Universal Periodic Review

52nd session, May 2026



# Parallel report of the NHRI UNIA and MYRIA

Steunpunt tot bestrijding van armoede, bestaansonzekerheid en sociale uitsluiting

Service de lutte contre la pauvreté, la précarité et l'exclusion sociale

Combat Poverty, Insecurity and Social Exclusion Service

# Universal Periodic Review

## 52nd session, May 2026

## Contribution from Unia (NHRI – B status), Myria and the Combat Poverty, Insecurity and Social Exclusion Service (October 2025)

## Belgium

**Unia** is an independent public institution that combats discrimination and promotes equality. Unia is recognised as a National Human Rights Institution (status B). Unia has inter-federal competence and is active in Belgium at both federal level and at the level of the Communities and Regions, with the exception of Flanders[1] . Unia is also the independent mechanism for promoting, protecting and monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities (Art. 33.2).

**Myria**, the Federal Migration Centre, is an independent public institution. Myria's legal mission is to inform the public authorities about the nature and scale of migration flows, to ensure respect of the fundamental rights of foreigners and to promote the combat against human trafficking and smuggling. Myria has also been designated as the independent national rapporteur on human trafficking.

The **Combat Poverty, Insecurity and Social Exclusion Service** is an inter-federal public institution, created in 1999 by the Cooperation Agreement between the Federal State, the Regions and the Communities concerning the continuation of the poverty reduction policy. Its mandate to protect human rights was given on the basis of the observation that poverty "undermines the dignity and equal and inalienable rights of all human beings" and the common objective set by legislators, namely "the restoration of conditions of human dignity and the exercise of human rights".

This contribution is the result of collaboration between the three institutions, each acting within the framework of their respective mandates. Prior coordination also took place with the Federal Institute for Human Rights.

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The numbers of the recommendations from the previous Universal Periodic Review are indicated in brackets after each title or subheading.

[1] Unia remains competent for federal matters in Flanders (e.g. employment in the private sector).

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# 1. Scope of international obligations and cooperation with international human rights protection mechanisms and bodies

## 1.1 Optional Protocol to the Convention against Torture (OPCAT) and national preventive mechanism

*( 35.1 to 35.17)*

1. By the Law of 21 April 2024[2] , Belgium established the National Preventive Mechanism (NPM) within the framework of the Optional Protocol to the Convention against Torture (OPCAT). The Federal Institute of Human Rights (IFDH) was designated as the NPM, whose tasks will be carried out in close collaboration with the Central Prison Monitoring Council (CCSP), Myria and the P Committee. The mechanism is responsible for regularly visiting places of deprivation of liberty and examining conditions of detention and respect for the fundamental rights of persons deprived of their liberty.

However, the NPM is limited to the federal level, with no formal involvement of federated entities (regions and communities), which restricts the scope of OPCAT missions to places of deprivation of liberty falling within federal jurisdiction.

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| 2. Ratify the OPCAT, involve the regions and communities in an expanded NPM; provide a broad interpretation of the scope of the NPM (concept of places of deprivation of liberty) and provide sufficient financial and human resources to carry out these missions. |

## 1.2 Convention on the Protection of Migrant Workers

*( 36.2, 36.4, 37.1, 37.6 and 37.19)*

3. Belgium has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

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| 4. Ratify the Convention on the Rights of All Migrant Workers and Members of Their Families. |

# 2. National human rights framework

## 2.1 Right to water

*(35.168)*

[2] Act of 21 April 202 amending the Act of 12 May 2019 establishing a federal institute for the protection and promotion of human rights, *Belgian Official Gazette 3* May 2024.

5. Access to water and sanitation is still not guaranteed in Belgium. Households that cannot pay their water bills have their water supply cut off or restricted, while homeless people do not always have access to water. In the Flemish Region, however, an analysis has been carried out on access to water for vulnerable groups.[3]

6. Integrate the right to water and sanitation into the Constitution and maintain the public nature of water supply.

## 2.2 Poverty reduction policies

*(35.168)*

7. As part of the European Pillar of Social Rights, Belgium aims to reduce the number of people in poverty or social exclusion by 279.000 by the year 2030.[4] This target is less ambitious than the one set in the Europe 2020 strategy, which was not achieved.[5] The various authorities are working on new plans to combat poverty. Since the end of December 2022, the Interministerial Conference on Social Integration has also been meeting regularly.[6]

8. Strengthen the Interministerial Conference on Social Integration and take coordinated measures to ensure a sustainable policy to combat poverty.

## 2.3 Inter-federal plan to combat racism

*(35.49, 35.79 - to 35.94 and 36.17 to 36.21)*

9. Belgium's commitment to develop an inter-federal action plan against racism dates back to 2001, at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban I). A concrete attempt to reach a joint action plan was initiated during the 2019-2024 legislative term, but without result. Various governments have adopted their own action plans against racism. The current 2024-2029 government agreement provides for the adoption of an inter-federal plan against racism.

10. Implement the government agreement and adopt an inter-federal plan to combat racism in consultation with civil society.

## 2.4 Inter-federal action plan against discrimination and violence against LGBTIQ+ people

*(35.49, 36.10, 36.26, 35.119, 35.120)*

11. In recent years, the federal government and most of the country's regions and communities have adopted their own plans to combat discrimination and violence against LGBTI+ people. However, in order to be truly effective,

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[3] Combat Poverty, Insecurity and Social Exclusion Service (2019). Sustainability and poverty. Contribution to political debate and action. Biennial report 2018-2019. Brussels: Combat Poverty, Insecurity and Social Exclusion Service.
Flanders: VMM (2024). Statistics – Application of general water sales regulations – year 2023, VMM. Aquaflanders (2024). General analysis of access to water. Drinking Water Decree, Article 22§1 2°.
Wallonia: figures from the four main distributors, which alone represent 90% of users in Wallonia.
Brussels: Vivaqua (2025). Activity report 2024, Brussels.

[4] Action plan on the implementation of the European Pillar of Social Rights | Federal Public Service - Social Security.

[5] Federal Public Service Social Security (2019). The evolution of the social situation and social protection in Belgium 2019 'Slowly falling behind' .

[6] Secretariat of the Interministerial Conference on Social Integration, Housing and Large City Policy – Combat Poverty, Insecurity and Social Exclusion Service

Unia recommends that the various entities consult each other and work together to develop a new inter-federal action plan. Particular attention should be paid to physical violence against LGBTIQ+ people, both in and outside the public sphere. Various recent surveys, as well as the number of reports received by Unia, show that urgent action is needed.

12. Implement a new inter-federal action plan against discrimination and violence against LGBTIQ+ people in consultation with civil society and anti-discrimination organisations.

## 2.5 National Human Rights Institution

*(35.23 to 36.6)*

13. Despite the commitments made by Belgium during the first three cycles of the UPR, Belgium has still not established a Type A NHRI. It has two Type B NHRIs, Unia[7] - competent at all levels of government and for all regions and communities, except Flanders - and the IFDH[8] , competent at the federal level and residual in relation to existing sectoral bodies.

14. In 2023, Flanders created its own Flemish Institute for Human Rights, which has not yet been accredited.

15. The various institutions exercising, in whole or in part, a mandate to ensure respect for fundamental rights and freedoms collaborate within the Human Rights Platform, created by a protocol of 13 January 2015, meeting once a month. The three institutions that authored this contribution are members of the platform.

In addition, bilateral cooperation agreements have been signed by several institutions, providing in particular for coordination and collaboration commitments in the context of reporting to United Nations bodies[9] , but also other forms of collaboration.

16. Create a Type A National Human Rights Institution with jurisdiction over the whole of Belgium and all levels of government, complementing existing institutions.

# 3. Compliance with international human rights obligations

## 3.1 Equality and non-discrimination

### 3.1.1 Hate crimes

*(36.9 to 36.10, 35.51 to 35.59, 35.73, 37.11)*

17. With a view to improving the handling of cases of discrimination and hate crimes, the 2013 circular on the policy for investigating and prosecuting discrimination and hate crimes, including gender-based discrimination (known as

[7] Mandate and competences | Unia
[8] Who are we? | FIRM-IFDH
[9] See, for example, the cooperation agreement between Unia and Myria, signed on 20 October 2017; cooperation agreement between Myria and IFDH, signed on 18 April 2023, Articles 6 and 7

'COL 13/2013'), was revised in 2024. New recording rules were developed, in particular to enable better reporting of certain phenomena (e.g. antisemitism, homophobia, Afrophobia, etc.).

18. Ensure that the COL 13/2013 circular is correctly applied by the police and the Public Prosecutor's Office to ensure that cases of discrimination and hate crimes are properly recorded and improve their judicial processing.

### 3.1.2 Hate speech

*(35.50, 35.54, 35.57, 35.59, 35.82, 35.85, 35.128, 35.156/157, 36.9, 36.11, 36.19, 37.11)*

19. Hate speech is considered a press offence. However, Article 150 of the Constitution reserves its judgement to the Assize Court, a procedure that is rarely applied. The only exception concerns racist or xenophobic press offences. This distinction prevents the effective prosecution of press offences based on other criteria of discrimination. The result is a worrying level of impunity on social media.

20. Extend the correctionalisation of press offences to hate speech targeting gender, age, sexual orientation, philosophical or religious beliefs and disability

### 3.1.3 Discriminatory profiling

*(35.63, 35.82, 35.107/109/111/112/115/118, 36.12, 37.11/12)*

21. Certain police practices, such as ethnic profiling, are discriminatory. These practices undermine the legitimacy and effectiveness of the police. They exacerbate social polarisation, as some citizens no longer recognise police authority.

22. Develop a structured policy to replace discriminatory practices with profiling based on professional criteria.

23. Make complaint procedures more effective, neutral and transparent.

24. Conduct a study on how protected criteria (origin, religion, etc.) are recorded during checks.

25. Record all checks; provide the person checked with a receipt specifying the reason for the check and the possible legal remedies.

## 3.2 Development, environment, business and human rights

*(35.98, 36.31)*

26. Climate change and the measures taken to combat it have a greater impact on the effectiveness of the rights of people living in poverty than on those of others[10], as the United Nations Special Rapporteur on Extreme Poverty warns.[11]To ensure that no one is left behind (Agenda 2030), the fight for sustainability and against poverty must be combined, as set out in the Belgian Social Climate Plan.[12]

[10] Combat Poverty, Insecurity and Social Exclusion Service (2019). Sustainability and poverty. Contribution to political debate and action. Biennial report 2018-2019. Brussels: Combat Poverty, Insecurity and Social Exclusion Service.
[11] Weathering the storm: poverty, climate change and social protection, Report of the Special Rapporteur on extreme poverty and human rights, 25 April 2025, A/HRC/59/51.
[12] Social climate plan.

27. Systematically assess, ex ante and ex post, the impact of climate policy on the economic and social situation of people living in poverty, involving the various stakeholders.

## 3.3 Human rights and Covid-19

*(36.47, 35.148, 35.169, 35.170)*

28. The Covid-19 crisis has had a serious impact on the enjoyment of fundamental rights, particularly for people in vulnerable situations.[13] Social inequalities have been exacerbated by health and economic measures.[14] The digitalisation of society and public services has accelerated considerably during the COVID crisis, creating significant barriers for vulnerable groups in accessing their rights.

29. In the 2021-2024 Federal Disability Action Plan, contingency plans taking into account the situation of persons with disabilities were to be established. To date, these still do not exist.

30. Systematically evaluate crisis management policies, such as for COVID-19, and the impact of measures on situations of poverty and disability, in accordance with the principle of the United Nations 2030 Agenda: *'to leave no one behind*'.[15]

31. Establish emergency plans for health or environmental crises that take vulnerable people into account.

## 3.4 Civil and political rights

### 3.4.1 Principle of non-refoulement

*(35.216)*

32. In 2020, the European Court of Human Rights condemned Belgium for violating Articles 3 and 13 of the Convention (removal without sufficient examination of the risks involved and in disregard of an interim court decision ordering the suspension of the expulsion).[16] Following this ruling, the Immigration Office set up a unit dedicated to the application of Article 3 of the ECHR in the context of returns.[17] However, the current regulations still do not require that every return decision must contain specific grounds for the absence of a risk of violation of Article 3 of the Convention.

The law must also be amended to ensure that any defensible claim concerning the risk of refoulement is examined in the context of an effective remedy with automatic suspensive effect.

33. Amend the law to ensure systematic compliance with the principle of non-refoulement

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[13] Unia, Myria, Combat Poverty, Insecurity and Social Exclusion Service, COVID-19: protective measures that respect fundamental rights, 20 March 2020.
[14] Combat Poverty, Insecurity and Social Exclusion Service (2020). Thematic Newsflash 2020-1 – COVID-19 crisis and climate crisis, same challenges for the fight against poverty, 29 May 2020.
UN human rights expert (2020). *Responses to COVID-19 are failing people in poverty worldwide,* 22 April 2020.
[15] Combat Poverty, Insecurity and Social Exclusion Service (2020). Press release: To leave no one behind: attention and support for people living in poverty and precariousness in the context of COVID-19 measures, 24 March 2020.
[16] ECHR, M.*A. v.* Belgium, No. 19656/18, 27 October 2020.
[17] Report on Belgium's action in compliance with the judgment of the European Court of Human Rights in M.*A. v. Belgium,* DH-DD(2025)602, 22 May 2025.

### 3.4.2 Right to file a complaint for victims with irregular residence status

34. The fear of being detained and removed is a real obstacle to the filing of complaints by persons with irregular residence status. The Immigration Office has made an informal commitment not to detain foreigners who voluntarily report to the police to file a complaint,[18] but there is still no legal guarantee. [19]

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| 35. Guarantee the right for foreigners with irregular residence status to file complaints without risk of detention or removal. |

### 3.4.3 Liberty and security – right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment

*(36.39, 36.58 + 36.60 + 36.62 + 36.63 )*

#### Arbitrary arrests

36.Belgium has already been condemned by the European Court of Human Rights for using deception and misleading tactics in the context of operations to arrest people residing illegally on its territory. [20] Several investigating courts have denounced such illegal practices by the Belgian authorities when summoning individuals in Dublin proceedings.[21]

#### Interned persons

37. In Belgium, the number of people subject to measures of detention continues to rise.[22] To date, there are 1.063 people detained in prison (including 642 in social defence establishments or social defence sections) and 437 in psychiatric annexes. Many of them are incarcerated illegally, either because they are housed in ordinary prisons, where they receive no care despite their internment status requiring it, or because they are residing in psychiatric annexes beyond the legal time limit due to a lack of space in the external care system, which is largely saturated.[23]

People residing in prison are faced with degrading living conditions and ineffective care.[24] This situation has been denounced repeatedly for years. Very recently (December 2024), the Committee of Ministers of the Council of Europe adopted an interim resolution[25] urging Belgium to resolve this structural problem as soon as possible. In its concluding observations[26] dated 2024, the United Nations Committee on the Rights of Persons with Disabilities also condemned Belgium for the indefinite deprivation of liberty of interned persons and for measures and sanctions based on disability.

38. Interned persons in irregular residence represent approximately 10% of those placed in internment. They are not covered by social security and are therefore unable to finance external care. They are thus forced to remain indefinitely in closed placement facilities, even though they would be eligible for conditional release or even permanent release.

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[18] MYRIA, Myriadoc Être étranger en Belgique en 2016 (Being a foreigner in Belgium in 2016), pp. 28-31.
[19] Article 1(1)§1(1)para. 2 of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.
[20] ECHR, *Conka v. Belgium,* No. 51564/99, 5 February 2022.
[21] CMA Brussels, 11 March 2025, K/799/25; CMA Brussels, 22 April 2025, K/1342/25; CMA Liège, 8 May 2025, 2025/ET/37.
[22] A study conducted by the National Institute of Criminalistics and Criminology (INCC) is currently underway to determine the causes of this increase, Internment | INCC.
[23] See the Unia report on "Reintegration of internees: what are the challenges in a state governed by the rule of law?", 2023.
[24] Report by Unia and the Prison Supervisory Council (CCSP): Mental illness behind bars: the urgent need to break the deadlock, 2025.
[25] The Committee of Ministers adopts an interim resolution urging Belgium to address the structural problem of prolonged detention of internees in prison without adequate care - European Court of Human Rights Enforcement Service, 2024.
[26] Concluding observations on the combined second and third periodic reports of Belgium, 2024.

39. Adopt immediate structural measures to end the practice of keeping internees in prison.

40. Allow internees who are undocumented migrants to be released on probation under the same conditions as other internees released on probation.

## Monitoring the administrative detention of foreigners

41. Foreigners may be detained for several months in closed facilities without a final decision on the legality of their detention. The judicial appeal procedure against administrative detention does not offer the same procedural guarantees as those applicable to suspects in pre-trial detention in prisons.[27] Belgian legislation has not been amended to implement the *Makdoudi and Saqawat* judgments by the European Court of Human Rights.[28]

42. The appeal procedure against removal decisions must also be revised to provide for full judicial review with automatic suspensive effect[29] , in accordance with the case law of the CJEU.[30]

43. Furthermore, there is no specific legal remedy against the conditions of arrest and detention, and the complaints mechanism is inadequate and subject to criticism.[31]

44. Amend the procedure for reviewing the administrative detention of foreigners to make it systematic and effective.

45. Amend the legislation so that any removal decision can be subject to a full appeal with automatic suspensive effect.

46. Ensure effective monitoring of arrest and detention conditions and review the current complaints system.

## Control of the removal procedure

47. The removal procedure is monitored by the General Inspectorate of the Police (AIG), but this monitoring is insufficient: lack of independence and impartiality, lack of transparency due to non-publication of reports, and insufficient human and financial resources[32] .

48. The monitoring of detention and expulsion must be carried out effectively by an independent body that reports to Parliament and has sufficient resources.

## Migrants/applicants for international protection at the border

49. All persons who apply for international protection at the border are systematically arrested and detained[33] , without individual assessment of the necessity of their detention and the possibility of alternatives to detention.

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[27] MYRIA, Myriadoc Return, detention and removal in 2021, pp. 36; Myria, Myriadoc Return, detention and removal in 2022, pp. 25-26.

[28] FIRM and Myria, Communication of 24 March 2022 concerning the enforcement of the judgments Makdoudi v. Belgium and Saqawat v. Belgium, pp. 2-10.

[29] MYRIA, Myriadoc Return, detention and removal in 2021, pp. 30, MYRIA, Myria contribution – Preparations for the Migration Code, pp. 41, June 2021.

[30] See CJEU, LM v. CPAS de Seraing, 30 September 2020, § 38-39

[31] MYRIA, Recommendations – The complaints system, 1 January 2021.

[32] AIG, Annual Report 2022. Control of forced return, 2023, p. 12; MYRIA, Myriadoc, Return, detention and removal of foreigners in Belgium, a look at the monitoring of removals, 2021, p. 79, pp. 123-126.

[33] NANSEN Contribution 2021/3, "Against the systematic detention of asylum seekers at the border", Towards a migration code? Contribution to the debate, September 2021; NANSEN note 2025-1, "International protection procedure and detention at the border".

50. In June 2024, the new law on "proactive return policy"[34] introduced the possibility of conducting forced medical examinations for the purpose of removal, a provision that is problematic in terms of human dignity and medical ethics.

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| 51. End the almost systematic detention of applicants for international protection at the border.<br><br>52. Abolish the provision on compulsory medical examinations. |

### 3.4.4 Administration of justice, impunity and the rule of law

#### Access to justice

53. The increase in court fees and the reform of second-line legal assistance[35] in recent years have made (financial) access to the courts more difficult for vulnerable groups.[36]

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| 54. Take initiatives to promote access to justice. |

#### Effective remedies in immigration law

55. The competent court in this area[37] often has only limited jurisdiction to review the annulment of the administrative act, which undermines the effectiveness of appeals (e.g. against decisions to refuse a residence permit for medical reasons[38] or against decisions to return a person to their country of origin (see 3.2.1. – non-refoulement)). The processing time for appeals before this court is often too long due to the backlog of cases.

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| 56. Review the appeal procedure before the Council for Alien Law Litigation and grant it full jurisdiction in more cases. Increase its resources to reduce the backlog. |

### 3.4.5 Fundamental freedoms and the right to participate in public and political life

*(138.108 and 138.109, 35.203, 35.204)*

#### Wearing religious symbols during legal hearings

[34] Law amending the Law of 15 December 1980 on the entry, stay, establishment and removal of foreigners and the Law of 12 January 2007 on the reception of asylum seekers and certain other categories of foreigners on proactive return policy, *MB* 20 July 2024; MYRIA, Myriadoc Return, detention and removal in 2021, pp. 123.

[35] Legal aid in Belgium is divided into two branches:

- first-line legal aid, which corresponds to initial legal advice (approximately 20 minutes of consultation) given orally by a lawyer;
- second-line legal assistance (sometimes also called pro bono), which consists of appointing a solicitor for legal proceedings.

[36] High Council of Justice (2019), Alternative Report. 127th session of the Human Rights Committee. Review of Belgium's Report (simplified procedure), pp. 5-6 and Opinion of the Combat Poverty, Insecurity and Social Exclusion Service on two draft laws aimed at improving access to second-line legal aid, 9 June 2020.

[37] The Council for Alien Law Litigation.

[38] Decisions to refuse residence on the grounds of medical reasons referred to are those taken pursuant to Article 9ter of the Aliens Act. This extension could also be applied to Amend the Aliens Act to give the court full jurisdiction in cases of family reunification, for example, or for appeals against a removal decision if the removal decision is likely to infringe the fundamental rights of the foreign national, in particular the right not to be subjected to torture or inhuman or degrading treatment; MYRIA, Myriadoc humanitarian and medical regularisation in 2022, pp. 20; Myria, Press release, Medical regularisation: Myria and the Federal Institute for Human Rights demand effective recourse for seriously ill foreign nationals, 24 April 2024.

57. Some Belgian judges prohibited the wearing of head coverings (worn for religious or medical reasons) by persons attending legal hearings. These judges based their decision on Article 759 of the Judicial Code. In 2021, the Judicial Code was amended and the reference to "remaining uncovered" was removed.

### Right to vote for persons with disabilities

58. On the eve of the elections held in June 2024, a new law came into force[39] which restricts the right to vote of persons with disabilities. This law allows a judge who declares a person legally incompetent to systematically declare that person incapable of exercising their right to vote.

59. Furthermore, not all polling stations meet accessibility requirements. Accessibility laws are not binding and are not accompanied by penalties.

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| 60. Revise Article 3 of the Law of 28 March 2023 on electoral changes to guarantee respect for the right to vote of persons under guardianship. |
| 61. Adopt binding legislation on the accessibility of polling stations, voting booths and voting computers, as well as on the accessibility of election campaigns (election programmes, debates, official communications). |

## 3.4.6 Prohibition of all forms of slavery (forced labour)

*(35.134 > 35.137 + 35.161 + 36.2 > 36.4 + 37.1 > 37.6 + 37.19)*

### Human trafficking and labour

62. Despite the efforts of the authorities, particularly in terms of training, the detection and protection of underage victims of human trafficking (particularly unaccompanied foreign minors) remains problematic.[40]

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| 63. Provide frontline actors with the necessary means to adequately detect and protect potential victims. |

## 3.4.7 Right to privacy and family life

*(36.66)*

### Family reunification

64. The right to family reunification has been significantly restricted following recent legislative changes[41] (increase in required resources, shortening of the exemption period, waiting periods). These new rules undermine the right to private and family life[42] .

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[39] Law of 28 March 2023 'introducing various changes in electoral matters'.

[40] MYRIA, Annual Evaluation Report 2022, Human Trafficking and Smuggling, Trapped by Debt; Annual Evaluation Report 2023 Human Trafficking and Smuggling: A Chain of Responsibility.

[41] See Law of 10 March 2024 amending the Law of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners in relation to the right to family reunification, M.B., 22 August 2024 and Law of 17 July 2025 amending the Law of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners with regard to the right to family reunification, M.B. 08 August 2025.

[42] MYRIA, Press release: "The Easter Agreement undermines the right of foreigners to live with their families", 29 April 2025, MYRIA, Comments sent to members of the government on family reunification for beneficiaries of international protection, April 2025 and UNHCR, Observations of the United Nations High Commissioner for Refugees on the draft law amending the law of 15 December 1980 on the entry, stay, establishment and removal of foreigners with regard to the conditions for family reunification, 19 June 2025.

65. Review the law on family reunification to better respect the right to private and family life.

66. In addition to these legal restrictions, family members who wish to exercise their right to family reunification face limitations due to the complexity of the procedure and the many practical obstacles they face[43] (use of a specialised service[44] , in-person application at the diplomatic posts[45] , procedural costs[46] , etc.).

67. Simplify the family reunification procedure so that practical obstacles do not limit the right to private and family life.

68. Facilitate the submission of family reunification applications by systematically allowing them to be submitted from Belgium by the applicant and/or from the diplomatic mission by means of remote communication.

### Maintaining the bond between children in care and their parents

69. The right to family life and the bond between parents and children is threatened for families living in poverty. Children from poor families are more likely to be placed into care.[47]

70. Support families living in poverty to avoid placing children in care. If placement is necessary, invest in maintaining the bond between the child in care and theparents.

### Cohabitants

71. Recipients of replacement income or social assistance[48] who cohabit receive less than those who live alone. This makes it more difficult for these people to live as a couple or start a family. Recently, for certain categories of people (people with disabilities entitled to integration allowance[49], artists' status) and in certain situations (temporary unemployment due to a crisis of force majeure, reception of victims of the July 2021 floods or Ukrainian refugees during the temporary protection period[50]), whether or not they cohabit no longer has an impact on their income.

72. Guarantee the fundamental right to start a family and live as a household for all beneficiaries by increasing the amount of allowances for cohabitants.[51]

## 3.5 Economic, social and cultural rights

[43] In general, see MYRIA, Opinion on family reunification for beneficiaries of international protection, March 2022.
[44] MYRIA, Migration in figures and rights, Right to live as a family booklet, 2024, p. 20 et seq.
[45] MYRIA, A year of Belgian practice since the Afrin ruling, 2024.
[46] MYRIA, Migration in figures and rights, Right to live as a family booklet, 2023, p. 12 et seq.
[47] Bouverne-De Bie, Maria et al. (2010). A link between poverty and youth support measures?, Ghent, Academia Press. This study was carried out and funded as part of the 'AGORA' programme by the SPP Scientific Policy, at the request of the Combat Poverty, Insecurity and Social Exclusion Service.
[48] The amount of these allowances is below the poverty line. For more details on this subject, see § 102.
[49] Royal Decree of 2 March 2021 amending the Royal Decree of 6 July 1987 on income replacement benefits and integration benefits limiting the effects of the 'price of love', M.*B.*, 23 March 2021.
See also: Federal Public Service Social Security (2024), *Disability Action Plan 2021-2024, Final Report*, p. 20.
[50] Federal Institute for the Protection and Promotion of Human Rights, Myria, Combat Poverty, Insecurity and Social Exclusion Service, Unia, Kinderrechtencommissariaat and the General Delegate for Children's Rights (2022). *From good practice to structural policy measures – Policy proposals based on the example of the reception of Ukrainians fleeing their country.*
[51] Combat Poverty, Insecurity and Social Exclusion Service (2018). Memorandum on Cohabitation, December 2018.

### 3.5.1 Right to work and right to fair and favourable working conditions

*(138.115 and 138.131)*

#### Employment of persons with disabilities and persons of foreign origin

73. **National origin** remains a determining factor in explaining inequalities in the labour market.[52] Labour inspection services can carry out checks using situational testing. In practice, checks are rare and reactive in response to individual complaints and do not allow for the detection of structural forms of discrimination. The lack of data mining developed on administrative, academic and legal databases does not allow the inspectorate to carry out proactive checks. There is also a lack of implementing decrees that would allow the use of third parties for discrimination testing and authorise larger-scale checks.

74. **Migrant workers** are heavily dependent on their employers for their residence status and work permits (single permit), which makes them vulnerable to economic exploitation.[53]

75. The employment rate for **persons with disabilities**[54] remains well below the European average. The employment gap between persons with and without disabilities has remained virtually unchanged over the last decade. In 2023, this gap reached 33.6 percentage points, while the EU27 average stood at 21.5%.[55]

76. Strengthen the means of monitoring the effective implementation of anti-discrimination legislation, including targeted checks based on statistics, such as data mining and the use of third parties for discrimination testing and larger-scale checks.

77. Ensure that migrant workers are well informed of their labour rights and can file complaints in cases of exploitation by their employers without this having a negative impact on their status.

78. Establish an interministerial conference on the employment of persons with disabilities. Develop an action plan to remove barriers to employment and improve support for persons with disabilities in the mainstream workplace.

### 3.5.2 Right to social security

*(35.167)*

#### Effectiveness of rights

[52] Socio-economic monitoring provides statistical data on employment, unemployment and underemployment. UNIA and FPS EMPLOYMENT, LABOUR AND SOCIAL DIALOGUE (2017), *Socio-economic Monitoring – Labour market and origin,* https://www.unia.be/fr/publications-et-statistiques/publications/monitoring-socio-economique-2017-marche-du-travail-et-origine, pp. 27-86.

[53] Myria Recommendations, Migration in figures and rights 2023, economic migration, free movement and students section, pp. 26.

[54] Employment rate of 24.9% for people aged 20 to 64 who report being significantly limited in their daily activities for a long period of time due to a disability, condition or illness, compared to 77.8% of people without disabilities. Labour Force Survey 2024. More information athttps://statbel.fgov.be/fr/themes/emploi-formation/marche-du-travail/emploi-et-chomage#figures

[55] European Disability Expert (2025), *Employment of persons with disabilities: an assessment of the effectiveness of national policies (Belgium), p.* 9.

79. The increase in the number and in the severity of conditions for accessing social rights contributes to the erosion of the social protection system,[56] which increases the number of people who do not claim their rights (non-take-up).[57]

80. Guarantee the effectiveness of rights by investing more in social protection and continuing work on the possibilities for automatically granting rights, in various gradations.[58]

81. The digitalisation of public and private services, places some of the most vulnerable groups in situations of discrimination and denial of access to their basic rights (access to healthcare, social services, transportation, banking services, etc.). [59]

82. Maintain physical service points that are accessible to all at no extra cost, as well as telephone hotlines and postal services. Support all citizens, especially the most vulnerable, in developing their digital skills and facilitate the provision of digital tools and internet access.

### Reform of unemployment benefits

83. In July 2025, the Government reformed unemployment benefits by increasing the degressivity of benefits and limiting their duration to a maximum of two years. This reform does not take sufficient account of the barriers and discrimination faced by certain groups in accessing employment, such as people with disabilities and older workers.[60]

84. Correct the reform of unemployment benefits by providing exceptions for groups that face significant discrimination in accessing employment. Implement, in parallel with the reform, an ambitious policy on non-discrimination in employment.

85. The reform is likely to have a significant impact on people living in poverty and will probably lead to situations where excluded people do not claim their rights, resulting in the impoverishment of those who do not have access to social protection, a decent income and a qualitative employment.[61]

86. In order to limit the impact of the reform on excluded persons: guarantee the right to a decent minimum income; create quality jobs; improve access to the right to social integration; analyse *ex ante* the impact of the reform on poverty; monitor the trajectories of those excluded from unemployment.

## 3.5.3 Right to housing

[56] Combat Poverty, Insecurity and Social Exclusion Service (2017). *Poverty and ineffective rights: non-take-up of rights,* Brugge, La Charte

[57] Tim Goedemé et al. (2022). *TAKE: Reducing poverty through improving the take up of social policies. Final Report,* Brussels, Belgian Science Policy Office.
Combat Poverty, Insecurity and Social Exclusion Service (2023*). The financial dimension of poverty, chapter 6: Effective access to rights*, Brussels, Combat Poverty, Insecurity and Social Exclusion Service.

[58] The different stages are full automation, identification of potential beneficiaries, automatic updating of the situation of the person concerned and administrative simplification. See, for example: SPP Social Integration and Combat Poverty, Insecurity and Social Exclusion Service, Automation of rights, January 2020.

[59] Combat Poverty, Insecurity and Social Exclusion Service (2023). *The financial dimension of poverty, chapter 5: The financial impact of the digitisation of services and currency,* Brussels, Combat Poverty, Insecurity and Social Exclusion Service.
UNIA and the Combat Poverty, Insecurity and Social Exclusion Service, *Joint opinion on the impact of the digitisation of services (public or private)*, 3 February 2023.

[60] Unia (2024), Limitation of unemployment benefits over time, Recommendation No. 367, September 2024. https://www.unia.be/files/Recommandation-Unia-limitation-des-allocations-de-chomage-dans-le-temps-FR.pdf

[61] Combat Poverty, Insecurity and Social Exclusion Service, *Opinion on the impact of the federal government's unemployment benefit reform on non-take-up of rights,* Brussels, 14 July 2025.

*(35.164 to 35.168 + 35.201)*

87. The lack of accessibility and adaptability of housing, including social housing, is a major obstacle to the deinstitutionalisation of persons with disabilities and to keeping elderly persons in their own homes.

88. Develop an action plan to increase the number of accessible, adaptable and suitable housing units – both private and public – for persons with disabilities and older persons.

89. Gathering evidence of discrimination in access to private housing remains very difficult. Several Belgian entities (the Walloon and Brussels regions) have adopted legislation organising the implementation of testing by housing inspection services. However, very few tests have actually been carried out due to a lack of will or resources.

90. Strengthen and provide resources to housing inspection services throughout the country so that they can receive individual complaints and fully carry out situation tests.

91. Access to housing for Travellers remains a significant structural problem, mainly due to the lack of residential sites (permanent and temporary) and forced evictions.

92. Gradually create a sufficient number of places for Travellers, on both temporary and permanent residential sites.

93. Transfer responsibility for creating these sites from municipalities to regions.

94. Resolve the urban planning issues of most private sites in order to reduce evictions of Travellers.

95. The lack of public social housing and affordable housing on the private market remains an acute problem. In addition to this, the quality of housing is often poor, which deprives people with low incomes of a healthy living environment.

96. The housing crisis leads to homelessness and a lack of a place to call home.

97. In October 2024, the European Committee of Social Rights issued a devastating judgment on Flemish housing policy.[62]

98. Ensure a wider and better quality supply of housing, both in the social and private sectors.

99. Extend rent allowances for households waiting for social housing.

100. Generalise the implementation of binding rent controls in the private rental market, taking into account the quality of housing and joint rental commissions.

101. Provide central rental guarantee funds in the various entities.

### 3.5.4 Right to an adequate standard of living

*(35.168/169/198/202, 36.52)*

[62] Decision on the merits: European Federation of National Organisations Working with the Homeless (FEANTSA) v. Belgium, complaint no. 203/2021

102. Most social protection and welfare benefits are below the poverty risk threshold and do not allow people to live with dignity. [63]

103. 14.7% of people who say they are severely limited by a disability are at risk of poverty.[64] The federal summer agreement of 18 July 2025 provides for the adjustment and increase of disability benefits, but these still remain below the European poverty line.[65]

104. Guarantee a decent income for everyone by increasing all social protection benefits, including disability benefits.

### 3.5.5 Right to education

*(35.153 to 35.155, 35.196, 35.199, 36.43, 36.44, 35.157, 35.158)*

#### Inclusive education

105. The number of pupils in special education is increasing year by year, at different rates depending on the Community and the level of education concerned.[66]Children from disadvantaged socio-economic backgrounds[67] or from ethnic or cultural minorities[68] are still over-represented in special education.

106. Continue the fight against academic relegation by offering pupils guidance options that respect their personal plans.

107. Develop inclusive education for all children, regardless of their disability, social status or origin.

#### Freedom of religion

108. No decree has been issued concerning the wearing of religious symbols by pupils and students, regardless of their level of education. In higher education, universities allow the wearing of religious symbols. In higher education colleges, some schools allow the wearing of religious symbols, while others do not.

109. Guarantee the right to education and the freedom of students in higher education or social advancement to express their philosophical beliefs by wearing religious symbols.

#### Educational inequalities

110. According to the PISA survey, students of foreign origin perform less well than students of Belgian origin.[69] An intersectional approach is therefore necessary in order to understand the mechanisms linked to educational inequalities.

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[63] Federal Public Service Social Security (2024). *Evolution of the social situation and social protection in* Belgium – Social protection in Belgium: improved adequacy, persistent poverty gaps.
Combat Poverty, Insecurity and Social Exclusion Service (2023). *The financial dimension of poverty*, Brussels, Combat Poverty, Insecurity and Social Exclusion Service.

[64] 20250505_results_silc2024_for_belgium_def.pdf

[65] The Handilab study conducted in 2012 by KUL/Lucas showed that the amount of benefits did not protect people with disabilities from poverty. The previous government had planned to reform the social benefits system, but this never materialised. *Combat Poverty, Insecurity and Social Exclusion Service (2023). The financial dimension of poverty. Contribution to political debate and action – Biennial report 2022-2023,* 20 December 2023.

[66] European Commission (2025), European Semester 2024-2025 country fiche on disability equality – Belgium, p. 26, Reports - European Commission.

[67] French Community (2024), Education indicators (2022-2023), p.21, Enseignement.be - Education indicators 2024.

[68] UNIA (2017), *Participation in education of Traveller children in Belgium,* https://www.unia.be/files/Documenten/Aanbevelingen-advies/Participation_à_lenseignement_des_Gens_du_voyage.pdf; UNIA (2017), *Diversity Barometer – Education,* https://www.unia.be/files/Documenten/Publicaties_docs/1210_UNIA_Barometer_2017_-_FR_AS.pdf.

[69] 000000018231_IMNARQUQ.pdf

111. Collect and cross-reference more data to produce intersectional analyses in all types and levels of education.[70]

## 3.6 Rights of specific groups or individuals

### 3.6.1 Women Migrants

*(37.18)*

**Domestic violence**

112. Belgian law provides protection against loss of residence for migrant women who have come to Belgium through family reunification and are victims of domestic violence. However, this does not apply to persons whose application for family reunification is still pending.[71] Furthermore, these provisions do not apply to migrant women with irregular residence status.[72] In addition, these victims are often afraid to file complaints.[73]

A circular[74] was published on 15 June 2023 with the objective to better inform victims of domestic violence involved in family reunification procedures about their protection regarding residence rights. However, this circular adds several conditions to the law, contains certain inaccuracies and errors, and does not address several concerns expressed by GREVIO, the Council of Europe's independent committee of experts.[75]

113. Strengthen the protection of victims of domestic violence during family reunification procedures and introduce safeguards to enable victims of domestic violence without residence permits to file complaints without fear of deportation.

### 3.6.2 Children

*(35.194 to 35.199, 36.58 > 36.65)*

**Poverty**

114. In May 2022, Belgium submitted a national action plan on the European Child Guarantee to the European Commission.[76] Although the number of children living in poverty and social exclusion decreased between 2018 and 2023, this trend has reversed, mainly due to an increase in the number of children at risk of monetary poverty (37.000

[70] Final report: Improving Equality Data Collection in Belgium II
[71] See S. DAWOUD (2017), "Family reunification and violence: are victims adequately protected in Belgium?", T. Vreemd., No. 1, pp. 6–24.
[72] MYRIA, Opinion of Myria to the Committee on Home Affairs, General Affairs and the Civil Service, Draft law no. 654/1 amending the law of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners, with regard to the protection of victims of domestic violence in the context of family reunification (22 October 2019), 20 January 2020; MYRIA, Myriadoc migration in figures and rights, right to live as a family, 2020, pp. 31-32.
[73] See above, point 4.2
[74] Circular on the protection of victims of domestic violence admitted to the Kingdom for family reunification, 15 June 2023.
[75] GREVIO, Baseline Evaluation Report Belgium, "Group of Experts on Action against Violence against Women and Domestic Violence, Istanbul Convention, 21 September 2020.
[76] Belgian National Action Plan European Child Guarantee 2022-2030

more children in EU-SILC 2024 compared to EU-SILC 2023).[77] The Interministerial Conference is currently working on updating the action plan.

115. Strengthen an inter-federal, coherent, cross-cutting and coordinated approach to combating poverty among children, young people and their families.

## Detention of migrant children

116. Since 20 July 2024, the prohibition of the detention of children in closed centres has been anchored in law.[78] Less than a year later, however, the new Minister for Asylum and Migration indicated that this prohibition could be reconsidered during the current legislative term.[79]

Furthermore, the new law does not guarantee the preservation of the family unity: the detention of an adult member of the household remains possible. The best interests of the child must nevertheless be taken into account in decisions concerning the return of the parents. It should be noted that families with minor children can still be placed in return centres, and unaccompanied minors whose age is disputed may be detained during the age assessment procedure.[80]

117. A legal provision must ensure that the principles of the best interests of the child and respect for family unity are taken into account in administrative or judicial decisions.

118. Make the best interests of the child a primary consideration in the return process of families with minor children.

[77] Federal Public Service Social Security (2024). Evolution of the social situation and social protection in Belgium.
[78] Law amending the Law of 15 December 1980 on the access to the territory, residence, establishment and removal of foreigners and the Law of 12 January 2007 on the reception of asylum seekers and certain other categories of foreigners on proactive return policy, *MB* 20 July 2024.
[79] The De Wever government agreement provides for maintaining the ban in the law but adds that "this law will be evaluated after two years" (Government Agreement 2025-2029, p. 180).
[80] According to Article 41 §1 of the Law of 12 January 2007 on the reception of asylum seekers, age verification must be carried out within three working days of arrival at the border, and this period may exceptionally be extended by a further three working days. In practice, Myria observes that many unaccompanied minors stay in closed centres for a relatively long period of time (MYRIA, *Contribution Myria – Preparations for the Migration Code,* pp. 69-70).

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