

# AMNESTY INTERNATIONAL

## Public Statement

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### Belgium: Prompt action needed to address human rights concerns

Amnesty International today urged the Belgian authorities to act with all possible speed to implement fully, and as a matter of priority, the recommendations which the (UN) Human Rights Committee issued on Friday, 30 July, following its examination of Belgium's human rights record.

In its Concluding Observations on Belgium's fourth periodic report on its implementation of the International Covenant on Civil and Political Rights, the Committee expressed concern about a number of human rights issues, including continuing allegations of police brutality, often accompanied by acts of racial discrimination. It noted reports that investigations into such conduct were not always carried out with due diligence and that, when sentences were pronounced against officers, they were usually symbolic. As well as instructing Belgium to put a stop to such police conduct and to carry out more thorough investigations, the Committee called for ill-treatment complaints lodged against the police and any complaints lodged by the police against alleged victims to be examined simultaneously.

Amnesty International noted that the Committee had to reiterate its long-standing call for Belgium to introduce legislation guaranteeing people in police custody the right to inform their relatives of their detention and to have access to a lawyer and a doctor from the first hours of their detention. The Committee said that provision should be made for a doctor's examination to be available at the beginning and end of the custody period.

The Committee was aware that, despite revised guidelines on the treatment of foreigners during deportation operations, allegations that escorting police officers used excessive force had continued: it recommended more thorough training and monitoring for officials carrying out such operations. It was also concerned that rejected asylum-seekers and unauthorized migrants awaiting deportation had been released from detention centres for aliens by judicial order but then confined to the transit zone of Brussels national airport, sometimes for several months, "in precarious sanitary and social conditions" ("*conditions sanitaires et sociales precaires*"). The Committee, considering such a practice to amount to arbitrary detention which could result in inhuman and degrading treatment, said that it should end immediately.

The Committee recommended changes to allow a more accessible and effective complaints mechanism for inmates of detention centres for aliens and called on Belgium to ensure that people considered "inadmissible" to the country, and held in the so-called INADs centre at the national airport, be informed of their rights, including their right to appeal and to make a complaint.

Among its other concerns, the Committee pointed to the low number of criminal and disciplinary penalties imposed on members of the armed forces suspected of having committed human rights violations in the context of the UN multinational peace-keeping operation in Somalia in 1993. It also

expressed concern about the repercussions which the changes made to Belgium's universal jurisdiction legislation in 2003 had for victims of grave human rights violations under international law. It made relevant recommendations to address these concerns, as well as prison overcrowding and trafficking in human beings. It also urged that all possible steps be taken to protect communities residing in Belgium from racist, xenophobic, anti-Semitic or anti-Muslim acts.

In information submitted to the Committee before its examination of Belgium's human rights record, Amnesty International had focused attention in particular on its concerns about:

- alleged police ill-treatment and racist abuse on the streets and in police stations and the absence of a number of fundamental safeguards against ill-treatment in police custody;
- cruel and dangerous methods of restraint during forcible deportation operations by air and the situation of people confined to the transit zone of the national airport;
- difficulties faced by people wishing to lodge complaints about police ill-treatment;
- obstacles to prompt and impartial investigations into complaints of police ill-treatment and to the bringing to justice of those responsible for such human rights violations.

Amnesty International highlighted the need for urgent reforms in these areas and recalled the detailed recommendations which it had called on Belgian authorities to address as a matter of priority in 2003. At the same time the organization drew particular attention to:

- the apparently low level of criminal accountability for human rights violations committed by soldiers participating in the UN multinational peace-keeping operation in Somalia in 1993;
- legislation adopted in 2003 severely restricting the former wide scope of Belgium's universal jurisdiction legislation, increasing the possibility of impunity for the perpetrators of the worst possible crimes;
- an increase in racist incidents directed against Jewish, Arab and other Muslim communities.

**For further information on Amnesty International's recent concerns in Belgium, please see:**

*Belgium before the UN Committee against Torture: alleged police ill-treatment* (AI Index: EUR 14/001/2003)

*Amnesty International Report 2004, Belgium* (AI Index: POL 10/004/2004)

*Amnesty International Concerns in Europe and Central Asia, July - December 2003: Belgium* (AI Index: EUR 01/01/2004)