

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation by CAFF-ADHUM
<i>Theme: A12 Acceptance of international norms</i>			
<p>138.1 Continue efforts to clear the backlog observed in the process of ratification of certain legal instruments, in accordance with the recommendations formulated in its first universal periodic review of Belgium (Democratic Republic of the Congo);</p> <p>Source of position: A/HRC/32/8 - Para. 138</p>	Supported	<p>A12 Acceptance of international norms A27 Follow-up to Universal Periodic Review (UPR)</p> <p>Affected persons: - general</p>	See 138.57
<i>Theme: A27 Follow-up to Universal Periodic Review (UPR)</i>			
<p>138.53 Engage civil society in the follow-up implementation process of the universal periodic review recommendations (Poland);</p> <p>Source of position: A/HRC/32/8 - Para. 138</p>	Supported	<p>A27 Follow-up to Universal Periodic Review (UPR) A61 Cooperation with civil society</p> <p>Affected persons: - general</p>	<p>PARTIALLY IMPLEMENTED</p> <p>See paragraphs 65-74 of the CAFF-ADHUM report. The Federal Public Service Foreign Affairs organized on 27 April 2016 a debriefing with civil society, following Belgium's second UPR.</p> <p>It took more than three and a half years before civil society was brought together for a second time on 19 December 2019. Apart from these two meetings, there were no other meetings with civil society during the period 2016-2020.</p> <p>Belgium should have at least organized a meeting in the first half of 2018, to inform civil society on the follow-up of the 2016 recommendations and to prepare the mid-term review. In this way, Belgium could have submitted its mid-term review on time, and not in 2020.</p> <p>It should also be noted that to date, no meeting has yet taken place with civil society to prepare Belgium's national report for the third cycle of the UPR. The role of civil society cannot be limited to endorsing reports drafted exclusively internally, without being able to intervene in the process.</p> <p>Civil society should be consulted much more regularly to ensure a real follow-up of the UPR recommendations and to prepare the national reports in all transparency.</p>

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Theme: A45 National Human Rights Institution (NHRI)			
<p>138.21 Move forward in the establishment of a national institution that contributes to the full enjoyment of all rights without discrimination, in accordance with the Paris Principles (Ecuador);</p> <p>Source of position: A/HRC/32/8 - Para. 138</p>	Supported	<p>A45 National Human Rights Institution (NHRI)</p> <p>Affected persons:</p> <p>- general</p>	<p>PARTIALLY IMPLEMENTED</p> <p>See paragraphs 22-30 of the CAFF-ADHUM report. While the establishment of a Federal Institute for the Protection and Promotion of Human Rights is to be welcomed, it is important to point out that the institute, as provided for in the law of May 12, 2019, has serious shortcomings.</p> <p>Indeed, the institute is limited to the federal level and is not competent to receive and examine individual complaints. As a result, the institute does not offer any progress in the fight against linguistic discrimination.</p> <p>It should also be noted that civil society was not brought together to discuss the text of the draft law before it was adopted. Belgium had, however, accepted Poland's recommendation "Engage civil society in the follow-up implementation process of the universal periodic review recommendations " (see 138.53).</p> <p>The mandate of the Federal Institute for the Protection and Promotion of Human Rights should be expanded to receive and examine individual complaints.</p>
<p>138.22 Rapidly adopt a legal framework establishing a National Human Rights Institution, in conformity with the Paris Principles (Fiji);</p> <p>Source of position: A/HRC/32/8 - Para. 138</p>	Supported	<p>A45 National Human Rights Institution (NHRI)</p> <p>Affected persons:</p> <p>- general</p>	See 138.21
<p>138.23 Speed up the process of establishing a national human rights institution in conformity with the Paris Principles (Tunisia);</p> <p>Source of position: A/HRC/32/8 - Para. 138</p>	Supported	<p>A45 National Human Rights Institution (NHRI)</p> <p>Affected persons:</p> <p>- general</p>	See 138.21
<p>138.24 Swiftly conclude the process to create a National Human Rights Institution in accordance with the Paris Principles (Hungary);</p> <p>Source of position: A/HRC/32/8 - Para. 138</p>	Supported	<p>A45 National Human Rights Institution (NHRI)</p> <p>Affected persons:</p> <p>- general</p>	See 138.21

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138.25 Prioritize the early establishment of a national human rights institution in line with the Paris Principles (Nepal); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.26 Step up the process of establishing a national human rights institution (Slovenia); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.27 Step up its efforts to establish its national human rights institution that is compliant with the Paris Principles (Philippines); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.28 Expedite the creation of the national human rights mechanism that complies with the Paris Principles (Republic of Korea); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.29 Expedite the establishment of a national human rights institution in accordance with the Paris Principles (Denmark); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.30 Expedite the establishment of a National Human Rights Institution compliant with the Paris Principles (Georgia); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.31 Expedite the establishment of the national human rights institution and make it fully compliant with the Paris Principles (Netherlands); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.32 Expedite the creation of a National Human Rights Institution in accordance with the Paris Principles (Egypt); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21

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138.33 Proceed as soon as possible to the establishment of a national human rights institution in conformity with the Paris Principles (Togo); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.34 Establish a national human rights institution (Morocco); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.35 Early establishment of a National Human Rights Institution in Belgium (India); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.36 Establish a strong and well-funded national human rights institution that is fully compliant with the Paris Principles (Norway); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.37 Establish, as a matter of priority, a National Human Rights Institution which is fully compliant with the Paris Principles (Australia); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.38 Establish without further delay a National Human Rights Institution, complying with the Paris Principles (Ireland); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.39 Establish a national human rights institution fully compliant with the Paris Principles, as Belgium committed to in the previous review (Kazakhstan); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.40 Establish a Paris Principles-compliant national human rights institution (Namibia); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.41 Establish a National Human Rights Institution fully compliant with the Paris Principles (Bulgaria); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21

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138.42 Establish a National Human Rights Institution in full accordance with the Paris Principles (Germany); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.43 Establish a national human rights institution in accordance with the Paris Principles (Azerbaijan) (Chad) (Pakistan) (South Africa); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.44 Establish a national human rights institution in accordance with the Paris Principles, to promote and protect fundamental rights and guarantees (Panama); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.45 Establish a national human rights institution in conformity with the Paris Principles on the status of national institutions for the promotion and protection of human rights (Portugal); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.46 Establish an institution for the promotion and protection of human rights consistent with the Paris Principles (Chile); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.47 Establish a national human rights mechanism pursuant to the Paris Principles, by drawing up a cooperation agreement between the different Belgian entities, without affecting the operation and independence of existing institutions that have a human rights mandate (France); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.48 Continue with the process of dialogue necessary to ensure the establishment of a National Human Rights Institution (Uruguay); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21

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138.49 Fully implement the Government agreement to create a national human rights mechanism that complies with the Paris Principles (Lithuania); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.50 Consider the establishment of a National Human Rights Institution, in conformity with the Paris Principles (Indonesia); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.51 Adopt measures to create a national human rights institution in conformity with the Paris Principles (Bahrain); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
138.52 Complete the process of the establishment of a National Human Rights Institution (Kyrgyzstan); Source of position: A/HRC/32/8 - Para. 138	Supported	A45 National Human Rights Institution (NHRI) Affected persons: - general	See 138.21
Theme: B31 Equality & non-discrimination			
140.4 Accelerate and strengthen legislative and educational actions to combat discrimination in all its forms (Djibouti); Source of position: A/HRC/32/8/Add.1	Supported	B31 Equality & non-discrimination A41 Constitutional and legislative framework A5 Human rights education, trainings and awareness raising Affected persons: - general	PARTIALLY IMPLEMENTED See paragraphs 31-37 of the CAFF-ADHUM report. In 2017, in the first evaluation report of the anti-discrimination laws of 2007, the experts, chaired by Françoise Tulkens - who was a Belgian judge at the European Court of Human Rights from 1998 to 2012 - pointed out the lack of a competent body to deal with linguistic discrimination in Belgium. "Article 29 §2 of the law entrusts the King with the task of designating the body that will be competent to deal with discrimination based on language. To date, however, this designation has still not been made. Therefore, victims of discrimination on the basis of language cannot, unlike victims of discrimination on the other grounds mentioned in the legislation, benefit from the assistance, information and advice of a public institution specially created for this purpose. » (continued on next page)

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			<p>As the experts explain: "it is necessary to remedy this inconsistency in the protection against discrimination, which creates inequality between the victims".</p> <p>A body competent to deal with discrimination based on language should be designated, as provided for in Article 29 § 2 of the anti-discrimination law of 10 May 2007.</p>
<p>138.113 Enforce legislation that prohibits discrimination, particularly based on gender, race and belief, to improve the economic opportunities and conditions of work for women and minority groups (Malaysia);</p> <p>Source of position: A/HRC/32/8 - Para. 138</p>	Supported	<p>B31 Equality & non-discrimination A41 Constitutional and legislative framework G1 Members of minorities Affected persons: - women - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	See 140.4
<p>138.69 Deepen awareness measures regarding the fight against discrimination, in particular by ensuring the investigation and punishment of acts of a discriminatory nature (Argentina);</p> <p>Source of position: A/HRC/32/8 - Para. 138</p>	Supported	<p>B31 Equality & non-discrimination A54 Awareness raising and dissemination B51 Right to an effective remedy Affected persons: - general</p>	See 140.4
<p>139.3 Adopt legislation to combat discrimination, racism, extremism and xenophobia (Honduras);</p> <p>Source of position: A/HRC/32/8 - Para. 139</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework G1 Members of minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	See 140.4
<p>140.5 Enhance and activate laws and legislation in order to combat all forms of discrimination, racism and xenophobia (Lebanon);</p> <p>Source of position: A/HRC/32/8/Add.1</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework G1 Members of minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	See 140.4
<p>138.61 Continue to strengthen its engagement with community leaders to build community support at all levels for measures to protect those most vulnerable to racism and discrimination (Singapore);</p> <p>Source of position: A/HRC/32/8 - Para. 138</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination G1 Members of minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	See 140.4

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<p>138.67 Implement public awareness campaigns to promote tolerance and respect for cultural diversity and to counter prejudice, stereotypes, discrimination, racism, and Islamophobia (United Arab Emirates);</p> <p>Source of position: A/HRC/32/8 - Para. 138</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination G1 Members of minorities</p> <p>Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	See 140.4
<p>140.9 Develop a national strategy against racial discrimination, xenophobia and Islamophobia based on a dialogue with non-governmental organizations (Turkey);</p> <p>Source of position: A/HRC/32/8/Add.1</p>	Supported	<p>B31 Equality & non-discrimination B32 Racial discrimination G1 Members of minorities</p> <p>Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	See 140.4
<p>138.57 Continue efforts to alleviate discrimination and support inclusion efforts for members of minority groups (United States of America);</p> <p>Source of position: A/HRC/32/8 - Para. 138</p>	Supported	<p>B31 Equality & non-discrimination G1 Members of minorities</p> <p>Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>NOT IMPLEMENTED</p> <p>Flanders does not want to hear about a French-speaking minority on its territory, nor about linguistic discrimination. It blocks any initiative that would protect the French-speaking minority in the Flemish region.</p> <p>As a result, Belgium has still not ratified the Framework Convention for the Protection of National Minorities (see 140.3).</p> <p>Nor has Belgium ratified Protocol No. 12 to the European Convention on Human Rights, which is one of the most effective international instruments in the fight against discrimination of any kind (see paragraphs 14-21 of the CAFF-ADHUM report).</p> <p>Similarly, Belgium has not designated a competent body to combat language discrimination (see 140,4).</p> <p>During the third cycle, Belgium should ratify the Framework Convention for the Protection of National Minorities as well as Protocol No. 12 and designate the competent body to combat linguistic discrimination.</p>

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Theme: A12 Acceptance of international norms			
<p>140.2 Intensify the work aimed at the ratification of the Council of Europe Framework Convention for the Protection of National Minorities, signed by Belgium in 2002 (Hungary);</p> <p>Source of position: A/HRC/32/8/Add.1</p>	Noted	<p>A12 Acceptance of international norms E32 Right to just and favourable conditions of work G1 Members of minorities</p> <p>Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	See 140.3
<p>140.3 Ratify the Framework Convention for the Protection of National Minorities, signed in 2001, following on Council of Europe resolution 1301 (Switzerland);</p> <p>Source of position: A/HRC/32/8/Add.1</p>	Noted	<p>A12 Acceptance of international norms E32 Right to just and favourable conditions of work G1 Members of minorities</p> <p>Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>NOT IMPLEMENTED</p> <p>See paragraphs 1-13 of the CAFF-ADHUM report.</p> <p>In 2001, Belgium signed the Framework Convention for the Protection of National Minorities, accompanied by two declarations; 19 years later, and despite repeated recommendations by the Council of Europe and the recommendations made by the UN in the framework of the Universal Periodic Reviews of 2011 and 2016, this convention has still not been ratified.</p> <p>Belgium stated that it would entrust the Interministerial Conference on Foreign Policy (CIPE) with the task of defining the notion of national minority. The work of the CIPE has never been completed. The Council of Europe, in its Resolution 1301, better than defining the concept of national minority, designated which national minorities were to be protected in Belgium. Among them, the French-speaking people living in Flanders.</p> <p>In the absence of recognized rights, the 300,000 French-speaking people living in Flanders (5% of the population) feel threatened by forced assimilation. (continued on next page)</p>

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			<p>Reference should be made to the resolution of the European Parliament of 2018.02.07 on the protection and non-discrimination of minorities in the Member States of the European Union (2017/2937), which states that the Parliament urges all Member States to sign, ratify and ensure the application of the Council of Europe Framework Convention for the Protection of National Minorities.</p>