

ORAL STATEMENT

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION REVIEW OF BELGIUM

Esteemed Chairperson and members of the Committee,

Amnesty International welcomes this opportunity to address the Committee on some of the human rights issues we hope will be raised during the dialogue with Belgium. We also welcome the Committee's efforts to continue state reviews online despite the obstacles the pandemic poses to in person meetings.

The timing of the constructive dialogue is excellent and its outcome should help the Belgian government to set clear and ambitious human rights goals, in particular about racism and related intolerances. The federal government is still relatively new and though its coalition agreement contains important commitments on human rights, these are yet to be elaborated and put into practice. In just three weeks' time, the state will also be reviewed in the UPR process for the third time – another key moment to follow up on human rights commitments.

With that context in mind, the outcome of this dialogue could have an important impact on the key priorities Belgium decides upon going forward. It should for instance be a source for standards and inspiration for the long awaited national action plan against racism that Belgium has once again committed to elaborate and adopt. The government stated it will consult with relevant stakeholders and that the plan will have measurable objectives, and a timetable, and will specifically designate resources and responsibilities. Amnesty urges the authorities to start and prioritise these laudable plans.

Amnesty's written submission to this Committee focusses on our own research on ethnic profiling by the police in Belgium and on other concerns related to policing. In addition, we raised some developments in Belgium's legal framework and the state's human rights architecture. Today I would like to focus on ethnic profiling.

On this topic, this committee has done important work and many of the considerations and recommendations that the committee made in its General Recommendation on racial profiling, are highly relevant to the Belgian context.

Amnesty's research has shown that the authorities in Belgium have not taken enough and effective action to tackle the problem. There is however increasing awareness: over the last couple of years the authorities, including police leadership, have shown a growing willingness to tackle issues related to ethnic profiling. There have been studies and test projects which have often been welcomed by civil society organisations.

Yet, much remains to be done: first, unequivocally recognising the problem of ethnic profiling and racism within the police force are necessary to effectively tackle the issue. Often, even when recognizing that there are problematic police checks, the government will prefer using euphemisms like "arbitrary ID-checks" which obscure the discriminatory and racist nature of ethnic profiling.

Also, the state has not put in place specific legislation against ethnic profiling and the Belgian Police Act even lacks an explicit prohibition of direct and indirect discrimination, relying instead on general anti-discrimination and anti-racism laws. Moreover, police officers acknowledged to Amnesty that they rely on instinct and gut feeling rather than on clear operating procedures or codes of conduct, for instance when conducting ID-checks. Belgium should make legal changes and establish a solid policy framework and guidance for decision-making by police officers.

It is easy to find testimonies of people in Belgium who fell victim to ethnic profiling, but it is very hard to assess the precise scale of the problem. This is because the authorities collect and provide almost no data on identity checks. This poses problems for accountability and reporting, and is a serious obstacle to formulating an adequate response to the problem. Therefore, it is crucial that the state starts the collection of data on the use of identity checks, so that the practice can be monitored and researched. Data on identity checks should be collected through stop forms. Such forms should, among other things, state the reason for the stop and the perceived ethnicity and gender of the person stopped. A copy or receipt of the form should be handed to the person stopped, which should also specify how a complaint about the stop can be made. Such stop forms can further aid the collection of data and can give insights into any bias or disproportionality regarding police stops of people in particular groups. The copy of the form retained by the state agent implementing the stop should not contain any individual identifying data apart from ethnicity and gender.

Finally, Belgium should ensure that it can deal with complaints of ethnic profiling or other forms of discrimination by police thoroughly, impartially, transparently and effectively. Here as well, the state needs to acknowledge and address the existing shortcomings. For many years the State has brushed aside recommendations to strengthen supervision and monitoring mechanisms for the police, including recommendations made by this committee.

Amnesty regrets this defensive attitude and calls on the state to carefully assess how it could strengthen its monitoring and supervision mechanisms and to do so together with relevant stakeholders. In addition to increasing accountability for wrongdoing, strengthening these mechanisms could help improve communication and reduce levels of distrust.

Naturally, tackling discriminatory practices and racism by police should be a prominent part of the National Action Plan I mentioned earlier.

Further details and recommendations are in the submission.

Thank you.