insertion scolaire durable et réussie, en levant les obstacles linguistiques qui pourraient compromettre le parcours éducatif des élèves nouvellement arrivés.

La Communauté française considère dès lors que le DASPA ne peut être assimilé, par sa nature et sa finalité, à un mécanisme de ségrégation scolaire. Il constitue un dispositif temporaire et ciblé destiné à fournir aux élèves concernés les moyens linguistiques et pédagogiques nécessaires à leur inclusion effective et durable dans l'enseignement ordinaire.

Les élèves bénéficiant d'un DASPA demeurent pleinement intégrés à la communauté scolaire. Ils fréquentent les mêmes établissements que les autres élèves, partagent les mêmes espaces de vie, les temps de pause et de récréation ainsi que les activités communes organisées par les écoles. Le dispositif est conçu comme un levier d'inclusion et d'émancipation, et non comme un mécanisme de mise à l'écart.

Par ailleurs, aucune obligation n'est imposée aux familles d'inscrire leur enfant dans un établissement organisant un DASPA. Les parents conservent la liberté de choisir l'établissement scolaire qu'ils estiment le plus adapté aux besoins de leur enfant.

En ce qui concerne plus largement des phénomènes de concentration observés dans certains établissements, ceux-ci doivent être appréhendés au regard de facteurs démographiques, résidentiels, socio-économiques et scolaires multiples. Ils ne peuvent, en tout état de cause, être assimilés à la finalité ou au fonctionnement des dispositifs d'accueil des élèves primo-arrivants.

La Communauté française poursuit au contraire une politique active en faveur de l'égalité des chances, de la mixité sociale et de l'inclusion de tous les élèves. Les mécanismes d'inscription, les dispositifs d'accompagnement linguistique et les mesures de soutien aux élèves les plus vulnérables concourent à cet objectif commun : permettre à chaque élève, quelle que soit son origine, de développer pleinement son potentiel et de réussir son parcours scolaire.

Dans sa politique éducative, la communauté flamande s'est fermement engagée à offrir des chances égales dans l'enseignement aux élèves issus de l'immigration, considérant qu'une bonne connaissance du néerlandais constitue une condition importante de la réussite scolaire. Pour les nouveaux arrivants de langue étrangère, il existe donc, entre autres, des programmes d'intégration linguistique et d'éducation d'accueil (OKAN), de sorte que les élèves acquièrent le plus rapidement possible un niveau de néerlandais suffisant pour pouvoir participer pleinement à l'éducation régulière. Une mesure politique récente importante est le plan «Chaque enfant, héros de la langue», qui vise à lutter contre les désavantages linguistiques de manière préventive et à renforcer structurellement la politique linguistique à l'école. Dans l'enseignement primaire, ce plan se concentre sur le dépistage précoce, le soutien linguistique supplémentaire et la création de classes de héros de la langue pour les élèves qui n'ont pas encore une connaissance suffisante du néerlandais. Chaque école primaire doit également désigner un expert en langues qui soutient l'équipe de l'école dans la mise en œuvre de la politique linguistique, les tactiques linguistiques et de lecture ainsi que l'orientation des élèves présentant des besoins linguistiques particuliers.

Les étudiants reçoivent ainsi temporairement un soutien supplémentaire adapté à leurs besoins linguistiques, dans le but de maximiser leurs opportunités futures dans l'enseignement flamand. Il ne s'agit donc pas de distinction permanente fondée sur l'origine migratoire. Le point de départ de la politique éducative flamande reste que l'exclusion, la ségrégation et la discrimination doivent être évitées et que la cohésion sociale doit être encouragée.

En ce qui concerne les recommandations relatives à l'enseignement de l'égalité et de la tolérance à l'école, la Communauté flamande tient à souligner que les nouveaux objectifs minimaux flamands accordent explicitement une place à l'éducation à la citoyenneté et à

l'apprentissage du vivre-ensemble dans une société diverse. Les élèves apprennent notamment la signification des concepts tels que l'égalité, les préjugés, le racisme et la discrimination et découvrent comment la diversité peut à la fois enrichir le vivre ensemble et parfois créer certains défis. En outre, ces objectifs accordent une place aux droits de l'enfant: les élèves se familiarisent avec leurs droits et devoirs les plus importants, tels que le droit à l'éducation, à la vie privée, aux loisirs, à l'identité ainsi qu'à la sécurité et à la protection. Ils apprennent également que les adultes doivent tenir compte de l'intérêt supérieur de l'enfant. De cette manière, les objectifs minimaux offrent des points d'ancrage concrets pour travailler en classe autour du respect, de la tolérance, de l'inclusion et de l'égalité de traitement, tout en sensibilisant les élèves à leurs droits et responsabilités en tant que membres de la société.

En Communauté germanophone, tout enfant en âge scolaire est inscrit, indépendamment de son origine ou de son statut, et ce à tout moment de l'année scolaire. Pour les élèves nouvellement arrivés, le système EAS prévoit un dispositif spécifique d'accompagnement linguistique et scolaire initial. Ce dispositif, limité dans le temps, vise à faciliter la transition vers l'enseignement ordinaire.

La Communauté germanophone compte neuf communes totalisant environ 80 000 habitants et seulement deux villes, Eupen et Saint-Vith. Le nombre d'établissements scolaires est donc limité et les parents disposent d'un choix suffisant, mais restreint dans un contexte rural, d'écoles situées à proximité immédiate.

La concentration décrite à l'article 58 présuppose un paysage scolaire dans lequel coexistent des écoles présentant des profils différents. Cette condition n'est pratiquement pas remplie sur le plan structurel au sein de la Communauté germanophone.

- 3) La Belgique souhaite apporter les précisions factuelles suivantes concernant le §85 et le pouvoir d'enquête du VMRI :

Le VMRI dispose d'un **droit d'auditionner et de pouvoirs d'enquête** qui ne se limitent pas aux seules autorités ou services publics. En effet, l'article 22 du décret sur le VMRI prévoit que: « Le VMRI est habilité à entendre toute personne et à recueillir toutes les informations et tous les documents nécessaires dans la mesure où cela est raisonnablement nécessaire à l'exercice de ses compétences. »

Ce n'est que lorsqu'une demande d'informations ou de documents est adressée à des services ou des autorités publiques que le VMRI peut imposer un délai contraignant pour y répondre.

The European Commission against Racism and Intolerance (ECRI) is a unique human rights body that monitors Council of Europe member states' action against racism, intolerance and discrimination on grounds of "race", colour, language, religion, citizenship, national or ethnic origin, sexual orientation, gender identity and sex characteristics.

ECRI was set up by the first Summit of Heads of State and Government of the member states of the Council of Europe in 1993 and became operational in 1994.

ECRI is composed of 46 members appointed on the basis of their independence, impartiality, moral authority and expertise in dealing with issues of racism, intolerance and related discrimination. Each Council of Europe member state appoints one person to serve as a member of ECRI.

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