

Ministry of Justice

Country visit Belgium – 3 March 2026

Answers

Pillar I – Justice System

1. The “Hefboomplan” aims to create better working conditions for a better administration of justice. It was drawn up in consultation with representatives of the judiciary. The implementation of a large number of action points requires legislative and regulatory work.

A first part of the “Hefboomplan” concerns the attractiveness of the functions and safety, which have already been included in a first preliminary draft law. This concerns, among other things, language allowances for the referees at the Court of Cassation, extending the recognition of seniority that magistrates have built up in the private sector or as self-employed persons, increasing the salary allowance for registrars that assist investigative judges and judges appointed to the juvenile courts, as well as introducing meal vouchers and teleworking opportunities for magistrates and other functions. In addition, a second set of measures includes organisational reforms such as simplifying the transfer of criminal cases that pose a security risk and relaxing the rules on assignments to give the judiciary more autonomy and flexibility in deploying magistrates and court staff where they are most needed.

This preliminary draft has already passed a number of administrative steps and is currently being reviewed before it will be sent to the Council of State for an advisory opinion. Only after this advisory opinion, it can be submitted to Parliament.

Efforts are currently ongoing to draft a second legislative initiative to further translate other action plans from the “Hefboomplan” into legislation. This includes, among other things, changes to the legislative staffing establishment of magistrates and court staff.

2. As mentioned above, efforts continue to translate the results of the different “taskforces” into concrete legislation. Furthermore, the Minister of Justice has concluded “mini management agreements” with the three pillars of the judiciary (the Entity Cassation, the College of Courts and Tribunals and the College of the Public Prosecutor’s Office). Pending the introduction of the transfer of management powers from the executive to the judiciary, these mini-management agreements contain agreements on objectives for the courts and tribunals regarding the additional resources made available by the Government. The objectives are linked to the priorities set out in the coalition agreement and the Minister's policy statement, as well as the objectives designed to ensure the proper functioning of the courts and tribunals. These mini management agreements form part of the ongoing evolution toward greater accountability of the judicial organisation in the use of available resources (greater autonomy). Assuming responsibility and reporting on the progress of the objectives go hand in hand in this regard. In addition, in cooperation with the judiciary, consideration is being given to an allocation model to enable a more effective distribution of available human resources among the various actors within the judicial system in the future.

3. The transfer of management powers through management agreements from the executive to the judiciary has been a recurring topic. The Constitutional Court, in its judgement n° 138/2015 of 15 October 2015, has concluded that the objectives in the management agreements relate to the general

management and the functioning of the judiciary and do not concern the adjudicative powers of judges or the powers of the public prosecutor's office. In this respect, these agreements are not incompatible with the principle of the separation of powers and the independence of judges. The Minister of Justice will continue to work with the three pillars of the judiciary on their targets and priorities, following the conclusion of the mini management agreements, as mentioned above. These mini management agreements concern additional funds (through additional budgets that have been obtained) and not the basic funding of the judiciary, whereby the pillars of the judiciary commit to achieve and to report on certain objectives.

4. The Government is currently working on a draft law on the evaluation and disciplinary system for magistrates. This draft law also includes the evaluation of the chiefs of corps, following the adaptation of article 151 of the Constitution on 12 June 2025. The Government has received advisory opinions from the High Council of Justice, the Court of Cassation, the College of Courts and Tribunals, The College of the Public Prosecutor's Office and the Advisory Council of the Magistrature on an initial version of the draft law. These advisory opinions are currently being reviewed. As such, the draft law is still subject to change.

Concerning the evaluation of magistrates (that are not chiefs of corps), the draft law emphasises the need for more feedback, motivation and coaching. To that end, a mandatory performance review will be introduced, which will take place at least once during the evaluation period and no later than six months after the magistrate takes office. This review provides for an opportunity to discuss, for example, the magistrate's personal performance, his strengths, his difficulties, his possible areas of improvement and his commitment to the organisation. The automatic application of a salary deduction after an "unsatisfactory" assessment was removed. Instead, the draft law introduces a supervision programme to support magistrates and help them improve. If the magistrate does not achieve the objectives set during this supervision programme and once again receives the assessment "unsatisfactory", the magistrate will be transferred to the evaluation and disciplinary tribunal. When it is seized in matters relating to the evaluation of magistrates, the tribunal can only take one of three measures: (1) the withholding of the last three-yearly increase in salary; (2) the withdrawal of the permanent adjoint mandate; and (3) dismissal on the grounds of professional incompetence. This is in line with what is customary in the context of termination of employment following an unfavourable evaluation and takes into account article 152 of the Constitution, which states that no judge may be removed from office or suspended except by a judgement. It cannot be the intention that a magistrate continues to perform poorly after all the envisaged support measures have failed to help and that he remains in place until he reaches the retirement age. If the magistrate fails to adjust his performance, even after the many opportunities provided or if the magistrate does not show the willingness to adjust his performance in an adequate manner, dismissal on the grounds of professional incompetence must be possible, by means of a judgment. This will benefit the proper functioning of the justice system and the service provided to citizens.

Concerning the evaluation of the chiefs of corps of the sitting magistrature, the procedure is largely modelled on the current procedure applicable to the chiefs of corps in the public prosecutor's office, with a follow-up interview after 18 months in office, and an evaluation interview during the last year of the mandate. To this end, the chief of corps submits his activity report to the competent chamber of the evaluation committee. The composition of this evaluation committee has been adapted. Members from outside the judiciary will only have an advisory role in the evaluation of the chiefs of

corps from the sitting magistrature. The evaluation interview takes place between the chief of corps and the evaluation committee, which draws up a provisional assessment and communicates this to the chief of corps, who has the possibility to submit his remarks. Afterwards, the evaluation committee draws up a final, reasoned evaluation and forwards this to the chief of corps and the Minister of Justice. The chief of corps has the possibility of appealing an assessment of “unsatisfactory”, which is provided for by law.

Concerning the disciplinary system, the draft law overhauls the disciplinary system applicable to magistrates but does not fundamentally alter the disciplinary system applicable to court staff. A well-functioning disciplinary system ensures that failure to fulfil the obligations of the office of magistrate is dealt with as quickly as possible and does not reflect negatively on the entire corps. The role of investigating the reports that may give rise to disciplinary proceedings will be carried out by a new disciplinary investigation and advisory committee. The disciplinary investigation and advisory committee is a new body within the framework of disciplinary proceedings for magistrates, which conducts investigations and then issues an opinion on the facts that may give rise to disciplinary sanctions. This committee consists of a magistrate from the court, a magistrate from the public prosecutor's office, as well as one external member. The inclusion of an external member is socially relevant in order to promote general confidence in the justice system. This investigation will ultimately result in a recommendation to the disciplinary authority, which remains the chief of corps. The committee will recommend that the report be dismissed, that a minor disciplinary penalty be imposed or that a case be brought before the evaluation and disciplinary court. The disciplinary authority is not obliged to follow the committee's recommendation, but may only impose a more severe penalty. If the disciplinary authority deviates from the recommendation, it must justify its decision and communicate this justification. This reform mainly aims to streamline the disciplinary process and to increase the public confidence in the justice system.

5. As regards the modernisation of the disciplinary system for lawyers, the Federal Justice department has received a first project from the national bar associations. This project is currently being analysed. The next step is to meet with the bar associations to adapt and refine the text further where necessary. We will also seek the advice of other interested parties. At this point we cannot elaborate further on the content as it is still a work in progress.

6. This passage concerns the budget notifications of December 12, 2025, which set out a number of structural measures for the judicial system, such as the establishment of a financial prosecutor's office and additional recruitment to fight social security and tax fraud. These measures are part of the overall announcement of additional resources mentioned by the Minister of Justice in her communication.

The additional resources earmarked for justice in the 2026 budget are still included in unallocated provisions at BOSA.

The following priorities were established by the Justice Strategy Unit:

1) Addressing prison overcrowding: 600 million (infrastructure) = Investment priorities at the Buildings Agency + 50 million for prison staff = Investment priorities Overcrowding (recurring) (i.e., multi-year)

2) The priorities for the investment priorities Security are:

- Victims
- Organized crime
- Digitization of the Justice system
- Maintenance and repairs of courthouses

All projects have been incorporated into a multi-year budget plan.

7. The law of 19 December 2023 expanded the scope of the amicable settlement chambers (CRA), which were originally established within the family courts, to include all civil courts (i.e. civil, commercial and labour courts at both the first instance and appeal levels). This was done in order to promote negotiated solutions (i.e. conciliation) that are overseen by a judge and are free of charge unless the parties have already initiated court litigation. This procedure (CRA) is voluntary and in no way mandatory, contrary to what was suggested in your question. From an access-to-justice perspective, it gives people a real, practical way to solve disputes without immediately going through full litigation. It can reduce delay, cost, and procedural complexity, while still keeping the court framework and judicial oversight. Also, if no agreement is reached, the case can return to the ordinary “court track”, so the CRA does not replace the right to a judicial decision. We do not have any statistics on the number of cases.

8. The Minister of Justice has established a working group composed of six academic experts specialising in judicial procedure. The group has been tasked with examining and proposing practical legislative measures that can be implemented swiftly to expedite judicial proceedings, starting with the measures outlined in the government agreement¹. Since the mission of this group is not to reform all civil judicial procedure rules, it does not have an ‘official’ mandate set out in a ministerial decree. Once the proposals have been submitted, the Minister of Justice’s administration will review them and draft a legislative bill. The work of this group is scheduled to take place in 2026, with a first meeting in March.

Judicial backlog : As mentioned in writing, the Minister of Justice supports the initiative of the College of Courts and Tribunals concerning the management and reduction of the judicial backlog. The plan is being implemented in three phases.

The aim is to complete the first two phases, namely the inventory of the judicial backlog for all courts and tribunals and the identification of the most urgent problems, both procedural and material, during the first months of 2026.

At the same time, the third phase will also begin in 2026 with the identification and implementation of concrete actions aimed at reducing the significant backlogs in problematic proceedings as much as possible.

In addition, a specific initiative is being taken in collaboration with the Brussels Court of Appeal and the College of Courts and Tribunals to remedy the backlog of cases at the Brussels Court of Appeal.

¹ <https://www.lachambre.be/FLWB/PDF/56/0020/56K0020001.pdf> (p. 381)

At this stage, we have no further information to share with you on this subject.

9. The digitalisation of the Justice system continues to progress.

The Judiciary is implementing a new, uniform case management system intended for eventual use across the entire Judicial Order. A number of entities are already working with this new system, while others have commenced the transition process.

The SPF Justice continues to improve the development of Just-on-web (<https://justonweb.be/en>), which is set to become the centralised access point for both litigants and legal professionals. For example, regarding the filing of petitions, case files, pleadings, and correspondence, the SPF is working on the implementation of a new platform (the current platform, eDeposit, remains in use for the time being).

With regard to judgements, the internal component of the central register for judicial decisions of the Judicial order is currently rolled out across certain jurisdictions (Magistrates' Courts, Police Courts, and Criminal Courts of First Instance). Integration work is ongoing for other Courts and Tribunals. The authentic, non-pseudonymised judicial decisions in this internal component are accessible for parties and their legal representatives (such as lawyers) via the Just-on-Web portal.

The external component is not yet operational. An application has been developed to enable the pseudonymisation of personal data contained within judgements, and will soon be tested for daily use in the field in a few test sites. Once all technical building blocks operational, a partly pseudonymised version of judicial decisions will be made available ("partly pseudonymised", because, contrary to the data allowing for the (in)direct identification of parties, witnesses and other natural persons, the data of the magistrates, court clerk and lawyers acting in the case will in principle not be pseudonymised, though the law provides for certain exceptions on this last principle).

As per the digitalisation of the procedures before the Constitutional Court, this Court is not formally part of the judicial order as governed by the Belgian Judicial Code. Highest court of the judicial order is in Belgium the "Cour de Cassation". The Constitutional Court is in Belgium a competence of the Chancellery of the Prime Minister. The decisions of the Constitutional Court are publicly available on their website (<https://en.const-court.be/>).

As per the digitalisation of the procedures before the Council of State, this Council is not formally part either of the judicial order as governed by the Belgian Judicial Code. The Administrative litigation section of the Council of State is the highest administrative court in Belgium, and is a competence of the Federal Public Service Home Affairs. The decisions of the Administrative litigation section of the Council of State are publicly available on their website ([Case law - Search - Council of State](#)).

Pillar IV – Other Institutional Issues related to Checks and Balances

10. A State is required to execute all enforceable judgments. Therefore, with regard to the execution of judgments of the European Court of Human Rights, the Belgian state is fully committed to making every effort to identify and apply all necessary measures to remedy without delay the violations identified both at the individual and general level and to taking steps required to prevent and avoid similar violations in the future.

This question highlights several matters that require continuous systemic improvements to achieve full compliance. However, it does not mean that Belgium fails to comply with the relevant decisions. In each of these matters, intensive continuous work is carried out through measures and reforms as well as through consultation and awareness-raising among the relevant actors.

With regard more specifically to the length of civil and criminal proceedings (Bell cases group), we would like to reiterate, as stated in our action plan submitted in October 2025, that the Belgian State remains fully committed to speeding up the administration of justice. Several areas for action have been identified, such as the use of alternative dispute resolution methods, the digitalisation of the justice system, the revaluation of the role of magistrates and functions associated with the proper administration of justice, the recruitment of magistrates and support staff, etc. The current government has also allocated an additional budget to strengthen the justice system. Finally, as already mentioned, the mapping of the judicial backlog and processing delays is currently being finalised.

As highlighted by the Committee of Ministers of the Council of Europe in December 2025, Belgium has continued to make significant progress since its last review by the Committee in 2024, particularly with regard to the provision of data on the length of proceedings and the strengthening of the budget and staff of the judiciary. The Committee has also noted that several initiatives are underway to continue addressing the (excessive) length of proceedings.

Many measures have been taken or are currently being implemented, but their impact may sometimes take some time to materialise.

The Committee of Ministers' decision of December 2025 is currently being examined and processed by the various entities involved. At this stage, we do not yet have any new information to share beyond what has already been or will be presented during this meeting. But as previously said, Belgium remains fully committed to speeding up the justice system, a commitment that is reflected in several of the points already mentioned or that will be mentioned later in this meeting. However, we will certainly share our progress and updated information in the next action plan.

With regard to the reception crisis (Camara case), we would like to point out, as explained in our action plan submitted in June 2025, that the Belgian State has implemented several measures to remedy the systemic problem related to the enforcement of court decisions. This has led to positive results: a significant reduction in the number of asylum seekers awaiting

reception, faster departures from the reception network and the freeing up of reception places.

At a meeting at the end of 2025 with the Department for the Execution of Judgments of the European Court of Human Rights, the Belgian State expressed its willingness to go beyond the enforcement of the Court's judgment by adopting measures to grant material assistance not only to asylum seekers who have obtained a court decision, but also to all those who are entitled to it.

The Belgian government is also continuing its efforts to reduce the number of people on the waiting list (4,094 registered in June 2024 compared to 1,358 in February 2026). The number of convictions of the Federal Agency for the reception of asylum seekers (Fedasil) related to the saturation of the reception network has also fallen significantly (3,574 in 2024 compared to 1,740 in 2025). Furthermore, of the 2,286 interim measures taken by the European Court of Human Rights against Belgium since the second half of 2022, only 7 are still active in February 2026.

Finally, the Council of Ministers has approved several legislative amendments to reduce the pressure on the reception network. For example, the law of 14 July 2025, which has come into force, limits the right of reception for asylum seekers who already benefit from international protection in another EU Member State, as well as for minor children who have applied for asylum on their own behalf when their parents' application for protection has already been rejected. The Council of Ministers has also approved a law transposing "Reception" Directive 2024/1346, in the context of the European Migration Pact. The latter should have a positive impact on the reception situation in Belgium.

For the sake of completeness, we would like to point out that the Belgian Constitutional Court recently suspended two measures aimed at restricting the reception of asylum seekers in Belgium and making the rules on family reunification for beneficiaries of subsidiary protection more restrictive. The Court referred these matters to the European Court of Justice. The Minister of Asylum and Migration has expressed confidence in the ECJ's responses and has already announced that she will soon submit an already planned draft legislation, with regard to the transposition of the European Migration Pact, which will address some of the Constitutional Court's concerns.

12. The right to peaceful assembly is a fundamental right enshrined in both the Belgian Constitution and international instruments. It is an essential pillar of any democratic society, to which the Belgian State attaches particular importance. That said, this right is not absolute. It may be subject to

restrictions, provided that these are laid down by law, pursue a legitimate aim and comply with the principles of necessity and proportionality.

Preventive measures or law enforcement measures fall within this framework and aim to balance the effective exercise of freedom of assembly with the safety of all. However, the Belgian State remains committed to maintaining a constructive dialogue with all stakeholders and to ensuring that a balance is maintained between fundamental freedoms and the safety of all.

13. According to article 151 of the Constitution, the High Council of Justice exercises the power to nominate judges and public prosecutors. The High Council of Justice consists of a Dutch-speaking and a French-speaking college. Each college has an equal number of members and is composed of judges and public prosecutors who are directly elected by their peers under the conditions and in the manner prescribed by law, on the one hand, and other members appointed by the Senate by a two-thirds majority of the votes cast under the conditions prescribed by law, on the other. With the abolition of the Senate, the members of the High Council of Justice that are currently appointed by the Senate will, in the future, have to be appointed by another institution.

Pillar II – Anti-corruption framework

1. The Government indeed plans to create a National Financial Prosecution Service which will combat serious economic, financial and fiscal offenses, organised social fraud and corruption. Rather than creating a new structure and given the coherent and effective structure of the Federal Public Prosecutor's Office, its international networks and its existing and efficient cooperation with the local public prosecutor's offices, this "National Financial Prosecution Service" will take the form of a specialised and autonomous financial crime section within the Federal Public Prosecutor's Office. This is deemed to be the best way to build a sustainable and specialised team with its own expertise and continuity, but which still has the possibility of falling back on the existing expertise and international and national networks of the Federal Public Prosecutor's Office. This section will be composed of around ten specialised magistrates, six civil servants specialised in fiscal matters, and six legal experts with a financial or fiscal background. An initial version of the draft proposal is currently being drafted in consultation with the College of Courts and Tribunals and the Federal Public Prosecutor's Office. As such, it is difficult to provide for an expected timeline.