



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues prior to submission of the fifth periodic report of Belgium*

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations,¹ the Committee requested the State party to provide information on follow-up to the Committee’s recommendations on the ratification of the Optional Protocol to the Convention, the principle of non-refoulement and the repatriation of children and their mothers from conflict zones (paras. 18 (e), 26 and 32, respectively). Noting that replies concerning the information sought by the Committee were provided on 29 July 2022,² and with reference to the letter dated 15 November 2022 from the Committee’s Rapporteur for follow-up to concluding observations, the Committee considers that the recommendations included in paragraphs 26 and 32 of the previous concluding observations have been partially implemented and that the recommendation included in paragraph 18 (e) has not been implemented.

Articles 1 and 4

2. With reference to the Committee’s previous concluding observations,³ please indicate whether any steps have been taken to amend the definition of torture contained in articles 417 and 417 bis of the Criminal Code to include acts of torture committed by any person acting in an official capacity or at the instigation of or with the consent or acquiescence of a public official, and acts of torture motivated by any form of discrimination, in accordance with the definition of torture contained in article 1 of the Convention. Please indicate whether the State party plans to amend its Criminal Code to state that attempts to commit torture and acts by any persons that constitute complicity or participation in torture are criminal offences, in accordance with article 4 (1) of the Convention. Please clarify whether criminal and civil proceedings and penalties for the offence of torture are subject to a statute of limitations in cases where the offence is not classified as a crime against humanity or a war crime.⁴ Please provide information on the measures taken to incorporate the principle of command responsibility or superior responsibility for the offence of torture and other ill-treatment, according to which hierarchical superiors are held criminally responsible for the conduct of their subordinates where they knew or should have known that the conduct was occurring, or was likely to occur, and they failed to take reasonable and necessary preventive measures.

* Adopted by the Committee at its seventy-ninth session (15 April-10 May 2024).

¹ CAT/C/BEL/CO/4, para. 41.

² See CAT/C/BEL/FCO/4.

³ CAT/C/BEL/CO/4, paras. 35 and 36.

⁴ See arts. 92, 136 bis, 136 ter and 136 quarter of the Criminal Code.



Article 2⁵

3. With reference to the Committee's previous concluding observations,⁶ please provide information on the steps taken and procedures put in place to ensure that all persons who are arrested or detained are afforded, in practice, all fundamental legal safeguards against torture from the outset of their deprivation of liberty. Please describe the measures taken to ensure that the scope of the right of access to a lawyer is extended to all forms of deprivation of liberty, including administrative arrest, and is always respected from the outset of deprivation of liberty.⁷ Please describe the steps taken to regularly monitor compliance with fundamental legal safeguards by all public officials. Please provide information on any disciplinary measures taken since the consideration of the State party's previous periodic report against law enforcement officials who did not immediately allow persons deprived of their liberty to benefit from these safeguards. Please describe the steps taken to ensure that the eligibility criteria for legal aid and public defence services are based on the real income or disposable assets of the person and that the procedure to access aid is accessible and sustainable.⁸

4. Please provide information on the steps taken to ensure that the Federal Institute for the Protection and Promotion of Human Rights is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular by guaranteeing that the process for selecting and appointing its members is clear, transparent and participatory and that it is provided with adequate resources and capacity and with full functional and financial autonomy.⁹ Please describe the measures taken to ensure that the mandate of the Federal Institute covers all human rights throughout the territory of the State party, including at the federal and regional levels, and to increase coordination between the Federal Institute and existing sectoral institutions, such as the Interfederal Centre for Equal Opportunities and Action to Combat Racism and Discrimination (Unia) and the Institute for Gender Equality. Please provide information on the steps taken to ensure that the Federal Institute has a mandate to receive and examine individual complaints, including complaints of torture or ill-treatment.¹⁰

5. Please provide updated information on the legislative or other measures taken during the period under review to combat all forms of violence against women, in particular in cases where the public authorities or other entities are alleged to have committed acts or omissions engaging the State party's international responsibility under the Convention. Please also provide updated data, disaggregated by the victims' age, national or ethnic origin and nationality, on the number of complaints, investigations, prosecutions, convictions and sentences in cases of gender-based violence, including domestic and sexual violence, since the consideration of the State party's previous periodic report. Please explain the measures taken, including the organization of mandatory and continuous professional training for judges, prosecutors, the police and other law enforcement officers, to strictly enforce the relevant provisions of the Criminal Code to ensure that all cases of violence against women are the subject of effective and impartial proceedings and that the perpetrators are prosecuted and receive punishment commensurate with the seriousness of their acts. Please describe the efforts made to facilitate the filing of complaints by victims of gender-based violence and to ensure that all complaints are always registered by the police. Please also describe

⁵ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

⁶ CAT/C/BEL/CO/4, paras. 15 and 16.

⁷ CCPR/C/BEL/QPR/6, para. 19.

⁸ CAT/C/BEL/4.

⁹ CEDAW/C/BEL/CO/8, paras. 13 and 14.

¹⁰ Ibid., paras. 17 and 18; CERD/C/BEL/CO/20-22, paras. 7 and 8; and CCPR/C/BEL/CO/6, paras. 9 and 10.

achievements and challenges relating to the implementation of the National Action Plan to Combat Gender-based Violence for the period 2021–2025.¹¹

6. Please describe the measures taken to ensure that perpetrators of acts of violence against women committed in the name of culture, custom, religion or tradition, including female genital mutilation, forced marriage and crimes committed in the name of so-called “honour”, are prosecuted and adequately punished.¹²

7. Please provide information on the measures taken to combat trafficking in persons, in particular trafficking of women and children for forced labour and sexual exploitation. Please also provide updated data, disaggregated by the victims’ age, sex, national or ethnic origin and nationality, on the number of complaints, investigations, prosecutions and convictions in cases of trafficking in persons since the consideration of the State party’s previous periodic report. Please describe the measures taken to strictly enforce the criminal provisions relating to the fight against trafficking in persons and to implement the Action Plan to Combat Trafficking in Persons, which covers the period 2021–2025. Please also describe the steps taken to ensure that victims of trafficking have access to adequate assistance and protection, including shelters and legal, medical, psychosocial and reintegration support services, and are granted residence permits without their issue being contingent upon cooperation with the judicial authorities.¹³

Article 3

8. With reference to the Committee’s previous concluding observations,¹⁴ the information provided by the State party in its follow-up report¹⁵ and the letter dated 15 November 2022 from the Special Rapporteur for follow-up on concluding observations, please describe what has been done during the period under review to ensure respect for procedural safeguards against refoulement. Please indicate what measures have been taken to ensure that all foreign nationals subject to a deportation or extradition decision, including those from “safe countries of origin”, have access to fair asylum procedures, including an interview to assess the risk that they may be subjected to torture or ill-treatment in their country of origin, in view of their personal circumstances. Please also indicate what measures the State party has taken to review its policy of seeking and accepting diplomatic assurances, in the context of both extradition and deportation, from States where there are any grounds for believing that a person would be at risk of torture or ill-treatment upon return. Please provide information on the steps taken to rapidly identify persons in situations of vulnerability, such as victims of torture or ill-treatment, gender-based violence or trafficking, among asylum-seekers and migrants in an irregular situation and to ensure that their specific needs are fully taken into consideration and addressed in a timely manner.

9. Please provide statistical information for the period under review, disaggregated by year and by sex, age and country of origin or nationality, on: (a) the number of asylum applications registered; (b) the number of applications for asylum or other forms of subsidiary protection approved, indicating the number of asylum-seekers whose applications were granted because they had been tortured or ran the risk of being tortured if returned; (c) the number of persons who were returned, extradited or expelled, indicating the grounds on which they were returned, extradited or expelled and providing a list of the countries of destination; and (d) the number of appeals filed against expulsion decisions on the basis that the persons concerned could be in danger of being subjected to torture or ill-treatment in their countries of origin, and the results of those appeals. Please indicate the number of refoulements, extraditions and expulsions carried out by the State party during the period under review on the basis of the acceptance of diplomatic assurances or the equivalent thereof, as well as any instances where the State party has offered such diplomatic assurances or

¹¹ CEDAW/C/BEL/CO/8, paras. 13, 14 and 25–28; and CCPR/C/BEL/CO/6, paras. 23 and 24.

¹² CEDAW/C/BEL/CO/8, paras. 29–32; and CRC/C/BEL/CO/5-6, paras. 25 and 26.

¹³ CEDAW/C/BEL/CO/8, paras. 33 and 34; CRC/C/BEL/CO/5-6, para. 45; and CERD/C/BEL/CO/20-22, paras. 28 and 29.

¹⁴ CAT/C/BEL/CO/4, paras. 25 and 26.

¹⁵ CAT/C/BEL/FCO/4, paras. 10–22.

guarantees. Please indicate whether the State party has put in place a mechanism to monitor the situation of individuals and groups in the countries to which they are returned.

10. In the light of the Committee's previous concluding observations,¹⁶ please indicate whether the bill on the establishment of a standing committee to monitor the implementation of the policy on deportation has been adopted. Please describe the measures taken to ensure the independent monitoring of forced returns, in particular by strengthening the independence, impartiality and effectiveness of the Inspectorate General of the Federal and Local Police and by providing it with sufficient human and financial resources to enable it to fully carry out its functions. Please clarify whether the State party intends to record each attempted return on video. Please indicate whether the State party has registered any complaints of excessive force against foreigners who are subject to a deportation order and, if so, specify what proceedings have been instituted and what convictions and penalties have been handed down. Please describe the measures taken to restrict the use of means of restraint during expulsion operations,¹⁷ in particular the strict application of guidelines and operational instructions on the use of force and means of restraint during such operations.

Articles 5–9

11. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please inform the Committee of any extradition treaties concluded with other States parties since the consideration of the State party's previous periodic report and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please describe the legislative and administrative measures taken by the State party to ensure that the Convention may be invoked as a legal basis for extradition in respect of the offences referred to in article 4 of the Convention when it receives an extradition request from a State with which it has no extradition agreement or treaty. Please indicate what measures have been adopted by the State party to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). Please clarify what treaties or agreements on mutual legal and judicial assistance the State party has entered into, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment, and provide examples in this regard.

12. With reference to the Committee's previous concluding observations,¹⁸ the information provided by the State party in its follow-up report¹⁹ and the letter dated 15 November 2022 from the Rapporteur for follow-up to concluding observations, please indicate what measures have been taken to facilitate the repatriation from conflict zones, together with their mothers, of all children born to Belgian nationals, regardless of the children's age or the degree of their alleged involvement in the armed conflict, including those who are being held in camps in the north-east of the Syrian Arab Republic in inhuman and degrading conditions and without access to legal safeguards, an effective remedy or a fair trial, with due regard for the principle of the best interests of the child. Please describe the measures taken to ensure that the children concerned receive the necessary assistance, rehabilitation and reintegration services, including psychosocial support and legal aid.²⁰

Article 10

13. With reference to the Committee's previous concluding observations,²¹ please provide information on educational programmes developed by the State party to ensure that all public officials, in particular law enforcement officials, prison staff and medical personnel employed in prisons, immigration and border control officers and military personnel are well acquainted with the provisions of the Convention and the absolute prohibition on torture, and know that breaches will not be tolerated and will be investigated and that any offenders will

¹⁶ CAT/C/BEL/CO/4, paras. 27 and 28.

¹⁷ CCPR/C/BEL/QPR/6, para. 21.

¹⁸ CAT/C/BEL/CO/4, paras. 31 and 32.

¹⁹ CAT/C/BEL/FCO/4, paras. 23–31.

²⁰ CRC/C/BEL/CO/5-6, para. 50; and CCPR/C/BEL/CO/6, paras. 13 and 14.

²¹ CAT/C/BEL/CO/4, paras. 11 and 12.

be prosecuted. Please indicate whether those programmes are mandatory or optional, how often they are conducted, how many officials have already completed them in relation to the total number of law enforcement personnel and what measures have been taken to train the remaining officials. Please also indicate whether the State party has developed a methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill-treatment and, if so, provide information on that methodology. Please provide information on the training programmes for judges, prosecutors, police personnel, forensic doctors and medical personnel dealing with detained persons on detecting and documenting the physical and psychological sequelae of torture and on investigating cases of torture, including whether they contain a module devoted specifically to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). Please describe the measures taken to give effect to the provisions of article 10 (2) of the Convention.

Article 11

14. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices or arrangements for custody, in particular those that may have been introduced or updated since the consideration of the State party's previous periodic report. Please indicate with what frequency they are reviewed.

15. With reference to the Committee's previous concluding observations,²² please describe the specific measures taken during the period under review to significantly reduce prison overcrowding. Please indicate what steps have been taken to revise the regulations governing the use of pretrial detention and to train judges, so as to ensure that it is imposed only exceptionally and for limited periods. Please provide information on the measures taken to bring prison conditions into line with the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Please also provide information on the measures taken to: (a) address concerns about the dilapidated and unhygienic state of detention centres, the lack of beds and the non-partitioning or partial partitioning of sanitary annexes; (b) increase the provision of medical, psychiatric and dental care in prisons; (c) put an end to the practice of detaining people with serious mental health problems in prisons and psychiatric wards of prisons;²³ (d) address shortages of prison staff and absenteeism and ensure the implementation of Act No. 2019011569 of 23 March 2019 on the organization of the prison service and the status of prison staff, so as to guarantee the minimum staffing levels at prisons, including during strikes;²⁴ and (e) strengthen recreational and rehabilitation activities in prisons.

16. Please provide statistical data, disaggregated by sex, age, national or ethnic origin and nationality, on the number of pretrial detainees and convicted prisoners and the occupancy rate of all places of detention. Please describe the measures taken to meet the special needs of minors, women, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons and older persons in detention and to take account of their particular status; the current legislation and policies in relation to the pretrial detention of members of the above-mentioned groups; and the use of alternative measures to conviction and imprisonment for juveniles. Please provide information on the measures taken to ensure the strict separation of accused persons from convicts, and of adults from minors, in all places of detention.

17. In the light of the Committee's previous concluding observations,²⁵ please indicate what steps have been taken to implement the recommendations of the Federal Ombudsman regarding strip searches in prisons, including ensuring effective monitoring of compliance with the rules established to limit this practice to situations where it is strictly necessary and proportionate to the purpose pursued and ensure that it is used in conditions that respect the dignity of prisoners.

²² Ibid. paras. 17–20.

²³ CCPR/C/BEL/CO/6, paras. 33 and 34; and CCPR/C/BEL/QPR/6, para. 15.

²⁴ CCPR/C/BEL/CO/6, paras. 33 and 34.

²⁵ CAT/C/BEL/CO/4, paras. 21 and 22.

18. Please provide statistical data regarding deaths in custody during the period under review, disaggregated by the place of detention, the sex, age, national or ethnic origin and nationality of the deceased person and the cause of death. Please include detailed information on the investigations opened into the deaths in custody; their outcome; the number of deaths attributed to acts of violence by public officials or by other prisoners, the excessive use of force or negligence; the prosecutions instituted; the convictions secured; and the criminal and disciplinary penalties imposed. Please clarify whether the victims' relatives received compensation in these cases. Please describe the measures taken to prevent similar cases from occurring in the future. Please provide information on the measures taken to reduce the suicide rate in detention. Please also provide information on the frequency of inter-prisoner violence and other violent incidents, including any cases involving negligence on the part of law enforcement personnel, on the number of complaints made or registered and investigations opened in relation to incidents of this nature and on their outcome. Please describe the preventive measures taken in this regard, in particular to recruit and train a sufficient number of prison staff.

19. With reference to the Committee's previous concluding observations,²⁶ the information provided by the State party in its follow-up report²⁷ and the letter dated 15 November 2022 from the Rapporteur for follow-up to concluding observations, please provide information on the visits to places of detention carried out during the period under review by the various national and international bodies that have a mandate to monitor and oversee such places, in particular the local supervisory commissions under the auspices of the Central Supervisory Council. Please indicate what steps the State party has taken in response to the recommendations made by these bodies. Please describe the measures adopted to allow the Federal Institute for the Protection and Promotion of Human Rights to conduct regular, unrestricted and unannounced visits to all civilian and military places of deprivation of liberty, to communicate confidentially with any persons deprived of their liberty during these visits, and to ensure effective follow-up to the findings and recommendations of such systematic monitoring. Please provide updated information on the steps taken to ratify the Optional Protocol to the Convention, with a view to establishing a system of regular unannounced visits by national and international monitors, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. Please indicate whether a timetable has been set in this regard.

20. With reference to the Committee's previous concluding observations,²⁸ please describe the steps taken by the State party during the period under review to revise article 74/5 of Act No. 1980121550 of 15 December 1980, on the entry, residence, settlement and removal of foreign nationals in/from Belgian territory, and to adopt the royal decree mentioned in the Act in order to ensure that asylum-seekers and undocumented migrants are only detained as a last resort, when justified, reasonable, necessary and proportionate, for as short a time as possible and on the basis of an individual assessment of each case, and that greater use is made in practice of alternative measures to detention. In this regard, please include statistical data for the period under review, disaggregated by year and by sex, age and national or ethnic origin and nationality, on the number of asylum-seekers and migrants in detention, the average and maximum time of detention and the use of alternatives to detention. Please report on the procedures in place to identify victims of torture to ensure that such individuals are not detained in the context of asylum procedures. Please describe the steps taken to introduce independent processes, both when a decision is taken to detain and during detention, to identify people who may face a particular risk of harm as a consequence of their detention. Please provide information on the measures adopted to ensure that all migrants and asylum-seekers detained under the legislation on aliens have access to an independent, effective and confidential complaints mechanism in the event of ill-treatment.²⁹

21. Please specify the number of persons deprived of their liberty in psychiatric hospitals and other institutions for persons with intellectual or psychosocial disabilities. Please indicate what has been done to move away from the institutionalization of persons with disabilities

²⁶ *Ibid.*, para. 18.

²⁷ [CAT/C/BEL/FCO/4](#), paras. 3–9.

²⁸ [CAT/C/BEL/CO/4](#), paras. 29 and 30.

²⁹ [CCPR/C/BEL/CO/6](#), paras. 29 and 30; and [CCPR/C/BEL/QPR/6](#), para. 20.

and whether other forms of care, such as community-based rehabilitation services and outpatient treatment programmes, are used. Please provide information on the steps taken to revise legislative provisions that allow for deprivation of liberty on the basis of disability, including Act No. 2014009316 of 5 May 2014, on committal, and Act No. 1990009905 of 26 June 1990, on the protection of persons with mental illness.³⁰ Please also provide information on the measures adopted to abolish the use of restraints, both physical and chemical, and of isolation and other non-consensual practices on persons with intellectual or psychosocial disabilities in all mental health settings.³¹ Please explain the measures taken to prohibit and prevent involuntary treatment of persons with disabilities.³² Please describe the measures taken to ensure that, in practice, women with disabilities, particularly those with intellectual or psychosocial disabilities, are not subjected to sterilization without their free, prior and informed consent.³³

Articles 12 and 13

22. Please provide updated statistical data, disaggregated by the type of offence, the sex, age, national or ethnic origin and nationality of the victim and the public service to which the accused person belongs, on complaints of actual or attempted acts of torture and ill-treatment, as well as on complaints of complicity, participation or acquiescence in acts of torture, registered by the authorities during the period under review. Please provide information on all judicial and disciplinary proceedings initiated, specifying whether they resulted in conviction, discharge or discontinuance of proceedings and the sentences and disciplinary measures imposed. Please provide examples of relevant cases and judicial decisions.

23. With reference to the Committee's previous concluding observations,³⁴ please provide, for the period under review, data disaggregated by the type of offence and the sex, age, national or ethnic origin and nationality of the victim, on complaints filed with the Standing Committee for Police Oversight (Committee P), the investigations carried out, proceedings initiated, convictions handed down, and sentences and disciplinary measures imposed, as well as on the redress obtained by the victims or their families in cases of ill-treatment and excessive use of force, including lethal force, by the police. Please describe the measures taken to guarantee the transparency and autonomy of the system for handling complaints against members of the police, in particular by ensuring that Committee P and its Investigation Service are composed of independent experts recruited from outside the police. Please provide information on the measures taken to promptly and proactively launch independent, thorough, scrupulous and impartial inquiries into all allegations of police violence, including violence of a racist nature, while ensuring that there is no practical, institutional or hierarchical connection between the investigators and the alleged perpetrators and that the latter, if found guilty, are given sentences that are commensurate with the gravity of their offences. Please describe the measures taken to ensure, in cases where ill-treatment or excessive use of force are alleged to have occurred, that the suspects are immediately suspended from duty for the duration of the inquiry. Please indicate whether the State party intends to prohibit or, failing that, strictly regulate the use of restraint of persons in the prone position, also referred to as ventral decubitus, and to ensure that existing legislation governing the use of force, including the use of equipment such as water cannons and tear gas or batons and high-calibre weaponry in the context of demonstrations and in case of terrorist threats, is in line with the Convention and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Please indicate whether the security forces regularly receive mandatory training to ensure that they apply non-violent measures before they use any force and that they respect the principles of legality, necessity, proportionality and accountability.³⁵

³⁰ CRPD/C/BEL/QPR/2-3, para. 13.

³¹ Ibid., para. 15.

³² Ibid., para. 17.

³³ Ibid.; and CEDAW/C/BEL/CO/8, paras. 23 and 24.

³⁴ CAT/C/BEL/CO/4, paras. 7, 8, 13 and 14.

³⁵ CERD/C/BEL/CO/20-22, paras. 13 and 14; CCPR/C/BEL/CO/6, paras. 27 and 28; and CCPR/C/BEL/QPR/6, para. 14.

Article 14

24. Taking note of the Committee's previous concluding observations,³⁶ please provide information on redress and compensation measures, including the means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment or their families since the consideration of State party's previous periodic report. Please include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case. Please also provide information on ongoing programmes to provide redress to victims of torture and ill-treatment, including programmes for the treatment of trauma and other forms of rehabilitation, and on the material, human and budgetary resources allocated to these programmes in order to guarantee their effective functioning.

Article 15

25. With reference to the Committee's previous concluding observations,³⁷ please indicate what measures have been taken to amend the Code of Criminal Procedure to ensure that any statement or evidence established to have been obtained through torture or ill-treatment may not be used or cited as evidence in any proceedings, except as evidence against the person accused of torture or ill-treatment.³⁸ Please describe the steps taken to ensure that, in cases of alleged torture or ill-treatment, it is for the prosecuting authority to establish that the evidence has not been obtained under duress, and to adopt the necessary legislation to make retrial possible when the decision in the original trial is alleged to have been made on the basis of confessions extracted under torture or ill-treatment. Please provide updated statistics on the number of cases in which detainees have alleged that their confessions were extracted under torture, the number of cases in which confessions have been declared inadmissible, and the number of cases that have been investigated and the outcome of those investigations.

Article 16

26. With reference to the Committee's previous concluding observations,³⁹ please indicate whether the State party has established a national frame of reference in order to collect data on identity checks carried out by the police, the reasons for and the results of such checks, and the national or ethnic origin of the persons checked, with the aim of conducting a study into racial or ethnic profiling, identifying its causes and preventing arbitrary practices. Please provide information on the steps taken by the State party to amend its legislation in order to explicitly prohibit racial or ethnic profiling and to reduce the risk of misinterpretation of the term "reasonable grounds" used in Act No. 1992000606 of 5 August 1992 on police functions, with regard to the powers of police officers to carry out identity checks.⁴⁰

27. Provide information on steps taken to combat racist and xenophobic attacks, including threats and acts of violence targeting refugees, asylum-seekers, migrants and persons belonging to ethno-religious minorities. Please describe the measures taken to adopt reforms to improve the systems for recording and collecting data on racist hate crimes in such a way as to facilitate the identification of specific cases of ethno-religious hatred and other cases involving intersectional motivations. Please also describe the measures taken to ensure that all racist hate crimes are thoroughly investigated and prosecuted, perpetrators are appropriately punished and victims are provided with effective remedies and adequate reparation. Please provide updated data, disaggregated by the age, sex, national or ethnic origin and nationality of the victim, on the number of complaints, investigations, prosecutions, convictions and sentences in such cases.⁴¹

³⁶ CAT/C/BEL/CO/4, paras. 39 and 40.

³⁷ Ibid., paras. 37 and 38.

³⁸ CCPR/C/BEL/CO/6, paras. 25 and 26; and CCPR/C/BEL/QPR/6, para. 13.

³⁹ CAT/C/BEL/CO/4, paras. 9 and 10.

⁴⁰ CERD/C/BEL/CO/20-22, paras. 15 and 16; and CCPR/C/BEL/CO/6, paras. 15 and 16.

⁴¹ CERD/C/BEL/CO/20-22, paras. 17 and 19.

Other issues

28. In the light of the Committee's previous concluding observations,⁴² please provide updated information on the measures taken by the State party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the Convention. Furthermore, please indicate what training is provided for law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal safeguards provided and the legal remedies available in law and in practice to persons affected by counter-terrorism measures; and whether there have been complaints of the non-observance of international standards in applying measures to combat terrorism and, if so, what the outcome was. Please provide information on the steps taken to revise legislation to remove any ambiguity regarding the definition of offences related to terrorism, national security, public order and radicalization. Please describe what is done to ensure that decisions to subject so-called "radicalized" prisoners to considerable restrictions in the context of security measures or regimes or in "Deradex" (deradicalization) wings are based on an individualized assessment involving precise and objective criteria, are supported by credible, factual, comprehensive and up-to-date information demonstrating that the measure is necessary and proportionate, and are subject to a periodic review by an independent and impartial body.⁴³

General information on other measures and developments relating to the implementation of the Convention in the State part

29. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the State party's previous periodic report to implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State party considers relevant.

⁴² CAT/C/BEL/CO/4, paras. 23 and 24.

⁴³ CCPR/C/BEL/CO/6, paras. 11 and 12; and CCPR/C/BEL/QPR/6, para. 5.