



General Assembly

Distr.: General
23 November 2015
English
Original: English/French

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-fourth session
18-29 January 2016

**Compilation prepared by the Office of the United Nations
High Commissioner for Human Rights in accordance with
paragraph 15 (b) of the annex to Human Rights Council
resolution 5/1 and paragraph 5 of the annex to Council
resolution 16/21**

Belgium

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.



I. Background and framework

A. Scope of international obligations¹

1. International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
Ratification, accession or succession	ICERD (1975) ICESCR (1983) ICCPR (1983) ICCPR-OP 2 (1998) CEDAW (1985) CAT (1999) OP-CAT (signature, 2005) CRC (1991) OP-CRC-AC (2002) OP-CRC-SC (2006) CRPD (2009) ICPPED (signature, 2007)	ICPPED (2011)	OP-CAT (signature, 2005) ICRMW
Reservations and/or declarations	ICERD (declaration, art. 4, 1975) ICESCR (declaration, art. 2 (2) and (3), 1983) ICCPR (reservation, arts. 10 (2) (a) (3), 14 (1) (5), 19, 21, 22; declaration, arts. 20, 23 (2), 1983; withdrawal of reservation, arts. 2, 3, 25, 1998) CEDAW (withdrawal of reservation, art. 7, 1998; withdrawal of reservation, art. 15 (2) (3), 2002) OP-CEDAW (general declaration, 1999) OP-CAT (general declaration, 2005) CRC (interpretative declaration, arts. 2 (1), 13, 14 (1), 15, 40 (2) (b) (v), 1991) OP-CRC-AC (declaration, art. 3 (2) age of recruitment at 18 years, 2002; withdrawal of general declaration, 2003) OP-CRC-SC (general declaration, 2000; general declaration, 2006) CRPD (general declaration, 2007)	OP-CRC-IC (general declaration, 2012)	

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
Complaints procedures, inquiries and urgent action ³	ICERD, art. 14 (2000) OP-ICESCR, arts. 10 and 11 (signature, 2009) ICCPR, art. 41 (1987) ICCPR-OP 1 (1994) OP-CEDAW, art. 8 (2004) CAT, arts. 20, 21 and 22 (1999) OP-CRPD, art. 6 (2009)	OP-ICESCR, arts. 10 and 11 (2014) OP-CRC-IC, arts. 12 and 13 (2014) ICPPED, arts. 31 and 32 (2011)	ICRMW

2. Other main relevant international instruments⁴

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide	1961 Convention on the Reduction of Statelessness ⁵	ILO Convention No. 169 ⁶
	Rome Statute of the International Criminal Court	ILO Convention No. 189 ⁷	UNESCO Convention against Discrimination in Education
	Palermo Protocol ⁸	-	-
	Conventions on refugees and stateless persons (except 1961 Convention on the Reduction of Statelessness) ⁹	Additional Protocol III to the 1949 Geneva Conventions ¹⁰	
	Geneva Conventions of 12 August 1949 and Additional Protocols I and II ¹¹	-	-
	ILO fundamental conventions ¹²	-	-

1. In 2013, the Committee on Economic, Social and Cultural Rights and the Committee against Torture¹³ encouraged Belgium to ratify ICRMW. The Committee on the Elimination of Discrimination against Women, in 2014¹⁴ and the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, in 2015 made similar recommendations.¹⁵

2. The Committee against Torture,¹⁶ the Committee on Enforced Disappearances¹⁷ and the Special Rapporteur on contemporary forms of slavery¹⁸ recommended that Belgium ratify OP-CAT.

3. In 2014, the Committee on the Elimination of Racial Discrimination recommended that Belgium ratify the amendment to article 8 (6) of CEDAW.¹⁹ The Committee on the Elimination of Discrimination against Women encouraged Belgium to accept the amendment to article 20 (1) of CEDAW.²⁰

4. The Committee on the Elimination of Discrimination against Women recommended that Belgium ratify the Convention on preventing and combating violence against women and domestic violence.²¹

5. In 2014, the Committee on the Rights of Persons with Disabilities encouraged Belgium to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.²²

6. The Special Rapporteur on contemporary forms of slavery considered that Belgium should align its domestic legislation with the provisions of ILO Domestic Workers Convention, 2011 (No. 189) and ratify the 2014 Protocol to ILO Forced Labour Convention, 1930 (No. 29).²³

7. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Belgium ratify the Convention against Discrimination in Education.²⁴

B. Constitutional and legislative framework

8. The Committee on Economic, Social and Cultural Rights reiterated its previous recommendation that Belgium guarantee the direct applicability of ICESCR in its domestic legal order.²⁵ The Committee on the Elimination of Discrimination against Women made a similar recommendation for ICEDAW.²⁶

9. The Committee on the Rights of Persons with Disabilities noted the absence of a national plan focusing on persons with disabilities. It recommended that Belgium bring its domestic legislation into line with its obligations under the Convention²⁷ and urged it to establish advisory councils in all regions.²⁸

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions²⁹

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle³⁰</i>
Centre for Equal Opportunities and Opposition to Racism	B (2010)	Dissolved The institution has been transformed into two separate institutions: the Inter-federal Centre for Equal Opportunities and Opposition to Discrimination and Racism and the Federal Centre for the Analysis of Migration Flows

10. The Committee on Economic, Social and Cultural Rights recommended that Belgium establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).³¹ The Committee on Enforced Disappearances,³² the Committee on the Elimination of Discrimination against Women,³³ the Committee against Torture,³⁴ the Committee on the Elimination of Racial Discrimination,³⁵ the Committee on the Rights of Persons with Disabilities³⁶ and the Special Rapporteur on contemporary forms of slavery³⁷ made similar recommendations.

11. The Committee on the Elimination of Discrimination against Women recommended that Belgium adopt a national action plan on gender mainstreaming.³⁸

II. Cooperation with human rights mechanisms

12. Belgium submitted a midterm review regarding the follow-up to the recommendations put forward during its universal periodic review in 2011.³⁹

A. Cooperation with treaty bodies

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
Committee on the Elimination of Racial Discrimination	March 2008	2012	February 2014	Combined twentieth to twenty-second reports due in 2018
Committee on Economic, Social and Cultural Rights	November 2007	-	November 2013	Fifth report due in 2018
Human Rights Committee	October 2010	-	-	Sixth report due in 2015
Committee on the Elimination of Discrimination against Women	October 2008	2012	October 2014	Eighth report due in 2018
Committee against Torture	November 2008	2012	November 2013	Fourth report due in 2017
Committee on the Rights of the Child	June 2010 (CRC and OP-CRC-SC), June 2006 (OP-CRC-AC)	-	-	Combined fifth and sixth reports due in 2017
Committee on the Rights of Persons with Disabilities	-	2011	October 2014	Combined second and third reports due in 2019
Committee on Enforced Disappearances	-	2013	September 2014	Second report due in 2020

2. Responses to specific follow-up requests by treaty bodies

<i>Concluding observations</i>			
<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
Committee on the Elimination of Racial Discrimination	2015	Special measures; housing situation of Travellers; detention of asylum seekers ⁴⁰	-
Human Rights Committee	2011	Use of force by law enforcement officials; access to legal counsel; oversight bodies monitoring of deportation ⁴¹	2011 ⁴² and 2012; ⁴³ follow-up ongoing ⁴⁴
Committee on the Elimination of Discrimination against Women	2010 2016	Family names; modification of the Criminal Code regarding	2011; ⁴⁷ further information requested ⁴⁸

<i>Concluding observations</i>			
<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
Committee against Torture	2014	sexual abuse ⁴⁵ State-run shelters for women; temporary residence permits to migrant women victims of domestic violence; trafficking ⁴⁶	2014; ⁴⁹ follow-up dialogue ongoing
Committee on Enforced Disappearances	2015	Legal safeguards for persons in - custody; investigations; proceedings against suspects and penalties for ill-treatment; police custody register and complaint mechanism ⁵⁰ Ratification OP-CAT; criminalization of enforced disappearance; registers of persons deprived of liberty and on the origin of adopted children ⁵¹	-

B. Cooperation with special procedures⁵²

	<i>Status during previous cycle</i>	<i>Current status</i>
Standing invitation	Yes	Yes
Visits undertaken	People of African descent	Slavery Mercenaries
Visits agreed to in principle	-	Toxic waste
Visits requested	-	-
Responses to letters of allegations and urgent appeals	During the period under review, no communication was sent to the Government	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

13. Since 2009, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has had a Regional Office in Brussels, which seeks to address human rights challenges in Europe, including Belgium, by integrating United Nations human rights standards and principles into European Union-wide internal and external policies, legislation and implementation measures.⁵³

14. Belgium contributed financially to OHCHR in 2011, 2012, 2013 and 2014, including contributions to the United Nations Voluntary Fund for Victims of Torture, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.⁵⁴

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

15. The Committee on the Elimination of Racial Discrimination was concerned that the decision of the autonomous board of Flemish Community Education to prohibit the wearing of symbols of belief in all schools under its authority, as well as the decision of the French Community to leave that decision to each school, could constitute a basis for discrimination.⁵⁵ The Committee on the Elimination of Discrimination against Women recommended that Belgium assess the impact of the ban on wearing headscarves on women and girls, in particular in relation to their access to education and employment.⁵⁶

16. The Committee on the Elimination of Discrimination against Women was concerned about multiple and intersecting forms of discrimination against women with disabilities.⁵⁷ The Committee on the Rights of Persons with Disabilities recommended that Belgium ensure the integration of gender and disability perspectives in its legislation.⁵⁸

17. The Committee on the Elimination of Racial Discrimination commended Belgium on the Act of 14 January 2013, which increased the penalties for certain offences in the case of aggravated circumstances based on discriminatory motives, including racial motives.⁵⁹ It recommended that Belgium adopt a national action plan against racism.⁶⁰

18. While taking note of the approach of penalizing individuals belonging to organizations that promote and incite racial discrimination, the Committee on the Elimination of Racial Discrimination remained concerned that Belgium had not adopted legislation declaring such organizations illegal.⁶¹

19. The Committee on the Elimination of Racial Discrimination remained concerned at the number of acts of Islamophobia and anti-Semitism that had occurred in Belgium. It recommended that Belgium investigate the underlying causes.⁶²

20. The Committee on the Elimination of Discrimination against Women noted with concern the increasing feminization of old age and the multiple forms of discriminations faced by older women.⁶³

21. The Committee on the Elimination of Racial Discrimination commended the National Roma Integration Strategy⁶⁴ and urged Belgium to speed up the implementation thereof.⁶⁵ It recommended that Belgium promote the integration of Roma and combat discrimination in the fields of employment, education and health.⁶⁶

22. The Committee on the Elimination of Discrimination against Women recommended that Belgium amend current laws and practices, in particular the Act of 10 May 2007 on transsexuality, to abolish the requirements for a psychiatric assessment, sterilization and surgery for transgender women who wish to obtain legal recognition of their gender.⁶⁷

B. Right to life, liberty and security of the person

23. The Committee on Enforced Disappearances recommended that Belgium define and criminalize enforced disappearance as a separate offence in its Criminal Code and ensure that all cases of enforced disappearance remain expressly outside military jurisdiction and can be tried only by ordinary courts.⁶⁸

24. The Committee against Torture reiterated its recommendation that the legal definition of torture incorporate all the elements contained in the Convention.⁶⁹
25. The Committee against Torture took note with concern of reports that law enforcement officials used excessive and unjustified force during questioning or arrests.⁷⁰ The Committee urged Belgium to conduct impartial investigations into all alleged cases of brutality, ill-treatment and excessive use of force by law enforcement personnel, and prosecute and sanction officials found guilty of such offences with appropriate penalties.⁷¹
26. The Committee on the Elimination of Racial Discrimination was concerned at reports that racially motivated violence and ill-treatment by police officers of persons with an immigrant background remained a problem. The Committee on the Elimination of Racial Discrimination recommended that Belgium combat racially motivated violence by police officers.⁷²
27. The Committee against Torture reiterated its recommendation to establish a centralized official register in which arrests would be immediately recorded.⁷³ The Committee on Enforced Disappearances recommended that Belgium finalize and adopt the royal decree on a register of persons deprived of liberty.⁷⁴
28. The Committee against Torture welcomed the 2008-2012-2016 master plan for the reduction of prison overcrowding.⁷⁵ It recommended that Belgium alleviate overcrowding, separate different categories of prisoners and improve working conditions for prison staff.⁷⁶
29. The Committee on the Rights of Persons with Disabilities recommended that Belgium revise the new Act on the Confinement of Persons to remove the system of safety measures applicable to persons with disabilities who have been deprived of legal capacity.⁷⁷
30. The Committee on the Elimination of Discrimination against Women recommended that Belgium amend the Criminal Code to qualify sexual abuse as a crime against the person rather than an offence against public morality and family order.⁷⁸
31. While noting the strengthening in 2012 of legislation to combat domestic violence, the Committee on Economic, Social and Cultural Rights expressed concern at its persistence. It recommended that Belgium adopt specific legislation on domestic violence, especially violence against women.⁷⁹
32. The Committee on the Elimination of Discrimination against Women was concerned that fear of deportation prevented victims from reporting domestic violence. It recommended that Belgium ensure that migrant women could seek protection from domestic violence and halt deportation procedures in this context.⁸⁰
33. The Committee on the Elimination of Discrimination against Women welcomed the drafting of a checklist of good practices for police officers responding to situations involving possible sexual offences. The Committee urged Belgium to establish specialized centres for victims of sexual violence.⁸¹
34. The Committee on the Rights of Persons with Disabilities was concerned about the lack of protection for women, children and girls with disabilities against violence and abuse. It called for the introduction of protocols to monitor the conditions in institutions that cared for persons with disabilities.⁸²
35. The Committee on the Elimination of Discrimination against Women recommended that Belgium enforce the law banning female genital mutilation.⁸³

36. The Committee on Economic, Social and Cultural Rights was concerned about the persistence of the practice of corporal punishment.⁸⁴ The Committee against Torture recommended that Belgium prohibit corporal punishment of children in all settings.⁸⁵

37. The Committee on Economic, Social and Cultural Rights expressed that it was disturbed by the extent of child abuse and the persistence of the problem of street children. It recommended that Belgium combat child abuse.⁸⁶

38. The Committee on the Elimination of Discrimination against Women noted with concern the reportedly low number of prosecutions and convictions of traffickers. It recommended that Belgium grant temporary residence permits to women and girls who were victims of trafficking, regardless of their ability or willingness to cooperate with prosecution authorities and to file a complaint.⁸⁷

39. In 2015, the Special Rapporteur on contemporary forms of slavery commended the Government for the comprehensive legal and institutional framework that it had put in place to combat contemporary forms of slavery. In order to address the remaining normative and implementation gaps, the Special Rapporteur recommended that the State provide for contemporary forms of slavery not yet criminalized, such as forced labour and debt bondage, to be treated as distinct criminal offences.⁸⁸

40. The Special Rapporteur wished to emphasize the need to remain vigilant in order to properly detect and identify children who are exploited, either by being forced to beg by their parents or guardians or by other adults, and to bring perpetrators to justice, always with the best interest of the child as the primary consideration. She noted that a limited number of convictions under article 433 quinquies of the Criminal Code for forced begging and a low number of cases investigated by the police might indicate a lack of proper victim detection and identification.⁸⁹

41. The Special Rapporteur was especially concerned about the information received that situations of adults begging with children, in which the adult was not necessarily the parent, or of children begging alone were not taken up by the front-line officials and that they had avoided taking action, effectively meaning that children who were victims of forced begging were not identified and provided with the appropriate protection and assistance.⁹⁰

42. According to the information received by the Special Rapporteur, economic exploitation had been on the rise in recent years, to the point where it was now behind most cases of human trafficking. The traditionally high-risk sectors included construction and renovation, transport, agriculture and horticulture, domestic work, meat processing, retail, car washing and hospitality. In many cases, workers experienced situations of long working hours with insufficient pay, unsafe working conditions and unpaid social security contributions. Their passports were sometimes withheld by their employers and they could also be subjected to intimidation and violence or threats of violence.⁹¹

C. Administration of justice, including impunity, and the rule of law

43. The Committee against Torture remained concerned that the right of access to a lawyer was effective only from the time persons were first questioned by the police. It recommended that Belgium ensure that all persons who are held in custody have the benefit, from the very outset of their deprivation of liberty, of all the fundamental legal safeguards.⁹²

44. In the light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice

system, the Committee on the Elimination of Racial Discrimination recommended that Belgium investigate the extent to which persons of foreign origin were overrepresented in the criminal justice system and address any problem found in that regard.⁹³

45. The Committee against Torture urged Belgium to amend its legislation so that statements obtained as a result of torture or ill-treatment may not be used or invoked as evidence in any proceedings, except as evidence against the person accused of torture.⁹⁴

46. The Committee against Torture took note with concern of reports that judicial sanctions imposed upon police officers who were found guilty of acts of torture or ill-treatment were often symbolic and not commensurate with the seriousness of the acts. It urged Belgium to strengthen supervision and monitoring mechanisms for the police force, particularly the Standing Committee for Police Monitoring and its Investigation Service, which should be composed of independent experts recruited from outside the police.⁹⁵

47. The Committee on the Elimination of Discrimination against Women remained concerned about the low number of cases of sexual harassment considered to be well founded by the labour courts and the increasing number of complaints of sexual harassment. It recommended that Belgium ensure that women have effective access to justice in cases of sexual harassment.⁹⁶

48. The Committee against Torture recalled its previous recommendation and requested Belgium to establish a system of juvenile justice that fully conforms to the provisions of the Convention on the Rights of the Child and to ensure that persons under the age of 18 are not tried as adults.⁹⁷

D. Right to privacy, marriage and family life

49. The Committee on the Rights of Persons with Disabilities strongly recommended the establishment of a support mechanism for families of children with disabilities to prevent their abandonment or institutionalization.⁹⁸

E. Freedom of expression and the right to participate in public and political life

50. UNESCO noted that the Penal Code regarded defamation as a criminal offence and defined fines therefor in articles 443 to 453. UNESCO recommended that Belgium decriminalize defamation and place it within a civil code, in accordance with international standards.⁹⁹

51. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the Royal Order of 2 June 2012 promoting the presence of women in high-level posts in the public service.¹⁰⁰

52. The Committee on the Elimination of Discrimination against Women remained concerned about the persistent underrepresentation of women at decision-making levels and the absence of temporary special measures aimed at addressing inequalities faced by disadvantaged groups of women. It recommended that Belgium develop additional temporary special measures.¹⁰¹

F. Right to work and to just and favourable conditions of work

53. The Committee on Economic, Social and Cultural Rights recommended that Belgium reduce the wage gap between men and women.¹⁰² The Committee on the Elimination of Discrimination against Women made a similar recommendation.¹⁰³ The Committee on Economic, Social and Cultural Rights recommended that Belgium enforce its policies in favour of gender equality in the workplace, particularly the policy of gender-neutral job classification.¹⁰⁴ The Committee on the Elimination of Discrimination against Women recommended that Belgium eliminate occupational segregation.¹⁰⁵

54. The Committee on the Elimination of Racial Discrimination was concerned at reports that persons of foreign origin faced structural discrimination in the field of employment. It recommended that Belgium encourage the recruitment of persons of foreign origin, implement special measures, investigate racial discrimination in employment and provide victims with remedies.¹⁰⁶

55. The Committee on Economic, Social and Cultural Rights welcomed the adoption of the Royal Decree of 6 December 2012, promoting the recruitment and employment of persons with disabilities.¹⁰⁷ The Committee on the Rights of Persons with Disabilities noted the Government's failure to reach targets for the employment of persons with disabilities and recommended that Belgium guarantee their right to employment.¹⁰⁸

56. The Committee on the Elimination of Discrimination against Women remained concerned about the large number of cases of discrimination on the grounds of pregnancy and motherhood filed with the Institute for the Equality of Women and Men.¹⁰⁹ The Committee on Economic, Social and Cultural Rights recommended that Belgium ensure the effective enforcement of the legislation to protect women on maternity leave against unjustified dismissal.¹¹⁰

57. The Committee on Economic, Social and Cultural Rights was concerned that the right to strike was not explicitly guaranteed in law. It recommended that Belgium guarantee the exercise of this right in law and in practice.¹¹¹

G. Right to social security and to an adequate standard of living

58. The Special Rapporteur on contemporary forms of slavery was encouraged by the programmes and policies aimed at addressing poverty of the most underprivileged parts of the population. However, according to information obtained, the level of poverty in Belgium had not changed considerably: in 2013, 20.8 per cent of Belgians were at risk of poverty or social exclusion. Moreover, vulnerable groups continued to face discrimination and obstacles to the full enjoyment of their economic, social and cultural rights, especially in terms of access to education, vocational training, employment, health care and housing.¹¹²

59. The Committee on the Elimination of Racial Discrimination was concerned at the Act of 19 January 2012, which added article 57 quinquies to the Organic Law of 8 July 1976 on public social assistance centres and which provided that nationals of European Union member States would not qualify for social assistance for three months after their arrival. It recommended that Belgium amend the Act.¹¹³

60. The Committee on Economic, Social and Cultural Rights was concerned at the considerable number of homeless persons and the inadequacy of measures taken to remedy the situation. It recommended that Belgium enact legislation to protect individuals from forced evictions.¹¹⁴

61. The Committee on Economic, Social and Cultural Rights regretted the shortage of social housing units. It recommended that Belgium promote access to adequate

housing for low-income persons, marginalized and underprivileged population sectors and persons of foreign origin. Belgium was encouraged to consider adopting a national strategy on access to housing.¹¹⁵ The Committee on the Elimination of Racial Discrimination raised similar concerns regarding the housing situation of Travellers and Roma.¹¹⁶

H. Right to health

62. The Committee on the Elimination of Racial Discrimination was concerned at reports that, in some public social assistance centres in Antwerp, Ghent and Brussels, urgent medical care for irregular migrants had been conditional on their agreement to voluntarily return to their countries of origin. It recommended that Belgium ensure that irregular migrants had access to health-care services without discrimination.¹¹⁷

I. Right to education

63. UNESCO noted that Belgium did not take any special measure to promote human rights education, especially in law enforcement officers' training. It recommended that Belgium be encouraged to further promote human rights education and training, including law enforcement officers' training.¹¹⁸

64. UNESCO considered that no sufficient measures had been taken to include pupils with special needs and pupils from foreign and minority groups in the school system.¹¹⁹ UNESCO recommended that Belgium be encouraged take additional measures on inclusive education, in particular for persons with special needs, including ensuring their access to school transportation and buildings, as well as for students from foreign and minority groups.¹²⁰

65. The Committee on the Rights of Persons with Disabilities was concerned about poor accessibility in schools. It requested that Belgium implement a coherent inclusive education strategy for children with disabilities in the mainstream system.¹²¹ The Committee on Economic, Social and Cultural Rights raised similar concerns.¹²²

J. Cultural rights

66. The Committee on the Elimination of Racial Discrimination encouraged Belgium to preserve and develop the cultures and languages of migrant groups.¹²³ The Committee on Economic, Social and Cultural Rights made a similar request.¹²⁴

K. Persons with disabilities

67. The Committee on the Rights of Persons with Disabilities noted that few measures had been taken to promote accessibility for persons with hearing, visual, intellectual or psychosocial disabilities. It recommended that Belgium establish a legal framework for accessibility and develop a coherent accessibility strategy, including a national plan.¹²⁵

68. The Committee on the Rights of Persons with Disabilities was concerned that Belgium was among the European countries with the highest rates of children with disabilities placed in institutions.¹²⁶ It noted with concern the lack of deinstitutionalization plans and urged Belgium to implement a disability action plan to guarantee access to services and an independent life for persons with disabilities.¹²⁷

L. Migrants, refugees and asylum seekers

69. The Committee on the Elimination of Racial Discrimination was concerned that the Act of 4 December 2012 amending the Nationality Code made it more difficult to acquire Belgian nationality. It recommended that Belgium amend its legislation and make the criteria for economic integration more flexible.¹²⁸ The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Belgium reinstate preferential treatment for refugees when it came to access to Belgian nationality, in comparison with foreigners in general.¹²⁹

70. UNHCR noted that the Belgian asylum system was solid, but in some aspects it needed improvement. Belgium had already received relevant recommendations during the first universal periodic review.¹³⁰ UNHCR recommended that Belgium: put in place a system to ensure the registration of all asylum applications at the border, including at ports; identify the body that would verify guarantees of readmission in countries of first asylum and the practical modalities of such verification; clarify responsibilities in respect of the risk of violations of article 3 of the European Convention on Human Rights and of article 3 of the Convention against Torture in the event of the removal of persons whose applications for asylum were denied; and take advantage of the procedure for transposing the directives relating to the Common European Asylum System to adopt, if necessary, standards that are more favourable and in keeping with international law.¹³¹

71. UNHCR recalled that Belgium had received recommendations during the first universal periodic review relating to the identification of asylum seekers with special needs and asylum seekers' living conditions, access to shelter and protection against violence.¹³² The reception of asylum seekers had clearly improved since 2012. However, measures had been taken to exclude asylum seekers who filed multiple asylum applications from benefiting from such conditions while their applications were under consideration.¹³³ UNHCR recommended that Belgium should in its new reception system maintain a sufficient number of individual housing units to meet individual needs and strengthen the identification, throughout the asylum procedure, of vulnerable persons and those with special needs, so as to provide them with adequate reception and social services.¹³⁴

72. UNHCR considered that the systematic detention of asylum seekers at the border and the common use of such measures in application of the Dublin III Regulation were still subjects of concern. In 2014, 896 asylum seekers had been held at detention centres. Belgium had received numerous recommendations concerning the detention of asylum seekers during the first universal periodic review.¹³⁵ UNHCR recommended that the Government reverse the trend towards the systematic use of detention of asylum seekers at the border and the widespread use of detention in application of the Dublin Regulations; that detention decisions should be automatically subject to judicial review; and that an independent and effective mechanism should be set up specifically to deal with complaints at detention centres.¹³⁶ The Committee against Torture expressed similar concerns.¹³⁷ The Committee against Torture¹³⁸ and the Human Rights Committee¹³⁹ made similar recommendations.

73. The Committee on the Elimination of Racial Discrimination remained concerned at reports of violence by police officers during the deportation of foreigners and that victims faced difficulties in lodging complaints.¹⁴⁰

74. UNHCR also recommended that Belgium should bring the status of beneficiaries of subsidiary protection more into line with that of refugees in view of the two categories' similar need for protection and integration,¹⁴¹ and adopt a specific, accessible, fair and effective procedure for the recognition of statelessness, or improve the existing procedure.¹⁴²

75. The Committee against Torture was concerned that the country's existing extradition and refoulement procedures made it possible to extradite a person who was at risk of being tortured if it had obtained diplomatic assurances. Belgium should thoroughly examine the merits of each individual case, including the overall situation with regard to torture in the country concerned.¹⁴³

76. The Committee on the Elimination of Discrimination against Women welcomed the development of a legal and institutional framework allowing refugee status to be granted to persons with a well-founded fear of gender-based persecution.¹⁴⁴

M. Right to development, and environmental issues

77. The Committee on Economic, Social and Cultural Rights was concerned at reports that the country's policy for promoting agro-fuels was likely to encourage large-scale cultivation of these products in countries where Belgian firms operated and could lead to negative consequences for local farmers. It recommended that Belgium systematically conduct human rights impact assessments to ensure that projects promoting agro-fuels did not have a negative impact on the rights of local communities in third countries.¹⁴⁵

N. Human rights and counter-terrorism

78. The Committee against Torture took note that in 2010 Belgium reached an agreement with the International Committee of the Red Cross to allow its staff to visit persons detained in connection with the fight against terrorism and to evaluate their conditions of detention. It encouraged Belgium to make the agreement operational.¹⁴⁶

79. The Committee against Torture requested information regarding investigations undertaken into allegations by the European Parliament that Belgian airports and aircraft had been involved in the United States Central Intelligence Agency's extraordinary rendition programme.¹⁴⁷

80. In October 2015, during a visit to Belgium that was part of a study on foreign fighters, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination learned that an estimated 500 foreign fighters in two Middle Eastern countries had originated from Belgium.¹⁴⁸

81. The Working Group was advised that the profiles of foreign fighters were diverse, yet their average age was around 23 years and decreasing. Women were also increasingly leaving Belgium.¹⁴⁹

82. It was brought to the attention of the Working Group that a number of measures had been taken by authorities at all levels to counter the issue of foreign fighters. Among these were 12 measures announced on 16 January 2015 by the Federal Government covering the inclusion of a new terrorism offence in the Criminal Code, the extension of the use of specific methods of investigation, the broadening of the scope for withdrawal of nationality and passports, revised monitoring procedures, exchange of information and addressing of radicalization in prisons. The Working Group urged application of, and respect for, human rights in the implementation of these measures, notably for the rights to privacy, to freedom of expression and movement and to a nationality.¹⁵⁰

83. The Working Group emphasized that focus must be placed on preventive as well as rehabilitative measures that respond to immediate and root causes of the foreign fighter phenomenon. Punitive measures should be followed up by magistrates, in order

to ensure the right to a fair trial, and confidence in the justice system. The Working Group stressed that greater social cohesion would mitigate long-term security risks.¹⁵¹

Notes

- ¹ Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Belgium from the previous cycle (A/HRC/WG.6/11/BEL/2).
- ² The following abbreviations are used in the present document:
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| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to CRPD |
| ICPPED | International Convention for the Protection of All Persons from Enforced Disappearance. |
- ³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.
- ⁴ Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Belgium before the Human Rights Council, as contained in the note verbale (A/70/89) dated 1 June 2015 sent by the Permanent Mission of Belgium to the United Nations addressed to the President of the General Assembly.
- ⁵ 1961 Convention on the Reduction of Statelessness.
- ⁶ International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).
- ⁷ ILO Domestic Workers Convention, 2011 (No. 189).
- ⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁹ 1951 Convention relating to the Status of Refugees and its 1967 Protocol and 1954 Convention relating to the Status of Stateless Persons.
- ¹⁰ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.
- ¹¹ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see International Committee of the Red Cross,

www.icrc.org/IHL.

- ¹² ILO Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).
- ¹³ See E/C.12/BEL/CO/4, para. 26, and CAT/C/BEL/CO/3, para. 28.
- ¹⁴ See CEDAW/C/BEL/CO/7, para. 52.
- ¹⁵ See A/HRC/30/35/Add.2, para. 75.
- ¹⁶ See CAT/C/BEL/CO/3, para. 10.
- ¹⁷ See CED/C/BEL/CO/1, para. 8.
- ¹⁸ See A/HRC/30/35/Add.2, para. 75.
- ¹⁹ See CERD/C/BEL/CO/16-19, para. 25.
- ²⁰ See CEDAW/C/BEL/CO/7, para. 48.
- ²¹ Ibid., para. 23.
- ²² See CRPD/C/BEL/CO/1, para. 41.
- ²³ See A/HRC/30/35/Add.2, para. 75.
- ²⁴ See the United Nations Educational, Scientific and Cultural Organization (UNESCO) submission for the universal periodic review of Belgium, para. 60.1.
- ²⁵ See E/C.12/BEL/CO/4, para. 7.
- ²⁶ See CEDAW/C/BEL/CO/7, para. 9.
- ²⁷ See CRPD/C/BEL/CO/1, paras. 5-6.
- ²⁸ Ibid., para. 10.
- ²⁹ According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: voting member (fully in compliance with each of the Paris Principles), B: non-voting member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: no status (not in compliance with the Paris Principles).
- ³⁰ The list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights is available from <http://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart.pdf>.
- ³¹ See E/C.12/BEL/CO/4, para. 8.
- ³² See CED/C/BEL/CO/1, para. 10.
- ³³ See CEDAW/C/BEL/CO/7, para. 13.
- ³⁴ See CAT/C/BEL/CO/3, para. 9.
- ³⁵ See CERD/C/BEL/CO/16-19, para. 7.
- ³⁶ See CRPD/C/BEL/CO/1, para. 49.
- ³⁷ See A/HRC/30/35/Add.2, para. 75.
- ³⁸ See CEDAW/C/BEL/CO/7, para. 11.
- ³⁹ See www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.
- ⁴⁰ See CERD/C/BEL/CO/16-19, para. 26.
- ⁴¹ See CCPR/C/BEL/CO/5, para. 25.
- ⁴² CCPR/C/BEL/CO/5/Add.1. See also A/69/40 (Vol. I), p. 337, and letter dated 29 April 2012 from the Human Rights Committee to the Permanent Mission of Belgium to the United Nations Office and other international organizations in Geneva. Available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BEL/INT_CCPR_FUL_BEL_12183_F.pdf.
- ⁴³ CCPR/C/BEL/CO/5/Add.2.
- ⁴⁴ See also letter dated 3 April 2013 from the Human Rights Committee to the Permanent Mission of Belgium to the United Nations Office and other international organizations in Geneva. Available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BEL/INT_CCPR_FUL_BEL_20894_F.pdf.
- ⁴⁵ See CEDAW/C/BEL/CO/6, para. 53.
- ⁴⁶ See CEDAW/C/BEL/CO/7, para. 53.
- ⁴⁷ CEDAW/C/BEL/CO/6/Add.1.
- ⁴⁸ See letter dated 14 March 2012 from the Committee on the Elimination of Discrimination against Women to the Permanent Mission of Belgium to the United Nations Office and other international organizations in Geneva. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BEL/INT_CEDAW_FUL_BEL

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- ⁴⁹ CAT/C/BEL/CO/3/Add.1.
- ⁵⁰ See CAT/C/BEL/CO/3, para. 30.
- ⁵¹ See CED/C/BEL/CO/1, para. 34.
- ⁵² For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.
- ⁵³ OHCHR, “Thematic priorities” (2012), p. 59, and OHCHR, “Management and funding” (2014), p. 76.
- ⁵⁴ OHCHR, “Management and funding” (2011), pp. 125, 129, 131, 136, 152, 158 and 159; OHCHR, “Management and funding” (2012), pp. 117, 120, 121, 123, 128, 141, 147 and 157; OHCHR, “Management and funding” (2013), pp. 131, 135, 137, 142, 157, 163 and 172; OHCHR, “Management and funding” (2014), pp. 63, 67, 69, 74, 89, 93, 96 and 107.
- ⁵⁵ See CERD/C/BEL/CO/16-19, para. 11.
- ⁵⁶ See CEDAW/C/BEL/CO/7, para. 19.
- ⁵⁷ CEDAW/C/BEL/CO/7Ibid., para. 40.
- ⁵⁸ See CRPD/C/BEL/CO/1, para. 14.
- ⁵⁹ See CERD/C/BEL/CO/16-19, para. 3.
- ⁶⁰ Ibid., para. 6.
- ⁶¹ Ibid., para. 9.
- ⁶² Ibid., para. 10.
- ⁶³ See CEDAW/C/BEL/CO/7, para. 38.
- ⁶⁴ See CERD/C/BEL/CO/16-19, para. 3.
- ⁶⁵ Ibid., para. 18.
- ⁶⁶ Ibid., para. 18.
- ⁶⁷ See CEDAW/C/BEL/CO/7, para. 45.
- ⁶⁸ See CED/C/BEL/CO/1, paras. 12 and 22; see also paras. 17-18.
- ⁶⁹ See CAT/C/BEL/CO/3, para. 8.
- ⁷⁰ Ibid., para. 13.
- ⁷¹ Ibid., para. 13.
- ⁷² See CERD/C/BEL/CO/16-19, para. 12.
- ⁷³ See CAT/C/BEL/CO/3, para. 12.
- ⁷⁴ See CED/C/BEL/CO/1, para. 30.
- ⁷⁵ See CAT/C/BEL/CO/3, para. 6.
- ⁷⁶ Ibid., para. 15.
- ⁷⁷ See CRPD/C/BEL/CO/1, para. 28.
- ⁷⁸ See CEDAW/C/BEL/CO/7, para. 23.
- ⁷⁹ See E/C.12/BEL/CO/4, para. 16.
- ⁸⁰ See CEDAW/C/BEL/CO/7, paras. 20 and 21.
- ⁸¹ Ibid., paras. 22 and 23.
- ⁸² See CRPD/C/BEL/CO/1, paras. 30-31. See also CEDAW/C/BEL/CO/7, paras. 40-41.
- ⁸³ See CEDAW/C/BEL/CO/7, para. 17.
- ⁸⁴ See E/C.12/BEL/CO/4, para. 17.
- ⁸⁵ See CAT/C/BEL/CO/3, para. 27.
- ⁸⁶ See E/C.12/BEL/CO/4, para. 17.
- ⁸⁷ See CEDAW/C/BEL/CO/7, paras. 24-25. See also CERD/C/BEL/CO/16-19, para. 21.
- ⁸⁸ See A/HRC/30/35/Add.2, para. 75.
- ⁸⁹ Ibid., para 53.
- ⁹⁰ Ibid., para. 54.
- ⁹¹ Ibid., paras. 33 and 34.
- ⁹² See CAT/C/BEL/CO/3, para. 11.
- ⁹³ See CERD/C/BEL/CO/16-19, para. 14.
- ⁹⁴ See CAT/C/BEL/CO/3, para. 24.
- ⁹⁵ Ibid., para. 13.
- ⁹⁶ See CEDAW/C/BEL/CO/7, paras. 32-33.
- ⁹⁷ See CAT/C/BEL/CO/3, para. 25.
- ⁹⁸ See CRPD/C/BEL/CO/1, para. 35; see also para. 16.
- ⁹⁹ See UNESCO submission for the universal periodic review of Belgium, paras. 52 and 62.
- ¹⁰⁰ See CEDAW/C/BEL/CO/7, para. 4. See also CEDAW/C/BEL/CO/7, para. 32, and E/C.12/BEL/CO/4, para. 5.
- ¹⁰¹ See CEDAW/C/BEL/CO/7, paras. 14-15; see also paras. 28-29.
- ¹⁰² See E/C.12/BEL/CO/4, para. 11.
- ¹⁰³ See CEDAW/C/BEL/CO/7, para. 33.

- ¹⁰⁴ See E/C.12/BEL/CO/4, para. 11.
- ¹⁰⁵ See CEDAW/C/BEL/CO/7, para. 33; see also para. 31.
- ¹⁰⁶ See CERD/C/BEL/CO/16-19, para. 15; see also para. 8.
- ¹⁰⁷ See E/C.12/BEL/CO/4, para. 5.
- ¹⁰⁸ See CRPD/C/BEL/CO/1, paras. 38-39.
- ¹⁰⁹ See CEDAW/C/BEL/CO/7, para. 32.
- ¹¹⁰ See E/C.12/BEL/CO/4, para. 15.
- ¹¹¹ *Ibid.*, para. 13.
- ¹¹² See A/HRC/30/35/Add.2, para. 62.
- ¹¹³ See CERD/C/BEL/CO/16-19, para. 16.
- ¹¹⁴ See E/C.12/BEL/CO/4, para. 20.
- ¹¹⁵ *Ibid.*, para. 19.
- ¹¹⁶ See CERD/C/BEL/CO/16-19, paras. 15, 18 and 19.
- ¹¹⁷ See CERD/C/BEL/CO/16-19, para. 16.
- ¹¹⁸ See UNESCO submission for the universal periodic review of Belgium, paras. 59 and 60.4.
- ¹¹⁹ *Ibid.*, para. 59.
- ¹²⁰ *Ibid.*, para. 60.2.
- ¹²¹ See CRPD/C/BEL/CO/1, paras. 36-37.
- ¹²² See E/C.12/BEL/CO/4, para. 23.
- ¹²³ See CERD/C/BEL/CO/16-19, para. 22.
- ¹²⁴ See E/C.12/BEL/CO/4, para. 24.
- ¹²⁵ See CRPD/C/BEL/CO/1, paras. 21-22.
- ¹²⁶ *Ibid.*, para. 15.
- ¹²⁷ *Ibid.*, paras. 32-33.
- ¹²⁸ See CERD/C/BEL/CO/16-19, para. 17.
- ¹²⁹ UNHCR submission for the universal periodic review of Belgium, p. 13.
- ¹³⁰ *Ibid.*, p. 3. For the full text of the recommendations, see A/HRC/18/3, recommendations 100.51 (Thailand), 100.56 (Nigeria) and 100.57 (Indonesia).
- ¹³¹ *Ibid.*, pp. 5-6.
- ¹³² *Ibid.*, p. 6. For the full text of the recommendations, see A/HRC/18/3, recommendations 100.51 (Thailand), 100.52 (Norway), 100.53 (United Kingdom of Great Britain and Northern Ireland) and 100.54 (Indonesia).
- ¹³³ *Ibid.*, p. 6.
- ¹³⁴ *Ibid.*, p. 8.
- ¹³⁵ *Ibid.*, p. 8. For the full text of the recommendations, see A/HRC/18/3, recommendations 100.11 (Ecuador), 101.25 (Mexico) and 103.23 (Iran (Islamic Republic of)).
- ¹³⁶ *Ibid.*, p. 10.
- ¹³⁷ See CAT/C/BEL/CO/3, para. 21.
- ¹³⁸ *Ibid.*, para. 20.
- ¹³⁹ See letter dated 3 April 2013 from the Human Rights Committee to the Permanent Mission of Belgium to the United Nations Office and other international organizations in Geneva, p. 2.
- ¹⁴⁰ See CERD/C/BEL/CO/16-19, para. 13.
- ¹⁴¹ UNHCR submission for the universal periodic review of Belgium, p. 11.
- ¹⁴² *Ibid.*, p. 15.
- ¹⁴³ See CAT/C/BEL/CO/3, para. 22.
- ¹⁴⁴ See CEDAW/C/BEL/CO/7, para. 42.
- ¹⁴⁵ See E/C.12/BEL/CO/4, para. 22.
- ¹⁴⁶ See CAT/C/BEL/CO/3, para. 18.
- ¹⁴⁷ See CAT/C/BEL/QPR/4, para. 14.
- ¹⁴⁸ See preliminary findings of the Working Group on the use of mercenaries – Mission to Belgium, 12-16 October 2015, dated 16 October 2015. Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16609&LangID=E.
- ¹⁴⁹ *Ibid.*
- ¹⁵⁰ *Ibid.*
- ¹⁵¹ *Ibid.*
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