

TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT
UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)

BELGIUM REVIEW

I. JUSTICE SYSTEM

B. Quality of justice

Accessibility of courts (e.g. court fees, legal aid, language)

In its 2022 concluding observations, the UN Committee on the Elimination of Discrimination against Women expressed concern that legal aid eligibility criteria had been severely restricted and that the process to access legal aid had become more complex, despite the Judicial Code amendments in Belgium. Concerns were also raised that complaints were not always registered by the police and that serious obstacles in accessing justice facing migrant women and women with disabilities who were victims of gender-based violence. The Committee recommended that legal aid and public defence be made accessible, sustainable, and responsive to women's needs; that police register all complaints and receive adequate training and that obstacles to accessing justice by all women are eliminated, by ensuring the provision of procedural and age-appropriate accommodation, as well as interpretation services, and by granting a residence permit during the entire judicial proceedings for undocumented victims ([CEDAW/C/BEL/CO/8](#), paras 13 and 14).

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

The UN Committee on the Elimination of Discrimination against Women in its concluding observations issued in 2002 welcomed that specific university master's programmes and, since 2020, mandatory capacity-building programmes for judges covered the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). However, concern was raised that CEDAW, its Optional Protocol and the Committee's general recommendations were not widely known, nor were they invoked in courts; and references to CEDAW were absent from court decisions in Belgium. The Committee recommended that Belgium: provide systematic capacity-building and training for government officials, judges, prosecutors, police officers and other law enforcement officials, as well as lawyers, on CEDAW, its Optional Protocol and the Committee's general recommendations and take steps to introduce, in legislation and in practice, sufficient legal safeguards to ensure in its domestic legal system full protection of the rights enshrined in CEDAW. The Committee further recommended Belgium to provide capacity-building to judges, prosecutors, the police, civil registrars and law enforcement officers on the strict application of criminal law provisions and other legislation prohibiting forced marriage to ensure that cases of forced marriage are effectively investigated and prosecuted, and that perpetrators are adequately punished, and ensure through mandatory and continuous training of judicial and law enforcement officers that all acts of sexual violence against women are effectively investigated and prosecuted, and that perpetrators are adequately punished ([CEDAW/C/BEL/CO/8](#); paras 11 , 12 and 28).

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

B. Independent authorities

Independence, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions¹

In 2022, the UN Committee on the Elimination of Discrimination against Women recommended that Belgium ensure as a matter of priority that the Federal Institute for the Protection and Promotion of Human Rights, established in 2019, has a mandate to receive and examine individual complaints and petitions; and that it complies with the Paris Principles [CEDAW/C/BEL/CO/8](#); para. 18).

¹ (Cf. the website of the European Court of Auditors:
<https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)