European Rule of Law Mechanism: input from Belgium

2023 Rule of Law Report

I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

Les effectifs des magistrats et des greffiers par entité sont encore fixés dans des cadres légaux.
Une loi du 26 décembre 2022 portant des dispositions diverses en matière d'organisation judiciaire II prévoit une possibilité pour le Roi de déroger à ces cadres en vue de permettre davantage de flexibilité. Cette loi prévoit que :
« *Le Roi peut, sur la base d'un avis conforme selon le cas du Collège des cours et tribunaux ou du Collège du ministère public, déroger provisoirement aux cadres des magistrats ou des greffiers visés au paragraphe 1er, alinéa 8, exceptés les cadres de la Cour de cassation, dans une limite de maximum 20 pourcent ou, lorsque le cadre ne prévoit que cinq personnes ou moins, à raison d'une unité, et considérant que les cadres contenant une seule entité ne peuvent jamais être supprimés au profit d'une autre entité. L'avis conforme doit établir que l'augmentation de cadre et la diminution qui en découle dans une autre entité repose sur les résultats de la mesure de la charge de travail la plus récente à ce moment et sur les données concernant les flux de dossiers entrants et sortants des entités concernées et que la dérogation temporaire tend à rétablir un équilibre dans la répartition des moyens humains entre les entités à la suite de l'évolution de la charge de travail des entités concernées. Cette dérogation provisoire aux cadres s'effectue sans dépassement du total national des cadres.* »

L'objectif de cette loi est de donner au pouvoir judiciaire lui-même plus d'autonomie dans l'allocation des ressources et, ainsi, de faire ses propres propositions pour adapter les cadres juridiques - dans certaines marges. Cette démarche s'inscrit dans la voie de l'autonomisation.

Le collège des cours et tribunaux et le collège du ministère public ont terminé la première phase de la mesure de la charge de travail en 2021. Actuellement, cette mesure permet au Collège des cours et tribunaux de comparer entre eux les résultats d'entités de même nature (par exemple, toutes les cours d'appel entre elles) et au Collège du ministère public de comparer les parquets de première ligne entre eux. A terme, le législateur devra appliquer les critères objectifs choisis à toutes les juridictions.

A partir de 2023, les budgets de personnel des trois piliers (Cassation, cours et tribunaux et ministère public) seront gérés séparément par le biais d'une ligne budgétaire distincte dans le budget. Les piliers seront eux-mêmes responsables de l'élaboration de la planification des vacances d'emploi et auront progressivement plus à dire dans les sélections et la politique du personnel en général (DOC 55 2934/013).

A. Independence

2. Appointment and selection of judges[1], prosecutors and court presidents (incl. judicial review)

<u>Au niveau fédéral :</u>
Plusieurs modifications du Code judiciaire ont été effectuées et auront à l'avenir un impact positif :

- la répartition du stage judiciaire entre le siège, le ministère public et le stage externe est remaniée en vue d'aboutir à une répartition égale du stage entre le siège et le parquet, de 10,5 mois dans les deux cas, alors que le système actuel prévoit un stage de onze mois au parquet et de dix mois au siège.
- la durée des procédures de nomination et de désignation des magistrats qui ont lieu sur présentation du Conseil supérieur de la Justice est réduite de 15 jours ;

[1] The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts.

- le renforcement des possibilités de création de sous-commissions et de recourir à des experts externes va permettre d'améliorer le fonctionnement de la commission de nomination et de désignation du Conseil supérieur de la Justice ;
- la possibilité d'exercer la fonction de magistrat suppléant n'est pas prévue pour les magistrats de la Cour de cassation qui ont été admis à la retraite avant l'âge légal et qui, en outre, ont été autorisés à porter le titre honorifique de leur fonction.
  Or, cette possibilité existe pour les membres des autres juridictions admis à la retraite avant l'âge légal de la pension de continuer à exercer leurs fonctions jusqu'à l'âge de 75 ans. Cette possibilité est donc étendue aux magistrats de et près la Cour de cassation ;
- s'inscrivant dans le projet de renforcement de l'attractivité de la magistrature, les arrêtés ministériels du 8 juillet 2022 qui ont ratifié les programmes du concours et des examens donnant accès à la magistrature ont permis à chaque commission de nomination et désignation d'étendre les matières qui peuvent être choisies par les candidats dans leur demande de participation au concours ou à l'examen. Ainsi, par exemple, en fonction de l'examen les candidats ont pu choisir le droit social, le droit de l'entreprise ou le droit fiscal.

3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

Les dispositions relatives à la mobilité des magistrats annoncées en 2021 ont été retirées du projet de loi portant des dispositions diverses en matière d'organisation judiciaire II (doc DOC 55 2978/001 précité). Ces dispositions seront intégrées, le cas échéant, après adaptation en fonction du degré d'autonomie des 3 piliers de l'ordre judiciaire, dans un projet de loi qui reprendra les adaptations législatives nécessaires à l'implémentation de l'autonomie de gestion. Les 3 piliers de l'ordre judiciaire collaborent actuellement intensément avec le ministre et son administration en vue de l'implémentation de l'autonomie de gestion de l'ordre judiciaire.

4. Promotion of judges and prosecutors (incl. judicial review)

Pas de développement législatif récent.

5. Allocation of cases in courts

Pas de développement législatif récent.
En 2018, le Conseil supérieur de la Justice a réalisé une enquête particulière auprès des cours d'appel concernant l'application des nouvelles règles en matière d'attribution des affaires à des chambres à conseiller unique. En 2019, 2020 et 2021, le CSJ a procédé à un suivi de l'enquête particulière.
Un rapport a été établi en date du 22 juin 2022 confirmant que le taux d'attribution de dossiers à une chambre à conseiller unique a augmenté dans les cours depuis l'entrée en vigueur de ces règles.

6. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

Pas de développement législatif récent.

7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

Pas de développement législatif récent. Comme annoncé dans les réponses au précédent questionnaire sur l'Etat de droit, un arrêté ministériel du 26 janvier 2022 a fixé le formulaire type à suivre pour la rédaction des rapports de fonctionnement visé à l'article 340, § 3, du Code judiciaire. Les formulaires repris dans ces arrêtés comportent un chapitre consacré aux mesures prises en vue du maintien de la discipline (y compris les peines disciplinaires) et les initiatives prises en vue d'intégrer les principes généraux de déontologie.
Le 1er rapport consolidé du CSJ (Conseil supérieur de la Justice) portant sur les mesures prises en vue du maintien de la discipline, y compris les sanctions disciplinaires, et les initiatives prises en vue du respect des principes généraux relatifs à la déontologie inséré par la loi du 23 mars 2019 dans l'article 340 §3, du Code judiciaire a été approuvé par son assemblée générale le 23 novembre 2022.

8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

La loi précitée supprime également le quota limitant l'octroi de primes linguistiques pour les magistrats siégeant dans les juridictions bilingues afin que davantage de magistrats se sentent motivés de passer des examens linguistiques et de pourvoir plus facilement les postes vacants notamment à Bruxelles.
Une loi du 26 décembre 2022 relative à la mention des voies de recours et portant dispositions diverses en matière judiciaire prévoit de régler la question des cotisations sociales des procureurs européens délégués, lesquelles seront supportées par les crédits dont le Service public fédéral Justice dispose.

9. Independence/autonomy of the prosecution service

Pas de développement législatif récent.

10. Independence of the Bar (chamber/association of lawyers) and of lawyers

L'article 11 de la loi du 30 juillet 2022 visant à rendre la justice plus humaine, plus rapide et plus ferme II a modifié l'article 428 du Code judiciaire belge en vue de permettre l'accès à la profession d'avocats pour les personnes qui ne disposent pas de la nationalité belge, mais qui ont obtenu un diplôme belge de docteur, de licencié ou de master en droit, garantissant ainsi un accès à la profession qui soit basé, non pas sur la nationalité, mais sur une connaissance suffisante du droit belge. De cette manière, une distinction de traitement entre les diplômés de nationalité belge et de nationalité étrangère a été supprimée, afin de garantir un accès plus égalitaire à la profession d'avocat.

11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

En 2014, le Conseil supérieur de la Justice a réalisé une enquête auprès de la population belge sur la perception qu'a le citoyen belge de la justice et de son fonctionnement. Au terme de cette enquête, un rapport a été réalisé permettant d'établir un « Baromètre de la Justice ». Les trois premières éditions de ce baromètre ont été réalisées en 2002, 2007 et 2010. Un cinquième baromètre est annoncé par le Conseil supérieur de la Justice en vue d'évaluer le regard que les citoyens portent aujourd'hui sur la justice.

B. Quality of justice[2]

[2] Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

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

La loi du 26 décembre 2022 relative à la mention des voies de recours et portant dispositions diverses en matière judiciaire est en cours de discussion au Parlement (DOC 55-3046). Elle introduit une obligation générale d'information du justiciable sur les voies de recours. Pour ce faire, elle prévoit que le jugement doit être accompagné d'une fiche informative dans laquelle il est fait mention des voies de recours qui sont d'application contre le jugement, le délai dans lequel ces recours doivent être introduits et la dénomination et l'adresse de la juridiction compétente pour connaitre des recours. Un modèle de fiche informative est repris dans l'arrêté royal fixant le modèle de fiche informative conformément à l'article 780/1, alinéa 5, du Code judiciaire. Cette législation fait suite à deux arrêts de la Cour constitutionnelle (respectivement du 10 février et du 30 juin 2022) qui établissent que les possibilités des voies de recours et les délais les accompagnant doivent être portés à la connaissance des justiciables de la manière la plus explicite possible, afin de garantir le droit à un procès équitable et le droit d'accès au juge. Le projet de loi remédie ainsi à l'inconstitutionnalité constatée par la Cour.

Concernant l'aide juridique de deuxième ligne et comme mentionné dans les rapports précédents, les seuils de revenus applicables pour déterminer l'octroi de l'aide juridique de deuxième ligne totalement ou partiellement gratuite ont été majorés de 200 euros le 1er septembre 2020 (passant de 1026 euros à 1226 euros pour une personne isolée). Cette hausse sera suivie d'une hausse forfaitaire de 100€ chaque 1er septembre et ce jusqu'en 2023 inclus. Le seuil de revenus mensuels passera ainsi à 1.526€ au 1er septembre 2023 pour une personne isolée. A partir du 1er septembre 2024, les montants seront indexés chaque année compte tenu de l'évolution de l'indice des prix à la consommation.
De plus, le montant de la déduction pour personne à charge est également augmenté à 20% du revenu d'intégration sociale (276,91€ depuis 01/09/2021).
Les seuils applicables du 1er septembre 2022 au 30 août 2023 sont les suivants :

Catégories	À partir du 1er septembre 2022
Personne isolée	Gratuité totale : Revenus mensuels nets en dessous de 1426 €
	Gratuité partielle : Revenus mensuels nets entre 1426 € et 1717 €
Personne isolée avec personne à charge ou personne cohabitante	Gratuité totale : Revenus mensuels nets du ménage en dessous de 1717 €, après déduction de 320,01 € par personne à charge (au 01/12/2022).
	Gratuité partielle : Revenus mensuels nets du ménage entre 1717 € et 2007 €, après déduction de 320,01 € par personne à charge (au 01/12/2022).

13. Resources of the judiciary (human/financial/material[3])

Le nombre de magistrats au 1ier janvier 2023 est de :

	2019	2020	2021	2022	2023
Nombre de magistrats effectifs	2403	2425	2427	2422	2429
Cour de cassation	43	42	43	43	43
Cours et tribunaux	1444	1463	1469	1475	1486
Ministère public	849	854	851	846	822
Tribunaux d'application des peines	67	66	64	58	79

[3] Material resources refer e.g. to court buildings and other facilities.

Quant aux effectifs dans l'ordre judiciaire en équivalents temps plein (ETP), les chiffres obtenus par le monitoring national des ETP magistrats ainsi que du personnel judiciaire démontrent l'évolution suivante :

2017	10.458
2018	10.584
2019	10.560
2020	10.781
2021	11.085
2022	11.373

Depuis 2014, le budget en personnel de la Justice pour la magistrature et le personnel judiciaire est croissant. Ainsi, en 2014 et en 2015, un montant global de 634 millions d'euros y a été consacré. En 2016, ce chiffre est passé à 654 millions d'euros. En 2017 et 2018, ce montant a été porté à 658 millions en 2019, une somme de 694 millions d'euros a été allouée.
L'augmentation du budget pour les dépenses en personnel s'est poursuivie en 2020 jusqu'à un total de 695 millions, de 722 millions en 2021 et 786 millions en 2022.
Ce budget concerne les dépenses de personnel tant pour les tribunaux que pour le ministère public.
Par ailleurs, d'ici 2023 des fonds supplémentaires seront mis à la disposition des collèges pour assurer une meilleure communication/information presse.

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

Le CSJ a rédigé cinq directives à l'attention de l'IFJ (institut de formation judiciaire) en date du 18 octobre 2022. Ces directives concernent la nécessité d'une analyse des besoins au niveau des entités judiciaires, les exigences de qualité de la formation et son évaluation. Une attention particulière est accordée à l'importance des formations pour soutenir les (candidats) chefs de corps et organiser le contenu du stage judiciaire.

15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)[4]

Comme nous l'avions annoncé dans la rapport précédent, un projet de loi est en cours de finalisation en ce qui concerne l'usage de la vidéoconférence dans les procédures judiciaires en Belgique. Ce projet tient compte, autant que possible, des lignes directrices de la Commission européenne du 30 juin 2021 pour l'efficacité de la justice (CEPEJ) sur la visioconférence dans les procédures judiciaires. Il a été approuvé lors du Conseil des Ministres du 23 décembre 2022 et envoyé au Conseil d'Etat et à l'Autorité de protection des données pour avis.

As to the access to the Belgian judicial decisions given by our courts and tribunals, a project is being run for the creation of a Central Register for judicial decisions. The legal basis of and framework for that register, the drafting of which was one of the objectives of said project, has been published in the Belgian Official Journal on the 24th of October (https://www.ejustice.just.fgov.be/mopdf/2022/10/24_2.pdf#Page47). Entry into force of the first part of this law (relating to the non-public component of the Central Register, containing the authentic, non-pseudonymised judicial decisions) is foreseen for the 30th of September 2023. Entry into force of the second part of this law (relating to the public component of the Central Register, containing the pseudonymised versions of the judicial decisions registered in the Central Register) is foreseen for the end of 2023.

[4] Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, accompanying the Communication on Digitalisation of justice in the European Union, COM(2020) 710 final and Figures 41 to 49 of the 2022 EU Justice Scoreboard, does not need to be repeated.

16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

Les rapports de fonctionnement rédigés par les juridictions conformément à l'arrêté ministériel du 26 janvier 2022 précité permettront un bon suivi global de tous les aspects de la gestion d'une cour ou d'un tribunal.
Le rapport concernant l'audit de la Cour d'appel de Bruxelles annoncé en 2021 a été publié le 6 juillet 2022.

17. Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

Les travaux entamés en vue de modifier l'article 186 du Code judiciaire afin de permettre une plus grande centralisation de matières, de catégories ou phases de procédure dans une ou plusieurs divisions géographiques des cours et tribunaux se sont poursuivis en 2022.

Jusqu'à présent, les chefs de corps des cours et tribunaux peuvent proposer au Roi d'adopter un règlement de répartition des affaires adaptant les divisions (en termes de nombre, de territoire) ou qui prévoit la centralisation de certaines matières dans une ou plusieurs de ces divisions. Toutefois, des lieux d'audience ne peuvent pas être supprimés et la liste des matières et des procédures qui peuvent être centralisées est limitée.

La loi portant des dispositions diverses en matière d'organisation judiciaire II prévoit que la répartition en divisions peut avoir lieu au niveau des arrondissements pour les tribunaux et au niveau du ressort pour les cours, que des lieux d'audience peuvent être supprimés excepté dans les tribunaux de police, supprime la liste limitative d'affaires susceptibles de relever de la compétence exclusive d'une ou de plusieurs divisions et ajoute la possibilité de centraliser des phases de procédure au sein d'une division. Le but de cette disposition est d'utiliser les ressources des juridictions de la manière la plus optimale et la plus rationnelle possible tout en veillant à maintenir un service de qualité aux justiciables.

C. Efficiency of the justice system[5]

18. Length of proceedings

Pas de développement récent.

II. Anti-corruption framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Pour GRECO IV, la SPF Justice respecte actuellement 5 des 7 recommandations. Les 2 autres recommandations ont déjà été partiellement transposées, avec des progrès récents pour la recommandation 15, que nous espérons que le GRECO considérera comme pleinement transposée.

[5] Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

19. ***Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)***

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

20. ***List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.***

Nothing to report.

21. ***Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.***

Nothing to report.

22. ***Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.***

Nothing to report.

B. Prevention

23. ***Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application.***

Une évolution notable au niveau de la gestion de l'intégrité dans le secteur public fédéral concerne la mise à jour du cadre déontologique fédéral. La circulaire n° 573 du 17 août 2007 a été abrogée par la circulaire n° 706 du 5 juillet 2022 qui reprend la version actualisée du cadre déontologique.
Le nouveau cadre déontologique :

- s'articule autour des nouvelles valeurs transversales fédérales : confiance, respect, intérêt général, professionnalisme et responsabilité sociétale; et
- est basé sur des exemples concrets afin de permettre aux fonctionnaires de mieux s'approprier ces valeurs.

(https://bosa.belgium.be/fr/themes/travailler-dans-la-fonction-publique/propos-de-ladministration-federale/mission-vision-et-1)

24. ***General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)***

In order to comply with GRECO's recommendation that asset declarations should clearly include liabilities, the two federal Laws of 2 May 2005 on asset declarations were amended so that they now explicitly provide that debts must be included in the asset declarations (see Article 3, 1°, of the federal Law of 21 December 2022 'amending various provisions regarding the list of mandates, offices and professions and the asset declaration' and Article 3, 1°, of the federal special Law of 21

December 2022 'amending various provisions regarding the list of mandates, offices and professions and the asset declaration'.

25. Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

Nothing to report.

26. Measures in place to ensure whistleblower protection and encourage reporting of corruption.

The Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law has been transposed at the federal level:

- The Law of November 28th 2022 on the protection of whistleblowers in the private sector was published in the Official Journal on December 15th 2022 and will enter into force on February 15th 2023
- The Law of December 8th 2022 on the protection of whistleblowers in the federal public sector was published in the Official Journal on December 23rd 2022 and entered into force on January 3rd 2023. In addition to the establishment of internal and external reporting channels and the possibility of public disclosure, it ensures the protection of the reporting person. With particular regard to external channels, the law gives Committee P the competence to follow up on reports from integrated police personnel, as well as from those of staff members of the Threat Analysis Coordination Body. The Committee R, for its part, follows up on reports from intelligence and security service personnel. The law will also apply to staff members of strategic bodies, thus responding to a GRECO recommendation (Rapport GrecoEvalRep(2019)3, p. 29, §128).

Anonymous reporting is allowed. The federal Ombudsman provides protection against retaliation and acts as the external reporting authority in the federal public sector. As far as the private sector is concerned, the federal Ombudsman will also provide protection against retaliation and act as Federal coordinator as well as – in specific circumstances – the external reporting authority. The Federal Institute for Human Rights provides support measures.

On the regional level:
In order to improve and protect both the position and rights of whistleblowers in the Flemish and local government, the Flemish government approved the decree for the transposition of the EU directive on whistleblowers on 18 November 2022. Whistleblowers can now contact appointed internal and external reporting channels of the Flemish government and local authorities to report irregularities regarding Flemish and local competences. The decree stipulates that, in case of irregularities, any form of retaliation against whistleblowers is strictly prohibited.

27. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes,risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

Nothing to report.

28. Any other relevant measures to prevent corruption in public and private sector

Nothing to report.

C. Repressive measures

29. Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.

Nothing to report.

30. Data on investigation and application of sanctions for corruption offences[6], including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.

Nothing to report.

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

Nothing to report.

32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.

Nothing to report.

III. Media freedom and pluralism

33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

Concerning the recommendation to strengthen the framework for access to official documents:

- In Flanders, there is a concrete and effective request and appeal procedure that has been elaborated in the Governance decree of 7 December 2018 described in Articles II.40 to II.46 (the application procedure) and Articles II.48 to II.51 (the appeal procedure).
- The appeal committee on open government in Flanders has the power to make specific rulings on appeal, which are enforceable on applicants. Thus, at the Flemish level, the appeal body does not have a purely advisory competence, but has the full competence to make a fully-fledged ruling on the pending dispute between the applicant and the administrative authorities regarding the disclosure of information.
- The appeal procedure is Flanders is completely free of charge.
- Following deadlines apply on the Flemish level:

- the Administrative decree provides for a period of 20 days for the processing of an application (at European level the period is set at 30 days).
- The handling period in Flanders can only be extended to 40 days (at the European level the period is set at two months).
- 30 days are provided for the handling of an appeal procedure, which is also in line with the European Directive, which refers to a "fast procedure involving little or no costs".

[6] Please include, if available the number of (data since 2019): indictments; first instance convictions, first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year.

- On the federal level, the federal Commission for Access to Administrative Documents (CTB) has resumed its work. The opening session of the CTB took place on 29 June 2022.

A. Media authorities and bodies[7]

34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

For the Flemish Community, we refer to our input for the 2021 Rule of Law Report and to the information provided in response to the country visit by the European Commission in 2021. The Act of 27 March 2009 on Radio and Television Broadcasting contains an extensive chapter on the Flemish Media Regulator (art. 215-235)[8].

35. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

For the Flemish Community, we refer to our input for the 2021 Rule of Law Report and to the information provided in response to the country visit by the European Commission in 2021. The appointment and dismissal of the members of the Chambers of the Flemish Media Regulator are regulated in Article 216 of the Act of 27 March 2009 on Radio and Television Broadcasting.

36. Existence and functions of media councils or other self-regulatory bodies

Nothing to report.

B. Safeguards against government or political interference and transparency and concentration of media ownership

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

Nothing to report.

38. Safeguards against state / political interference, in particular:

- ***safeguards to ensure editorial independence of media (private and public)***

Nothing to report.

- ***specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and***
the allocation of resources) and safeguards for plurality of information and opinions

For the Flemish Community, we refer to our input for the 2022 Rule of Law Report.
In addition, we refer to the decree of 4 February 2022, amending articles 10, 12, 13 and 14 of the decree of 27 March 2009 on radio and television broadcasting, that further strengthens the independence of the Board of Directors, inter alia by making it compulsory to add four independent directors to the Board. (amendment to Article 12 of the Act of 27 March 2009).
The appointment and dismissal of members of the public broadcaster's board of directors are regulated in Articles 10 and 12 of the Media Decree and in the VRT Charter on Corporate Governance

[7] Cf. Article 30 of Directive 2018/1808.
[8] Act of 27 March 2009 on Radio and Television Broadcasting (weblink)

referred to in Article 10. The plurality of information and opinions is ensured in VRT's public mission as defined in article 6 and 29 of the Media Decree.

- ***information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance***

Nothing to report.

39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter

Nothing to report.

C. Framework for journalists' protection, transparency and access to documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

Nothing to report.

41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

Nothing to report.

42. Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

<u>On the regional level:</u>
With regard to the exception on disclosure of information on the basis of ‘internal communication’, that was introduced with an amendment to the Flemish Governance Decree of 7 December 2018:
Effective decision-making by a government presupposes that proposals, ideas or opinions on substantive, process-related, organisational or political matters can be freely exchanged between government employees. This exchange must also be possible in writing without these proposals, ideas or opinions having to be made public on request. Because too rigid a disclosure regime could lead to a lack of free exchange of views. Thus, a certain degree of 'policy intimacy' and confidentiality is necessary for effective decision-making, as the Commission itself stated in an answer to a written question 3955/03. [which reads as follows: *"Internal communications prepare an administrative decision; it must be possible for an administration to lay down in writing the different arguments in favour of or against a decision on a specific problem, without these internal deliberations being made public. The essential element is, after all, the administrative decision and its possible justification, not the way in which this decision was reached*."]

In addition, various European frameworks, i.c. the Aarhus Convention and the European Directive 2003/4 on public access to environmental information provide for an exception on disclosure of documents labelled ‘internal communication’. And it is important to note that the exception is in line with the judgment of the European Court of Justice of 20 January 2021 (in response to a preliminary question submitted by the Bundesverwaltungsgericht – the highest German federal administrative court), in which the court explained the scope of the concept of "internal communications" as it appears in the various European regulations.

The general interest served by disclosure must be weighed against the specific interest served by the refusal to disclose. There is obviously a public interest in having access to administrative decisions. But the need to protect the freedom of thought of public employees and the free exchange of views, is also very important. Therefore the Flemish decree-maker introduced an optional exception ground to disclose documents labelled 'internal communication'. It is important to note that this exception ground is optional, which means that the public administration that is asked to provide access to certain information labelled 'internal communication', is not forced to refuse this request for access, but can either decide to disclose this information or not.

Proceedings about this exception for the disclosure of internal communications have been initiated before the Belgian Constitutional Court, which will rule on the case in the near future. If the Court agrees with the plaintiffs, the Flemish Government will of course immediately amend the Governance decree to comply with this ruling[9].

43. Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

Dans le cadre de la protection des journalistes, la réforme du Code pénal belge prévoit deux modifications qui impactent positivement ceux-ci : la première est la suppression des peines d'emprisonnement pour les actes de diffamation et la seconde est l'ajout, selon le cas, soit d'une circonstance aggravante, soit d'un élément aggravant à certaines infractions, lorsque ces infractions sont commises à l'encontre d'une personne « exerçant une fonction publique », en ce compris les journalistes. En fin d'année 2022, l'Institut fédéral des droits humains a été désigné point de contact national afin de répondre à la demande faite par la Commission dans sa Recommandation sur la protection des journalistes et des défenseurs des droits de l'homme qui participent à la vie publique contre les poursuites judiciaires manifestement infondées ou abusives ("poursuites stratégiques contre la participation publique").

IV. Other institutional issues related to checks and balances

44. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

A. The process for preparing and enacting laws

45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders[10]/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

Regarding the "regulation impact assessment" to which Government bills are generally subjected prior to their submission to the House of Representatives, we refer to the information covered in the input for the 2021 Rule of Law Report.

Regarding the evidence based policy-making and the stakeholders'/public consultations in the House of Representatives, no significant developments since January 2022 must be reported.

- During the period from 1 January 2022[11] until 30 November 2022, hearings were held in 188 out of the 865 public committee meetings (21,73%).

[9] Case with cause list number: 7660 (merged with cases 7669, 7772, 7724 and 7725)

[10] This includes also the consultation of social partners.

[11] The period for which the information was collected for the House's input for the 2021 Rule of Law Report was closed on 31 December 2021.

- On aggregated level, during the current 55th parliamentary term, up until 30 November 2022, hearings were held in 633 out of the 2,830 public committee meetings (22,37%).

Regarding the transparency and quality of the legislative process in the House of Representatives, no significant developments since January 2022 must be reported either.

- During the period from 1 January 2022 until 30 November 2022, 68 out of the 300 bills and proposals reported out of committee to the plenary went through a second reading procedure (22,67%), and up to 865 out of the 946 committee meetings were public (91,44%).
- On aggregated level, in the current 55th parliamentary term, up until 30 November 2022, 153 out of the 897 bills and proposals reported out of committee to the plenary went through a second reading procedure (17,06%), and up to 2,830 out of the 3,121 committee meetings were public (90,68%).

46. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

Regarding the House of Representatives, there are no significant developments since January 2022.

- During the period from 1 January 2022 until 30 November 2022, the urgency procedure has been requested for 79 items out of 510 items (15,49%).
- On aggregated level, in the current 55th parliamentary term, up until 30 November 2022, the urgency procedure has been used for 298 items out of 2,803 items (10,63%).

47. Regime for constitutional review of laws

Nothing to report.

48. COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- ***judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic***

The COVID-19 policy is subject to a comprehensive judicial review in Belgium. The adopted measures can be challenged by citizens before courts (of appeal) and the Council of State in the short term, whilst the legal basis of the administrative police measures can be scrutinized by the Constitutional Court in the longer term. With regards to the latter, on September 22nd 2022, the Constitutional Court issued its ruling in a prejudicial case concerning the constitutionality of the law of May 15th 2007 on civil security on the basis of which the Minister of Interior adopted administrative police measures to combat the COVID-19 pandemic.[12] [13]

The law on civil security authorizes the Minister of Interior to take certain measures in case of threatening circumstances to ensure the protection of the population. Failure or refusal to comply to those measures is subject to criminal penalties. The Minister of Interior used this authorization to limit the spread of the COVID-19 virus by, amongst other measures, prohibiting gatherings and requiring citizens to remain at home. Following the prosecution of those who violated these measures, the police court of Hainaut posed prejudicial questions to the Constitutional Court

[12] Constitutional Court, September 22nd 2022, No 109/2022 (https://www.const-court.be/public/n/2022/2022-109n.pdf)

[13] As mentioned in our input for the Rule of Law Report of 2022 with regards to the changes our 'Covid-19' law has brought from an institutional and rule of law perspective, measures were initially adopted on the basis of existing legislation, including the law of May 15th 2007 on civil security. Before the Constitutional Court confirmed the constitutionality of this law in September 2022, the Council of State and multiple civil and criminal courts (including the Court of Cassation) already acknowledged that the existing legislation constituted an adequate legal basis for the adopted measures. Subsequently, in August 2021, the pandemic law was adopted as a specific legal basis to take administrative police measures during epidemic emergencies.

concerning the constitutionality of this law and the authorization therein. The Court ruled that the authorization granted to the Minister of Interior does not violate the principle of legality in criminal matters. It deemed that its broad wording on this aspect is not problematic because the various risk- and emergency situations that could require action cannot be described in full or in detail in the law. Accordingly, it regarded that the legislature sufficiently delineated the authorization. Hence, this preliminary ruling of the Constitutional Court confirmed the constitutionality of the law on civil security as a legal basis for the adoption of COVID-19 measures by the Minister of Interior.

In addition, judicial procedures against the Pandemic Law that was adopted in August 2021 and entered into force in October 2021, are currently pending before the Constitutional Court. However, it should be noted that existing case law does not contain any counter-indications regarding the Pandemic Law as a legal basis for the administrative police measures adopted during the pandemic.
Furthermore, a prejudicial case concerning travel restrictions that were adopted in Belgium during the COVID-19 pandemic, is pending before the Court of Justice of the European Union. The ministerial decree of June 30th 2020 on urgent measures to limit the spread of the coronavirus COVID-19 (as amended by the ministerial decree of July 10th 2020) in which non-essential travels from and to Belgium were restricted or prohibited by means of a color code, was challenged before the Dutch-speaking court of first instance in Brussels. Before issuing a judgement on the merits, the Belgian judge posed preliminary questions to the Court of Justice of the EU on April 4th 2022 regarding the conformity of these travel restrictions with the Directive 2004/38/EC of the European Parliament and of the Council on the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, as well as the Regulation (EU) 2016/399 of the European Parliament and of the Council of March 9th 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)[14].

- ***oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic***

As already mentioned in the input for the 2022 Rule of Law Report, the so-called 'Federal Pandemic Law' of 14 August 2021 aims to provide a new legal basis for pandemic emergency measures. By virtue of this Law, the King, *i.e.* the federal Government, can declare the state of 'epidemic emergency' by Royal Decree, for a maximum period of three months. This period may be extended by the King for a maximum period of three months at a time. The state of 'epidemic emergency' or its prolongation must be confirmed by Parliament within 15 days. By Royal Decree of 27 January 2022, the King has declared the maintaining of the state of 'epidemic emergency' related to the COVID-19 pandemic until 27 April 2022. This Royal Decree has been confirmed by Parliament within a timely manner[15]. By the federal Law of 11 March 2022 'repealing the maintaining of the state of epidemic emergency related to the COVID-19 pandemic', the aforementioned Royal Decree of 27 January 2022 was repealed. Consequently, the state of 'epidemic emergency' ceased and has not been reinstated to this day.

However, notwithstanding the end of the state of 'epidemic emergency', even after 11 March 2022, the House of Representatives has used its traditional means of oversight, such as written and oral questions, to investigate *ex post* the state of 'epidemic emergency' and the measures taken in the context of this state of 'epidemic emergency'. See, for example, oral question no. 55030087C put during the meeting of the House Committee on Health of 7 October 2022.

[14] Court of Justice of the European Union, February 7th 2022, C-128/22, Nordic Info (https://curia.europa.eu/juris/document/document.jsf?text=&docid=260006&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=994126).

[15] http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2021111001&table_name=loiFederal Law of 11 February 2022 'confirming the Royal Decree of 27 January 2022 declaring the maintaining of the state of epidemic emergency related to the coronavirus COVID-19 pandemic'.

An evaluation report on the implementation of the Pandemic Law was drafted as well and subsequently, submitted in the House of Representatives in June 2022. This ex-post reporting is required by the Pandemic Law of August 2021 and activated/applied for the first time in October 2021 in the context of the COVID-19 pandemic. Article 10 of this law commands the government to provide the House of Representatives with an evaluation report within a period of three months after the end of each epidemic emergency. Consequently, the government needed to report on its actions taken during the COVID-19 pandemic to the House of Representatives within three months after the epidemic emergency for COVID-19 was lifted. This resulted in the "Evaluation report in the context of the law of August 14th 2021 concerning administrative police measures during an epidemic emergency ("Pandemic Law")" of June 9th 2022.

The evaluation report elaborates on the pursued objectives in relation to the respect for fundamental rights, and considers whether the Pandemic Law should be repealed, supplemented, amended or replaced for future epidemic emergencies. The report addresses, amongst other things, the proportionality of the adopted measures and the enforcement thereof, as well as their impact on vulnerable persons and groups who are exposed to greater difficulties in complying or undergoing the sanitary measures due to their health condition or their personal or professional situation. In addition, the level of transparency towards the legislative power and the public is examined. The report concludes with lessons learned for future epidemic emergencies.

In general, the evaluation report was positive for the Pandemic Law as it concluded that this law has proven to serve its purpose and hence, does not need to be lifted, nor replaced. One of the most fundamental points that it pointed out in this regard, is that the Pandemic Law succeeds in fulfilling its raison d'être: it provides a clear and specific framework to take administrative police measures during an epidemic emergency, defines in a precise way the conditions that must be met for the King (or the Minister of the Interior) to take measures, and describes the type of measures that can be taken and the safeguards that must be respected in this regard. In addition, it argued that the Pandemic Law provides a procedure that guarantees sufficient transparency which benefits the democratic debate by, for example, opting for a ratification of the epidemic emergency by law, as well as requiring the government to report to the House of Representatives on the adopted measures. Furthermore, it deemed that the Pandemic Law succeeded to anchor, within the complex Belgian institutional structure, consultations with the federated entities in its policy regarding the epidemic emergency when the measures have a direct impact on their policy areas.

The report also concluded with some lessons learned such as the importance of clear agreements between the federal government and the federated entities concerning the instructions to provide to local governments regarding the measures that can have an impact on their competences, the importance of providing a thorough motivation for the adopted measures (and communication thereof) to citizens, and the need to maximize efforts to ensure unity of communication whereby measures can be explained in an understandable way.

- ***processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances***

Nothing to report.

B. Independent authorities

49. Independence, resources, 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 institutions[16]

Au niveau fédéral :

[16] Cf. the website of the European Court of Auditors: https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#

En complément des rapports précédents, il doit être ajouté que la Belgique a désigné, conformément aux directives européennes applicables, les organismes suivants pour l'égalité de traitement : Unia (Centre Interfédéral pour l'Égalité des chances) et l'Institut pour l'Égalité des Femmes et des Hommes. Toutes les informations relatives à leur indépendance, leurs ressources, leur capacité juridique et leurs compétences sont à trouver dans le cadre législatif applicable, à savoir : l'Accord de coopération du 12 juin 2013 visant à créer un Centre interfédéral pour l'égalité des chances et la lutte contre le racisme et les discriminations et la Loi du 16 décembre 2002 portant création de l'Institut pour l'égalité des femmes et des hommes. Il convient de noter qu'Unia est également reconnu comme Institution nationale de protection des droits de l'homme (INDH de statut B).

Quant au mandat et aux moyens de l'IFDH (Institut Fédéral pour la protection et la promotion des droits humains), le Parlement a approuvé, le 24 novembre 2022, le projet de loi transposant la directive européenne sur la protection des lanceurs d'alerte dans le secteur privé. Par ce projet, le Parlement fédéral a confié à l'IFDH quatre rôles spécifiques : 1) être le point central d'information pour la protection des lanceurs d'alerte, 2) leur offrir un soutien juridique, psychologique, social, IT et de communication, 3) promouvoir la protection des droits des lanceurs d'alerte et une culture juridique et sociale favorable, et 4) établir des rapports indépendants. La loi entrera en vigueur deux mois après avoir été publiée au Moniteur belge.

Quant au personnel, le cadre prévoit 10 membres du personnel au total et toutes ces personnes sont entrées en fonction. Le budget est débattu au Parlement et augmenté chaque année : il était de 595 000€ en 2020, 891.421,92€ en 2021, et 1.409.847,19 € en 2022. Le nouveau budget de 2023 devrait tenir compte des nouvelles fonctions attribuées à l'IFDH. Enfin, l'Institut est aujourd'hui pleinement opérationnel, la preuve en est les 21 avis qu'il a déjà rendus, dont 15 sur demande et 6 de sa propre initiative. L'IFDH a également été invité durant les débats au Parlement sur la vaccination obligatoire et publié 9 rapports, dont deux parallèles devant les Comités onusiens et quatre devant le Comité des Ministres du Conseil de l'Europe dans le cadre de l'exécution d'arrêts de condamnation belge (tous les chiffres datent de mi-décembre 2022).

On the regional level :

The government of Flanders has established the Flemish Human Rights Institute (FHRI), which will have a broad, independent mandate to protect all human rights within the sphere of Flanders' competences. The FHRI will also function as the Flemish equality body, with a specific complaints-handling mechanism (mediation / non-binding ruling) with regard to complaints on discrimination. The FHRI will be operational as of March 15th of 2023.

The FHRI is an autonomous public body with legal personality, under the supervision of the Flemish Parliament and fully independent in the exercise of its mandate[17].The FHRI will be financed through an allocation by the Flemish Parliament, stemming from the general expenditure budget of the Flemish government. This allocation will be indexed annually on the basis of the health index. The FHRI Establishment Decree states that its funding shall be sufficient to ensure the independent and effective operation of the institute in a structural manner, and that its resources may not be reduced as long as the FHRIs tasks remain unchanged[18].

In order to obtain an A-status, the FHRI will be part of an interfederal human rights mechanism in accordance with the Paris Principles. Through this mechanism the government of Flanders strives for maximum cooperation between the different policy levels in order to maximise the human rights protection. For this reason, the government of Flanders is seeking to conclude a legislative cooperation agreement with the involved levels of competence and their governments.

Legislative texts for FHRI:

- 08 July 2022 - Decree authorising the Flemish Government to terminate the cooperation agreement of 12 June 2013 between the Federal Government, the Regions and the Communities for the establishment of the Interfederal Centre for Equal Opportunities and

[17] Art 4 of the decree establishing a Flanders Institute for Human Rights

[18] Art 40 of the decree establishing a Flanders Institute for Human Rights

Combating Discrimination and Racism in the form of a joint institution as referred to in Article 92bis of the Special Act of 8 August 1980 (B.S. 01.08.2022)
- 28 October 2022 - Decree establishing a Flemish Human Rights Institute (B.S. 09.11.2022)

50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

En ce qui concerne les réclamations relatives au fonctionnement des autorités administratives fédérales, le Médiateur fédéral a émis quatre recommandations en 2021-2022, dont trois au parlement et une à une administration fédérale. La recommandation à l'administration fédérale a été clôturée. Dans le cadre des enquêtes « Intégrité », le Médiateur fédéral a émis 14 recommandations, dont une a été refusée, sept ont été rencontrées et six sont encore en cours.

C. Accessibility and judicial review of administrative decisions

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

Nothing to report.

52. Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).

Nothing to report.

53. Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

Nothing to report.

D. The enabling framework for civil society

54. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

Nothing to report.

55. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

En ce qui concerne les SLAPP, la Belgique participe activement aux négociations européennes concernant la proposition de directive sur la protection des personnes qui participent au débat public contre les procédures judiciaires manifestement infondées ou abusives («poursuites stratégiques altérant le débat public»). Cette directive sera transposée en droit belge une fois adoptée. Un article

780bis existe déjà dans le Code judiciaire belge, qui permet de sanctionner les procédures manifestement dilatoires ou abusives, de manière générale, dans le cadre des procédures civiles. Cette disposition permet de condamner une partie au paiement d'une amende ainsi que de dommages et intérêts pour procès téméraire et vexatoire.

56. Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

Nothing to report.

57. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

As already outlined in the input for the 2021 Rule of Law Report, in order to harmonize the House Rules with the federal Law of 2 May 2019 'on petitions submitted to the House of Representatives', the House of Representatives amended its Rules to lay down the detailed provisions under which petitioners shall be heard in the House committee responsible for the matter to which the petition relates. According to the amended House Rule 143, when the conditions to be heard as a petitioner are met, the petition shall be sent to the committee responsible for the matter to which the petition relates. The latter committee shall determine the date and time of the hearing, and may also determine the speaking time allotted to the petitioners. During 2022, in application of House Rule 143, the first hearings were held with petitioners in the responsible House committee:

- hearings on the petition on the minimum pension during the meeting of the House Committee on Social Affairs, Labour and Pensions of 30 March 2022. The report of these hearings can be consulted here.
- hearings on the petition on the wage standard during the meeting of the House Committee on Social Affairs, Labour and Pensions of 29 June 2022. The report of these hearings can be consulted here.

Furthermore, on 17 November 2022, in the context of citizens' participation, a Government bill has been tabled before the House of Representatives 'establishing the principles for drawing lots of citizens for mixed committees and citizens' panels at the initiative of the House of Representatives'. This Government bill can be consulted here. This bill was discussed in first reading by the House Committee on the Constitution and Institutional Renewal on 6 December 2022.

E. Initiatives to foster a rule of law culture

58. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, etc.)

As already outlined in the input for the 2021 Rule of Law Report, when the "rule of law" is the main topic of parliamentary debates within the House of Representatives, it usually concerns the state of the rule of law in other countries. On 13 January 2022, for instance, the House of Representatives adopted a resolution on the rule of law and women's rights in Poland and the protection of the foundations of the European Union (DOC 55-2314/006).

However, parliamentary debates on domestic issues related to well-defined aspects of the rule of law have continued to take place regularly within the House of Representatives since January 2022:

- on 25 April 2022 for instance, the House's Federal Advisory Committee for European Questions and the Senate Committee on Institutional Affairs held an exchange of views with the Minister of

Justice on the 2020 annual report of the Ministry of Justice regarding the litigation of Belgium before the European Court of Human Rights. The report of this exchange of views can be consulted here.

- on 15 June 2022, for instance, the House Committee on Constitution and Institutional Renewal held an exchange of views on the practical and legal implications arising from the addition of new fundamental rights to the Belgian Constitution. The report of this exchange of views can be consulted here.